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Why irregular migrants arrive and remain: the role of intermediaries

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ABSTRACT

Despite many efforts to combat irregular immigration, there is a widespread perception of a failure of public policies in this field. But because unauthorised immigrants are officially excluded from formal labour markets, housing markets and most welfare provisions, they can settle if they find other sources of work, income, housing, and social protection. In this regard, a crucial role is played by various intermediaries: people or institutions who favour the entrance of immigrants, their entry into the labour market, accommodation, response to their social needs, and possibly regularisation. They can act for profit, but also for moral reasons. They can break the laws and work in the shadows, but they can also work in legal forms. In this article, I will explore the identities of these intermediaries and their practices of support towards irregular migrants. My purpose is to show (1) what precisely constitutes intermediation, in what activities it can be factored, and what the main categories of intermediaries are; (2) that the implementation of migration policies is hindered not only by migrants' practices to circumvent controls but also by the action of these intermediaries. For this reason, too, it is so difficult to eradicate.

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Despite many efforts to combat irregular immigration, to secure borders, and to exclude unauthorised immigrants from the social life of the receiving society, there is a widespread perception of a failure of public policies in this field (Castles 2004; Cornelius, Martin, and Hollifield 1994). In Europe, especially arrivals by sea are now the dominant image in public opinion of an immigration out of control (Andersson 2016). At the same time, when settled, irregular immigration is commonly viewed as a hidden phenomenon concealed from receiving societies (Engbersen and Broeders 2009). Political restrictions fuel separation and segregation, threatening also the position of legal residents (Aranda, Menjivar, and Donato 2014; Menjivar 2006). But because immigrants, and in particular unauthorised immigrants, are officially excluded from formal labour markets, housing markets and most welfare provisions, they can settle if they find other sources of work, income, housing, and social protection. Furthermore, irregular status is changeable (McIlwaine 2015), or it can be transitory (Ambrosini 2016), and the distinction

between regular and irregular legal status is not always clear and absolute (Goldring and Landolt 2011; Triandafyllidou 2010).

In this fluid and dynamic context, a crucial role is played by various intermediaries: people or institutions who favour the entrance of immigrants, their entry into the labour market, accommodation, response to their social needs, and possibly regularisation. These intermediaries are often, but not only, coethnics. They can act for profit, but also for moral reasons. They can break the laws and work in the shadows, but they can also work in legal forms, and they can be firmly embedded in receiving societies, and even in public bodies. What Hagan states for religious actors can be applied to several other subjects acting at several points of migrants' ventures:

In the face of governmental border enforcement and a quasi-criminal underground railroad, they have become guardians of migrant rights and dignity, a role they maintain in part through migration counseling, and are part of the ever-expansive and complex social infrastructure that supports migrants in their travels. (2008, 84)

But in other cases, intermediaries do not correspond to this positive picture. They can be smugglers earning huge profits from the needs of asylum seekers, or even putting the lives of their clients at risk; or exploiters of their unauthorised and unprotected work (Faist 2014) in sweatshops or in the sex industry (for terminological and conceptual distinctions: Triandafyllidou and Maroukis 2012).

In this article, I will explore the identities of these intermediaries and their practices of support towards irregular migrants. My purpose is to show (1) what precisely constitutes intermediation, in what activities it can be factored, and what the main categories of intermediaries are; (2) that the implementation of migration policies is hindered not only by migrants' practices to circumvent controls, but also by the action of those intermediaries, who are often deeply embedded in receiving societies. For this reason, too, it is so difficult to eradicate.

The article starts with a general introduction on irregular migration, stressing that it has not been defeated in any democratic country, despite several efforts (section 1). It then discusses the role of intermediaries in irregular migrations, analysing what intermediation is and identifying five types of activities into which it can be distinguished (section 2). The following section 3 highlights the role of smugglers in travel and border crossing. Section 4 turns to the receiving societies, treating the role of ethnic networks and brokers in the settlement of irregular migrants. Section 5 considers the role of employers and labour markets. Section 6 analyses the responses to social needs of irregular migrants, in which NGOs and other civil society actors are involved, but frequently common citizens as well. Section 7 in turn shows that also civil servants and bureaucracies in some ways favour certain types of irregular immigrants. Section 8 presents the conclusions of the study, emphasising that irregular migration is a game in which not only states and migrants are involved, but also a third group of actors, whom I have labelled 'intermediaries'.

1. The governance of irregular migration and its actors

Irregular migrations are the object of campaigns of restriction in all the Global North, and elsewhere, but no democratic state can say that it has eradicated this phenomenon

(Triandafyllidou and Maroukis 2012), despite many efforts: more rigid border controls, greater attention to visa policy, interior enforcement measures, provisions against illegal employment, and removals as the last resort (Massey, Durand, and Pren 2015; Papademetriou 2005). In the U.S.A., the current debate on Immigration Reform starts from the fact that, despite huge investments in surveillance of national borders and large-scale deportations, more than 11 million irregular immigrants are settled in the country. In all EU countries in 2013, an official document stated that only 39.2% of return decisions, were enforced (EC 2015, 9). Restrictions have been tightened, and spaces for tolerance reduced, but the situation does not seem to have radically changed: the Immigration Reform in the U.S.A. can be seen as the admission of a failure.

