

The past three decades have proved extremely challenging for Africa and its peoples, both at home and in the Diaspora. Coincidentally, these were also the decades that globalization reached maturity and that the world became more interconnected and interdependent. The paradox of globalization for Africa included increase in marginalization, poverty, inequality, migration and instability. This book highlights global asymmetries by interfacing the notion of "one world" or "the world" with the challenges thrown up by transnational migration, brain drain, citizenship, identity, multiculturalism, religion and ethnicity. It provides researches and discourses on global issues across regions, and fosters ongoing inquiry into important issues such as the implications of globalization for Africa and Africans. It also discusses the impact of refugees, xenophobia, transition from economic migration to citizenship, and the rise of and conflict of identities. The book investigates the experiences of Africans in the contemporary world and geographical locations, and the trends in hegemony, inequality, and social movements and struggles. Through illuminating narratives, the book assists readers to gain a sense of globalization and the position of Africa and Africans in it.

"Taking views from the under-lit basement of an allegedly 'globalized' world, and taking people diverse – and sometimes suffering – perspectives on the experience of Africa and Africans in the age of globalization."

—Karel Harmelen, *Director, Office of Africa Office, Harvard University*

"Focusing on both transnational migrations and local transformations wrought by globalization, its dynamics as a historical process of growing interconnectedness and an ideological project of neoliberal capitalism, the authors offer fresh insights into the exceedingly complex situation of Africa's globalization."

—Paul Tiyambe Zeleza, *Liberal Arts and Sciences Distinguished Professor, University of Illinois at Chicago*

"The book questions the necessity and investigates the sufficiency of globalization in relation to African living. It helps us to understand better the balance sheet of globalization in Africa by providing new structures and new perspectives with which to think about our world and our role in it."

—Kwadwo Opoku-Agyemang, *Director, Center for International Education, University of Cape Coast*

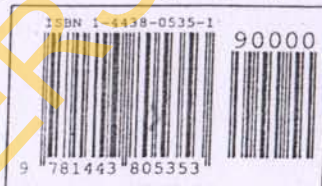
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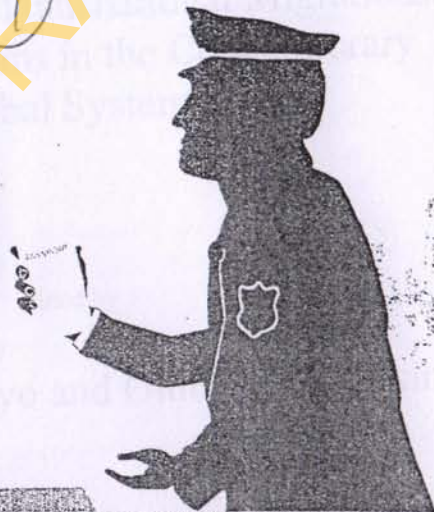
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AFRICA AND AFRICANS IN THE CONTEMPORARY GLOBAL SYSTEM

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To our children and grandchildren...
and to
present and future generations of transnational migrants

CHAPTER EIGHT

“WE ASKED FOR WORKERS BUT HUMAN BEINGS CAME”:

A CRITICAL ASSESSMENT OF POLICIES ON IMMIGRATION AND HUMAN TRAFFICKING IN THE EUROPEAN UNION

RASHEED OLANIYI

Globalization has transformed migratory flows, immigration policies, and citizenship. This chapter examines the intractable challenges of migration and human trafficking from a new perspective: the politics of immigration characterized by restriction of entry, containment, and selection. It argues that globalization and the new immigration policies ensure that only an elite group of highly-skilled migrants enter the European Union (EU) while the poor are encouraged to stay in their own countries. At the same time, there is growing demand for cheap (skilled and unskilled) labor in catering, hotel, and seasonal employment through the back door which provides a market for human traffickers and allows unscrupulous employers to pay low wages. The chapter examines these developments as well as new employment legislations targeted at those who give jobs to those without papers.

Introduction

Laissez-faire immigration policies in Europe have become a thing of the past; virtually no EU member proposes to be a country of immigrants in its traditional form. Contemporaneously with the global competition for skilled labor, Europe grapples with the influx of immigrants. New immigration policies were needed to curb the soaring rate of international migration and characterize “immigrants as a stop-gap, socially as a liability and personally as a nuisance” (Bohning, 1974, p. 158). Factors influencing international migration comprise of the changing global

economic dynamics, changes in the nature and structure of work, labor market needs and opportunities, widening income disparity between rich and poor countries, and above all, the interplay between domestic, regional and international markets (Reitzes, 2004, p.345).

This chapter looks at the dialectics of politics and economics in the formulation of coherent immigration policy. Right wing politicians advocated for strict control over immigration while economic elite encouraged the immigration of entrepreneurial groups of people who would contribute to the development of the economy and send remittances to their home countries. As Reitzes (2004, p. 345) argues, “Governments that initially develop migration policies as a tool of economic and labor policy are inevitably confronted with problems of political management, and a range of governance issues.” In the industrialized economies, labor demand for professional and skilled workers has been transformed by technological revolutions in production processes. These economic changes and, *ipso facto*, demand for only skilled labor inevitably fuelled illegal international labor migration.