Several factors can explain this failure: liberal principles, huge costs of more effective policies, contradictions in legislations, lack of cooperation by sending and transit countries, economic and political interests favouring mobility across national borders (Ambrosini 2013a). The bordering and re-bordering practices of national and supra-national agencies are in various ways resisted, challenged, and contested (Squire 2011) by the people concerned, by their political and humanitarian sponsors, and by vested interests.

Here, I would highlight the importance of actors who, for different reasons, support irregular immigrants in their journeys and settlement practices. A body of literature has analysed migratory institutions, both formal and informal, defining them as ‘a complex articulation of individuals, associations, and organizations which extends the social action of and interaction between these agents and agencies across time and space’ (Goss and Lindquist 1995, 319). But this analysis regards sending countries, specifically the Philippines. Furthermore, Piore’s seminal book (1979) already highlighted the importance of recruitment agents for migrant labour markets, and other studies have identified various activities, legal and illegal, conducted by labour recruitment organisations in the developing world (Eelens and Speckmann 1990; Prothero 1990; Radcliffe 1990). In turn, my analysis tries to link both shores of migratory movements, but its main focus concerns receiving countries. Here, as Broeders and Engbersen state, ‘The unknown cities of illegal immigrants also feature numerous actors from the overworld: legal compatriots, employers, clergymen, lawyers, and public service workers, including police officials and mayors who sometimes turn a blind eye or assist illegal immigrants’ (2009, 868)

A typical aspect is the selectivity of controls. In some local contexts restrictive policies are enforced more than in others: in the U.S.A., only two states, California and Texas, account for more than half of all of the deportations enacted with the Secure Communities Program (Chand and Schreckhise 2014). Furthermore, some irregular immigrants are targeted more than others. In Italy it has been observed that women attract less attention than men, unless they perform sex work in public spaces; irregular immigrants in work are less subject to control than unemployed ones; those who have somewhere to sleep are less targeted than the homeless; those who harass passers-by are more likely to be detained than those who try to remain unnoticed (Ambrosini 2016). In practice, this means that there are many grey and blurred areas between illegal migration (to be repressed) and authorised migration. But also in the Netherlands research results go in the same direction: ‘Even in a restrictive policy context immigration rules are not categorically enforced; assumed “deviant” unauthorized migrants run much higher apprehension risks than “nondeviant” unauthorized migrants’ (Leerkes, Varsanyi, and Engbersen 2012, 446).

As a result, actual migration governance is quite different from official policies: more tolerant, less efficient, and often contradictory. In particular, it is influenced and conditioned by the interests and activities of various actors acting for profit, for humanitarian reasons, for personal relations or moral obligations. Their activities take place at various points of migrants' trajectories: before departure, upon entrance, in the labour market, in response to accommodation needs, in health care, in protection against controls, and in legalisation procedures.

2. What is intermediation? Five types of action

As a first step, I shall analyse the concept of intermediation. In my view, it encompasses five main types of activity. The first is *connection*: a vital role played by several intermediaries is to link migrants with opportunities: for entrance, work, accommodation. New migrants without legal status lack access to most formal institutions and regular providers of many resources. What an intermediary does is supply a bridge to the receiving society or to informal providers of certain benefits that immigrants need: the most important are jobs and accommodation. Immaterial goods, like information, reference and sponsorship, are the key objects of this first type of intermediation. In this field, trust is the main resource that intermediaries employ to connect migrants with suppliers of services. In a sense, they obtain trust from migrants and sell it to their counterparts in receiving societies: employers, or house owners, or sellers of documents. Even if intermediaries act for profit, and sometimes exploit migrants ruthlessly, from the point of view of their 'clients' they are considered at least a necessary evil. Only in extreme cases are their activities reported to the authorities by the users (and victims) of their intervention.

A second role is the *provision of certain services*: because irregular migrants cannot access formal institutions and legal labour markets, they need alternative suppliers. Here intermediaries not only connect with resources but act to provide the services required. I can distinguish here between intermediaries acting for profit and intermediaries acting for moral reasons. This distinction overlaps in many cases, but not always, with the distinction between legal and illegal intermediation. Their activities range from transport across borders, through the forging of documents, to operating in the underground economy; but they also include health care and language courses provided by NGOs for free (see section 6). I include in this category also political support for demonstrations by, and social movements of, irregular immigrants. Native organisations often provide immigrant activists with crucial resources, such as influence on politics and mass-media, and also money, legal counsel, symbolic capital, knowledge of national political cultures and institutions (Nicholls 2013, 613). As a general rule, the hardening of migration policies has created more space for these alternative providers, both legal and illegal (Engbersen and Broeders 2009).

The third activity is *help*: concrete first-hand support in meeting actual needs. I distinguish help from the provision of services on the basis of complexity and organisational structure: help is immediate and does not require an organisation. Giving money or some food to a panhandler or provisional accommodation for some nights to a coethnic person are examples. Irregular immigrants may find themselves in many types of difficulties. Family networks and coethnics are obvious targets of their requests. Some types of native actors, like churches and religious institutions, are particularly sensitive to people

in need. But also ordinary citizens can become involved in giving some forms of help in certain circumstances.

The fourth type of intermediation is *tolerance*. This can be defined as a kind of implicit intermediation: in this case, some actors, such as NGOs, employers, owners of flats, and sometimes also public authorities, can simply turn a blind eye, neglecting careful controls of the identity and legal status of people. This lack of initiative becomes a bridge towards access to some opportunities or services, or it makes it possible to gain time, or to avoid arrest and deportation: in any case, it intermediates unauthorised immigrants' settlement in receiving societies.

It is true that laws in recent decades have sought to enforce what have been called internal controls (Van der Leun 2006), the purpose being to deny irregular migrants access to labour markets, social services, and accommodation. But research in this field has shown that the results do not correspond to the aims of legislators. One important reason is the reluctance of many actors to apply the rules, with several motivations: for some, there is an economic interest at stake; for others, moral beliefs or solidarity with people in need; for some others, there comes into play an organisational or professional commitment that emphasises other priorities, and they do not consider checking legal status to be an appropriate or priority task. This is what Vogel has called the 'cooperation dilemma' (2000, 416): the agencies which cooperate with the aliens' authorities in checking the legal status of migrants must sacrifice some of their other objectives. Furthermore, in the case of the police, more severity against undocumented immigrants can hamper the willingness of the latter to cooperate as victims or witnesses of crimes: immigration control is considered an obstacle against crime control (Leerkes, Varsanyi, and Engbersen 2012).

A fifth form of action, which only some intermediaries can and want to take, is *political pressure*. This is a typical role played by collective actors: ethnic associations, social movements, NGOs, trade-unions and civil society actors, and sometimes employers' associations. I see it as a form of intermediation because in several countries it has paved the way to amnesties or other provisions in favour of unauthorised migrants, or it has prevented political authorities from enforcing stricter regulations, influencing political debate (Chand and Schreckhise 2015). Political pressure must be distinguished from other forms of intermediation because it regards large populations. In the case of amnesties, it concerns broad segments of irregular sojourners: in Southern Europe, mainly workers, in Northern Europe mainly asylum seekers (Van Meeteren, Mascini, and van der Berg 2015). In any case it creates the conditions for irregular immigrants to settle in receiving societies and legalise their status. For instance, Itçaina (2006) has analysed the role of the Catholic Church in favour of immigrants in Spain. He shows that the Catholic Church has not limited itself to concrete help or the provision of some services; rather, it has repeatedly undertaken political action towards governments, in alliance with secular actors, in order to change the laws or to protest against restrictions. The same applies to the Catholic Church in the U.S.A. (Hagan 2008), Italy (Ambrosini 2013b; Gallo and Scrinzi 2016), and other countries where it has some influence in the political arena, as well as to other Christian churches and religious institutions.

Some further distinctions are necessary. One is the relation with the legal system. Intermediation can be provided on legal or illegal grounds: some types of intermediation do not break any laws (e.g. services provided by NGOs or other formal institutions); some others

are clearly illegal and persecuted by the judicial system (e.g. forging fake documents); but some others fall in between, in a blurred or grey area. Another distinction regards the point of migrants' ventures at which intermediation takes place. It can concern departure, travel, border crossing, or settlement: accommodation, entry into labour markets, legalisation; or the response to specific needs: health care, language learning. Table 1 Summarises the main points of this typology.

In the next sections I will analyse the activities run by different types of intermediaries, distinguishing (a) travel and border crossing; (b) settlement; and (c) response to social needs.

3. Travel and border crossing: the role of smugglers

In recent years, as asylum and landings from the sea have become central issues in the public discourse, smugglers have occupied a crucial place in representations of irregular immigration. They are often seen as the cause of unauthorised immigration, even if more thorough analysis considers their activities to be an effect of the absence of legal channels to reach the Global North for people under threat or seeking a better life abroad (for the US: Cornelius 2005). To be stressed is that only a minority of entries by new immigrants into Europe (Düvell 2006; Triandafyllidou and Maroukis 2012) are favoured by smugglers. According to these studies and others (Finotelli and Sciortino 2013), the majority of irregular immigrants in Europe are visa overstayers, mainly for tourism. Furthermore, the concept of smugglers could be widened to include not only some tourism operators, but also relatives who send invitation letters, or professionals who support people in acquiring documents that can provide a visa or even citizenship in the case of descendants of former emigrants.

It is generally recognised that growing restrictions in immigration policies have increased the difficulties and risks of migrants' travels (Castles, de Haas, and Miller 2014), and they have given a new salience to national borders, creating at the same time new external and internal borders (Rumford 2006). Migrants' journeys often become longer, non-linear, and fragmented (Collyer and de Haas 2012), especially if the migrants come from poor countries and with few resources. Under such conditions, the development of what has been called the 'migration business' or 'migration industry'

(Salt and Stein 1997; Koser 2010) is not surprising. Kyle and Koslowski (2013) have observed that smuggling of migrants is not a new phenomenon, but what is new is the

Table 1. Intermediation: activities and actors.

	Activities	Actors
Connection	Matching migrants with opportunities for travel, work, settlement, through information and reference	Various types of brokers on both sides of migrant movements
Provision of services	Legal, semi-legal and illegal supply of resources on demand by irregular migrants	Different providers, both legal and illegal, formal and informal, acting for profit or for ethical reasons
Help	Concrete and personal support to people in need	Common citizens
Tolerance	Abstention from tighter controls	Mainly civil servants and sometimes also NGO officers
Political pressure	Lobbying for migrants' rights	Collective actors: NGOs, trade unions, religious institutions, social movements



expansion and the global extent of such smuggling. In this field, support in organising journeys and border crossings is only one of the services that smugglers sell to migrants. Fabrication of fake documents, provision of invitations, the corruption of public officials, are other services sold and bought in the black market of the migration industry.

275 Goss and Lindquist (1995) have emphasised the role of people whom they call 'brokers' in sending countries. These operate across boundaries in order to establish socio-spatial connections between would-be emigrants and labour markets abroad. Goss and Lindquist identify three types of brokers: local patrons, returned migrants and private recruiters.

280 To provide an other example referred to sending countries, Alpes (2013) describes the role of 'migration brokers' in Cameroon as 'popular avenues for international travel', in exchange of 'large amounts of money' (2013, 4). For the same reasons, while often accused of being criminal businessmen, the migration brokers are 'greatly admired' by common people (Alpes 2013).

285 Research on this topic has shown that smugglers can have very different organisational profiles, ranging from single smugglers operating in proximity of borders, through networks of coethnics, to more complex criminal organisations (Heckmann 2004). Much public discourse mixes up smuggling with trafficking and presents smugglers as dangerous criminals, even when they carry asylum seekers to safe countries. The reality is more complex and diverse: most 'clients' of smugglers want to cross borders and they voluntarily purchase the smugglers' services (Koser 2010), and only a part of the smuggling is connected with other illegal activities and managed by organised crime. But smuggling can evolve into the trafficking and exploitation of immigrants, or it involves clients in risky journeys, also in consequence of the growing criminalisation of this activity (Castles, de Haas, and Miller 2014). But in other cases it is a kind of provision of services not available in the formal border crossing market (Sanchez 2014). Moreover, smuggling can be seen as a by-product of mobility regimes with their social and political stratification of mobility rights (Faist 2013).

300 4. Settlement: ethnic networks and brokers

The arrival and insertion of new migrants in receiving societies is mainly fostered and sponsored by networks of relatives and coethnics (Massey et al. 1998). Portes and Sensenbrenner (1993) have highlighted the different forms of social capital produced by ethnic networks. 'Bounded solidarity' by coethnics is of paramount importance in responding to a host of social needs, especially for recently arrived people (Portes 2010). This observation is even more true for migrants who lack proper documents to sojourn abroad (e.g. Bloch et al. 2014). As McIlwaine (2015) has observed for Latin-Americans in London, migrants 'negotiate irregularity' within their community of compatriots with different legal statuses. As a rule, undocumented migrants depend more on their networks of compatriots than regular sojourners (Bloch and McKay 2016). Put in other terms, for them social capital, even if weak, is in general more important than human capital or other resources: having a reliable contact in the receiving society pays more than a high school diploma in irregular migrants' ventures.

315 It is true that recent literature has emphasised that migrants' networks encompass not only coethnics but also several agents and institutions (Van Meeteren and Pereira 2013); but for irregular migrants, legal status creates obstacles and mistrust in social relations

(Datta et al. 2007; McIlwaine 2015). The density and quality of migrants' relations with their ethnic networks is a crucial factor in their trajectories: self-sufficiency depends on their capacity to build relatively large and heterogeneous social networks from which they can mobilise both social support and social leverage (Van Meeteren, Mascini, and van der Berg 2015, 457). The lack of supporting networks or an inability to build them, on the contrary, is connected with social isolation and social weakness.

The exclusion of migrants from many legal institutions of receiving societies pushes them towards parallel (Mahler 1995) or bastard institutions (Hughes 1994), and these institutions are mainly created and fuelled by ethnic networks. The latter can provide support for very different reasons, ranging from economic exploitation of newcomers to bounded solidarity among people in the same harsh circumstances, to moral obligations towards family members (Engbersen, van San, and Leerkes 2006). Hence, in reality, different types of relations can be detected within ethnic networks: at one extreme, communitarian bonds; at the other, market relations. The nature of the support can also vary, from simple economic exchange to ethical involvement. In particular, Vasta (2008) has described the different aspects of what she calls the 'paper market' of identity documents.

Furthermore, Faist has directed attention to the role of brokers (Faist 2014): persons or institutions who connect two parties, in our case migrants and receiving societies. We have already considered their role at the departure; now we must widen the scope of the analysis to countries of destination. In their activity, brokers select migrants and forge their adaptation to receiving societies, generating inequalities but also resources. In particular, migrants lacking official status rely on brokers to access services, jobs, legalisation of their status, or the possibility to evade controls. Hence a kind of 'moral economy of brokerage' intersects with migration policies, fostering a thriving 'migration industry' (Faist 2014, 43). As Datta et al. have noted in regard to London's labour market, 'Migrant supervisors and managers played a particularly critical role in determining the ethnic character of particular workforces as they were responsible for recruitment' (2007, 418). Hence brokers play a crucial role especially by connecting migrants with employers and labour markets (see the following section).

In the same vein, Bashi has highlighted the role of people whom she calls 'hubs' in migrants' networks (in her case, Black Caribbeans in the U.S.A.): 'a veteran who collects information on how to immigrate and uses it to help newcomers get into the country' (2007, 77).

Less optimistic is the picture presented by Van der Leun and Kloosterman (2006) in their studies on irregular migration and work in the Netherlands. More restrictive laws have worsened the working and living conditions of unauthorised migrants, but they have not eradicated their presence. As in many other countries, controls 'are never fully effective and often highly selective, and a sizeable population of undocumented immigrants is still present' (Van der Leun and Kloosterman 2006, 67). New migrants are often indirectly hired, and levels of their exploitation have grown. On the whole they depend more on middlemen, providers of documents, and shady agencies operating at the fringes of legal systems. Intermediaries skim off profits, and sometimes even refuse to pay migrant workers. In other words, unauthorised labour has been pushed further underground, it shifts deeper into immigrant circles (Bloch and McKay 2016). Here, high levels of trust may generate opportunities and place irregular migrants' labour in

situations that are less susceptible to detection, but at the same time make it easier to exploit social weakness deriving from lack of legal status.

5. Insertion: employers and labour market demand

The EU agenda on immigration of May 2015 repeatedly states that EU countries need only skilled migrants, and do not need new unskilled foreign workers at all (EC 2015). Statements of this kind contradict what occurs every day in labour markets: the demand for cheap, flexible and compliant labour in highly segmented labour markets makes space for new workers, whose legal weakness can become a competitive factor (Cornelius, Martin, and Hollifield 1994; for Europe: Triandafyllidou 2010). In other words, the fact of being excluded from legal protection is attractive for some types of markets and employers (for Southern Europe: Calavita 2005; for the UK: Ruhs and Anderson 2010). Brokers help to overcome legal barriers. They link new migrants with local employers and often gain a reward for this activity. Domestic and care services, construction, agriculture, cleaning, and catering, are often considered sectors where undocumented migrants can find jobs more easily (Castles, de Haas, and Miller 2014). As employers in these sectors cannot cut labour costs by relocating their activities in other countries, and because technological innovation can only partially substitute human labour, they search for other ways to save on wages and social benefits. As a consequence, many studies evidence a growth of the informal economy also in developed societies (for the U.S.A. Ness 2005; for new urban economies: Sassen 2001). Only to cite a well-known issue, according to official estimates nearly half of all workers engaged in picking fruit and vegetables in the U.S.A. are undocumented (Chand and Schreckhise 2015). Similar problems have been repeatedly reported for Italy and Southern Europe (Morice and Potot 2010; Corrado and Perrotta 2012; Pugliese 2012).

But also in the Dutch-German Lower Rhine border region, 'creative employers' in the agricultural sector develop various strategies to circumvent restrictions and hire immigrant workers. Furthermore, if they succeed in trials against the Labour Inspectorate, with the help of their lawyers, they pave the way for a larger adoption of the same strategies in the entire sector (Pijpers and Van Der Velde 2007).

Not only in Southern Europe but also in countries like Germany, domestic and care services are typical work settings for undocumented migrants, with silent complicity by public authorities: 'The official policy in Germany is to turn a blind eye to the demand for domestic and care services, neither expanding the public care sector nor creating regular immigration venues for domestic and care workers' (Schwenken 2013, 135).

Lutz and Palenga-Möllnbeck (2010) have called this an 'open secret' of German society. According to Cornelius, in the U.S.A. 'individual home-owners do not have to worry about immigration law enforcement, despite the fact that they provide a large share of the jobs that go to unauthorised migrants' (2005, 786).

What is more interesting for the present study, however, is the role of employers as gate-keepers. Most of the literature insists on their exploitation of the legal position of irregular immigrants; but on the other hand, employers can also become responsible for their legalisation (Bonizzoni 2016). Irregular immigrants at work try to depict themselves as 'deserving' immigrants, and work is the cornerstone of the 'moral economy of migrant illegality' (Chauvin and Garces-Mascareñas 2012). In France, Spain, and the UK, the

acquisition of formal employment is a potential path towards ‘earned regularisation’ (Schwenken 2013).

410 In Italy, in Spain, and in France, regularizations of migrants depend on the willingness of employers to legalise their workers. Informal negotiations regulate this crucial passage: employers can deny regularisation, but workers can exert some influence on their decisions. Sometimes they are compatriots, and employers can be the target of social pressure to legalise their workers when a window of opportunity opens. In domestic care services, irregular immigrants have the wellbeing of elderly people or children in their hands, and with time often develop emotional bonds with their clients (Degiuli 415 2016). It is not easy for an employer to deny the application for regularisation to a person who has taken care of her old relatives for years, and to retain the same availability and devotion from her (Ambrosini 2015). In other countries (e.g. the UK), employers may have a common interest with their workers in overcoming the criminalisation of illegal migration and informal work (Bloch and McKay 2016): sometimes they lobby for regularizations or support demands for amnesty and demonstrations enacted by undocumented 420 immigrants (Chimienti 2011).

425 6. Supporters and alternative providers: NGOs, civil societies, common citizens

430 Insertion in labour markets needs to be complemented by response to social needs. Here, restrictions in immigration policies increase the role of civil society actors: the distance between official policies and social reality is managed through the intervention of NGOs and other non-public actors (religious institutions, trade unions, and social movements) (Castles 2004). I focus here on ‘native’ non-profit organisations: collective subjects based in receiving societies, mainly run by native citizens. It is true that also migrants have increased their participation in civil society through formal associations (De Graauw 2015; Moya 2005) and social movements, including those created by irregular migrants (Cappiali 2016; Chimienti 2011; Milkman 2006; Nicholls 2013). But what is more interesting 435 from the point of view of this article is the action of subjects who have neither direct interests in, nor ethnic, national or personal bonds with, the beneficiaries of their activities.

440 Although the public authorities in some countries have sought to restrict the action of NGOs in favour of irregular immigrants (e.g. Van der Leun and Bouter 2015), in several other countries benign tolerance or some forms of cooperation between local authorities and NGOs allow access to certain services also to migrants with irregular or uncertain status (basic health care, shelters, language courses, etc.) (for health care in the US: Fernández-Kelly 2012; Marrow 2012). Hence the enforcement of basic human rights is often secured by non-public actors (Castles 2004).

445 According to critics, however, service-oriented NGOs can also be viewed as functional to the system. Good intentions notwithstanding, they enable politicians to continue to use a rhetoric of closure without having to face accusations of inhumanity (Castañeda 2007, 20). Civil society’s services evidently soften many aspects of restrictive formal immigration policies, but one can ask whether irregular immigrants would be better off without the support of NGOs when they have to deal with practical issues such as basic health care because they are excluded from public services (Ambrosini and van der Leun 2015). More- 450 over, NGOs, religious organisations and trade unions in several countries have acted to

support regularizations and consequently full access to formal institutions (Laubenthal 2007; Schwenken 2013). Their action as providers of alternative services is particularly salient in the twilight zone between the informal insertion of immigrants in paid employment and official recognition of them as sojourners.

Beyond this general consideration, I shall identify the main forms of support provided by NGOs and other civil society actors in favour of irregular immigrants. The first type of activity occurs in the area of regularisation of legal status and involves two levels of action. At the political level, trade unions, religious institutions, voluntary associations demand amnesties for irregular immigrants. The other form of support in this area is bureaucratic assistance, case by case, in accessing regularisation.

A second type of activity is the provision of services. This concerns for instance language courses (adult irregular immigrants are normally excluded from the education system), basic health services (irregular immigrants in many countries are entitled to receive only urgent and necessary care in hospitals: PICUM 2009), clothing, food and soup kitchens for people devoid of resources (Bloch et al. 2014), and shelters for homeless (Van der Leun and Bouter 2015). Volunteer work, private donations, support from other social institutions are key aspects of the everyday activity of non-public providers. Overall, these services grant basic protection to many immigrants in the intermediate period between entrance and acquisition of legal status.

The third type of activity is the legal advocacy provided by trade unions (Schwenken 2013), or by some associations of lawyers for free, often in connection with other civil society actors.

Another important activity by some actors, in particular faith groups, is the provision of moral support. As Bloch et al. state, 'Churches offer undocumented migrants spiritual guidance and relief from the moral dilemmas stemming from their situation, a safe haven for them and an environment in which they did not feel different or discriminated because of their legal status' (2014, 110).

Last but not least, I would also mention the political and cultural activity of opposition against the criminalisation of irregular immigrants, protests against local policies of exclusion or against restrictions in health care, the defence of asylum seekers, support to irregular migrants movements, the promotion of views alternative to dominant representations of the issue. By adopting mainly a frame of victimisation of irregular immigrants, or emphasising the link between poverty and emigration, civil society actors often play a role in the cultural struggle on immigration, in some way countervailing the political exploitation of anxieties in receiving societies. Moral choices and political militancy, humanitarian values and religious convictions fuel active forms of citizenship and social commitment in this field.

However, there is another type of aid, which can be related to a fifth class of intermediaries: the help supplied in spontaneous, informal, and direct ways by ordinary native citizens. Irregular immigrants try to make themselves invisible to the institutions, but they are often integrated into the neighbourhood where they live and into a network of social relations (McIlwaine 2014): ordinary people give money to immigrants asking for charity, buy flowers and other goods from informal vendors, give clothes or food, send e-mail messages to their friends to help a woman who has lost her job to find another one, help a person they know to obtain regularisation. Furthermore, the contradiction observed by Ellermann (2006) in Germany, in the case of asylum seekers, can be extended



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to other kinds of irregular immigrants: when they are considered in abstract terms, social closure and prejudice are very strong; on the contrary, when native citizens experience actual relations with real people with faces and names, established in the local community, and perhaps accompanied by minor children who attend local schools, they often sympathise with them and even rise to their defence. By contrast, when irregular immigrants lack a support network, or lose it, they become more vulnerable, marginalised, and possibly deportable.

7. Discretionary gate-keepers: street level bureaucracies and the enforcement of immigration controls

Civil society actors try to fill the gap between irregular migrants and the provision of social services. But also civil servants and public bureaucracies are sometimes involved. Their intermediation takes place at different levels (see on the issue Campomori 2007; Chauvin and Garcés-Mascareñas 2012; Leerkes, Varsanyi, and Engbersen 2012; Van der Leun 2006; Zincone 1999).

First to be distinguished is resistance to the application of restrictive rules considered to conflict with professional ethics. This dynamic regards operators belonging to professional groups with greater autonomy, awareness, and internalised and consolidated professional ethics. As noted by Van der Leun (2006), when the Dutch government introduced more stringent criteria for access to welfare services, doctors and teachers resisted more strongly than mere employees.

A second case concerns the abstention from controls potentially threatening for immigrants without documents authorising residence or work, or the use of selective and targeted controls (Leerkes, Varsanyi, and Engbersen 2012). In this case, the police are mainly involved. The reluctance to check the documents of immigrants depends on several factors. One of them is the perception that numerous irregular immigrants are non-threatening, and perhaps deserving, such as the already mentioned women working in care activities. In this respect, social recognition also affects the work of public institutions and their staff, influencing the effective application of rules. Another reason is the already mentioned perception by many services and their operators, including those responsible for the maintenance of public order, that their mission and their priorities are different: devoting time and energy to checking the documents of foreigners means taking time away from more socially and professionally rewarding activities, or at least ones more closely related to their institutional tasks (Vogel 2000). Also important is the simple knowledge that there are insufficient resources to identify and deport all the unauthorised immigrants (Ambrosini 2013a). Therefore the final outcome is the focus on more labelled immigrants, on those who disturb or react badly, on the local contexts in which residents, the media, and politicians call for more controls (Leerkes, Varsanyi, and Engbersen 2012).

A third function is referral to private social services accessible to irregular immigrants: employees who know that they cannot provide a benefit or service to immigrants (for example, enrolment on a local language course) because they do not have a valid residence permit can just send them away, or direct them to an association that offers free language classes. At local level, informal networks between public services and civil society organisations thrive, with mutual referrals of cases.

A fourth interesting feature is that of providing advice and practical help in understanding procedures and correctly compiling the forms necessary to access services. Once again, the operator can send away an immigrant unable to fill out a form without giving adequate information, can receive the form but delete it if it is incomplete or contains errors, or can help the applicant compile it correctly. This feature has to do with a decisive procedure: the acceptance and assessment of applications for regularisation. Given the myriad grey and doubtful situations, or also the fact that some services are available even for irregular immigrants, the magnitude of the phenomenon expands.

Civil servants also have a certain power to interpret the rules and procedures when it comes to applying them to specific cases. Here the possibility of extensive and generous interpretations arises in dealing with the complex situations, obvious needs, and sometimes dramatic human cases that immigrants present. Street level bureaucrats can then 'honestly cheat' the legislator, whose rules they should apply (Zincone 1999) by giving access to certain benefits and services also to irregular immigrants not entitled to them. For instance, municipal offices may give residency rights to foreigners even if they live in precarious shelters that do not fulfil habitability standards: in this way the immigrants can obtain connections to electricity, gas, and water supplies. Or, they may admit also undocumented immigrants to night shelters. In healthcare, treatment may be considered 'necessary and urgent' even if it is not (Pasini 2011) in order to treat the care needs of unauthorised immigrants. Or they may 'turn a blind eye' if an employer asks for a medical prescription for him/herself when it is instead intended for a careworker not entitled to it because s/he does not have a residence permit. The active intermediation of employers and acquaintances is a crucial factor explaining the willingness of civil servants to accept exceptions, replacements of people, and the bending of the rules (Ambrosini 2013a).

The final feature is the corruption of public officials, a device sometimes used to obtain illicit support by immigrants often willing to do anything to regularise their position. A large amount of discretion on the one hand, and political weakness on the other, as well as the need for and maybe even the customariness of such practices, represent fertile ground for frauds and abuses.

8. Conclusion: a game between several actors

This article has tried to deepen a sharp contradiction in migration policies: governments have declared a relentless fight against 'illegal' immigration for many years, and they have tried to close every possible way in which poor migrants from abroad can enter and settle. But in fact, unauthorised migrants continue to enter, stay, and wait for possible legalisations. Furthermore, a clear division between regular and irregular immigration is often blurred by several forms of semi-legal, uncertain, or 'grey' status, such as semi-compliance in the British labour market (Ruhs and Anderson 2010).

A paramount role in the management of this contradiction is played by various types of intermediaries: single people or collective actors who give several types of support to migrants' ventures, mediating between their aspirations and opportunities or interstices in the receiving societies. Intermediaries act for different reasons, ranging among profit, social obligations, moral values and political activism, and they operate at different points of migrants' ventures: before departure, during the journey, at the insertion in

receiving societies, in critical situations, at the moment of regularisation. Furthermore, their activities show that irregular immigration is not only a parallel and hidden world; it is mingled with various interests and institutions of receiving societies. In turn, a more drastic and coherent fight against irregular immigration damages significant values of democratic societies: the free market, of course, but also human rights, integration of immigrant minorities, civil society activism, and freedom of religion.

In this framework, I have analysed in what intermediation actually consists, suggesting that it involves several types of practices, extending from networking, through providing services or help, to exerting in some cases political pressure in favour of unauthorised migrants. But also tolerance, and in particular abstention from consistent enforcement of the laws against 'illegal' immigration, can be framed as a form of intermediation, because in practice it allows the presence, circulation, work, and settlement of undocumented migrants.

Intermediaries can have different legal and institutional profiles. I have analysed in some detail certain figures belonging in this broad category: smugglers, ethnic brokers, employers, NGOs and other civil society actors, common citizens, and civil servants. Some act in illegal markets, profiting from migrants' needs, like the providers of fake documents, others act in twilight zones, like many ethnic brokers and employers; others challenge the official policies following ethical or political values; others exercise a discretionary power in public functions. Table 2 summarises the key points of my analysis.

This analysis implies that the recent emphasis on agency by unauthorised migrants has to be complemented by consideration of a third party acting as a bridge between migrants and receiving societies. The interplay between migrants and States, in other terms, is not a game between two actors, but one in which at least a third group of actors is involved: those that I have called 'intermediaries'. The agency of migrants often consists in finding useful intermediaries, networking with them, obtaining their support or

Table 2. Types of intermediaries: activities, beneficiaries and stage of intervention.

Types of intermediaries	Activities	Beneficiaries	Migration stage
Smugglers	Fostering departures and organising journeys and entrance into receiving societies through various strategies and channels	Aspiring immigrants without other entry channels	Departure and travel
Co-ethnic brokers	Matching labour demand and supply; patronage and guarantees to employers; finding accommodation, documents, services	Fellow migrants, and especially job seekers	Mainly: insertion into receiving societies
Employers	Provision of employment opportunities; eventual access to regularisation procedures	Immigrant workers	After arrival: insertion into the labour market
NGOs and other civil society's actors	Provision of services in organised forms, often compensating for the closure of public institutions	Migrants with special needs for a structured supply (language, health care, food, paperwork)	Mainly in the first phase of settlement and then in various moments of need
Ordinary (native) citizens	Provision of immediate and direct aid, without organisation structures	Especially immigrants in need and personally known	Mainly: in critical situations
Civil servants	Benevolent interpretation of the rules, information and guidance, abstention from controls	Immigrants judged deserving, not dangerous or annoying	In various moments, but mainly at the regularisation stage

protection, or in other cases buying their services. Migration policies, in turn, are a dynamic battleground where States declare their commitment to fighting against migrants lacking proper documents, but their (declared) campaigns are challenged not only by migrants' efforts to enter and settle, but also by actors who back up migrants' agency. It is important to bear in mind that they are not only smugglers, law-breakers, or unscrupulous employers, as they are depicted by opposite narratives; they are often firmly established, perfectly legal, ethically motivated, and sometimes also inserted in public bureaucracies.

Overall, this study leads to the conclusion that irregular immigration is not a world apart, or only the business both of criminal networks and bad employers; rather, it is connected with various interests, values, and actors well inserted in receiving societies. This is a crucial reason why it is so difficult to combat and eradicate.

AQ13 Disclosure statement

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