One popular notion in receiving countries is that immigrants, especially those without skills, constitute a burden on the public social services. The influx of these poor people or “excess human beings” is considered dangerous to the society, economy and culture of the European countries. Following the rise of populist anti-immigration parties in the EU, crackdown on illegal immigrants became a policy priority. As stated by Al-Azar, the European Commission addresses the issue of immigration in order to face “a set of apparent contradictions in migration-related issues. The need to control borders in a post-September 11 security context is often at odds with the need to welcome visitors, promote trade, gain from orderly and selected migration, and strengthen the Union’s absolute commitment to free movement in a newly enlarged Union of twenty-five Member States” (Al-Azar, 2008). Making trafficking illegal doesn’t entirely make it cease to exist but drives it underground and masks the exploitation.

New Migration and Working Permit Laws

According to Reitzes (2004, p.347), the politics of immigration in receiving countries, most especially in the EU indicate three major responses to changing migration dynamics: restriction (of entry and movement in the host state), containment, and selection. First, the restrictive entry policies turn many economic migrants into asylum-seekers. The regionalization process in the EU undermines state ability to

enforce unilateral immigration laws and the widespread attempt to implement multilateral strategies has been futile. Second, containment involves attempts to keep people where they belong. It includes the proliferation of refugee camps in Africa and the Middle East.

This marked a great departure from post-World War II migrants' rights and freedom of movement codified in 1952 by the International Labor Organization (ILO) which guaranteed labor mobility. Regional agreements such as the Schengen Convention is based on the elimination of internal borders among some European states and tends to impose a heavy burden on states contiguous to the EU. Third, increased selectivity targets skilled workers, whose migration would fill certain labor gaps, retain international competitiveness, and increase productivity. Yet, there are demands for low-skilled workers in labor intensive and low-paying service sectors such as the hospitality industry (Reitzes, 2004, p. 348). As Reitzes (p. 349) observes, "Besides these economic and labor market issues, increases in anti-foreigner sentiments, domestically and regionally, often resulting in violent attacks on foreigners and their property and informed by a range of negative assumptions concerning foreigners' impact on society, raise political issues of governance, democratic practice, and consensus-building which receiving states ignore at the risk of social, economic and political instability."

On October 29, 2004, the treaty establishing a Constitution for Europe was signed by the heads of government of 25 EU member states. Article III-267 guaranteed the right of all members to restrict non-EU labor migrants. Whereas all the citizens of the member states are citizens of the Union with the right "to move and reside freely" within its territory, there was no attempt to create or harmonize mechanisms and procedures under which migrants could acquire citizenship. This may be due to the fact that citizenship laws remained intact in individual member states, especially since one has to be a citizen of a country first before aspiring to the EU citizenship.

ARTICLE III-267 further states that:

1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.
2. For the purpose of paragraph 1, European laws or framework laws shall establish measures in the following areas:
 - a) the conditions of entry and residence and standards on

- the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunion;
 - b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Members States;
 - c) illegal immigration and unauthorized residence, including removal and repatriation of persons residing without authorization;
 - d) combating trafficking in persons, in particular women and children.
3. The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfill the conditions for entry, presence or residence in the territory of one of the Member States.
 4. European laws or framework laws may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of the Member States.
 5. This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.¹

Indeed, in many parts of the EU, the "common immigration policy" ushered by Article III-267 is yet to come into effect. There is a reluctance to cede sovereignty, especially on immigration matters.

The widespread assumption in receiving countries concerning migrant workers is that they have to invest substantially in social welfare benefits for them and their families. Host citizens perceived immigrants as threats to their social and economic security. Thus, the integration of migrant workers into the host communities in terms of access to public resources, and the rights and entitlements are increasingly diminishing. In the United Kingdom, it is believed that uncontrolled or *laissez-faire* migration would risk damaging some of Britain's poorest communities and put pressure on

schools, housing, and anti-poverty strategy. There are highly skilled migrants in the United Kingdom who are condemned to unskilled workforce due to discrimination and uncertain immigration rules, although there are beneficiaries of Britain's Highly-Skilled Migrant Scheme.

According to the UN "World Economic and Social Survey 2004: International Migration," migrants tend to be "net contributors to fiscal revenue: what migrants, on the whole, pay in taxes is greater than what they cost the State in welfare payments, education and additional infrastructure." Since migrants are of working age, they relieve the fiscal burden of future generations in low-fertility countries. For example, Spain with a population of 42 million registered an annual fiscal surplus of between \$1.15 billion and \$1.4 billion from 1996 to 1998 principally due to the impact of the immigrants. Other EU countries, Belgium, France, Germany, Italy, Luxembourg, the Netherlands, Switzerland, and the Scandinavian countries have witnessed similar phenomenon. In Spain, immigrants are also said to play significant role in revitalizing city centers in decline. As Al-Azar states, in countries such as Italy where populations are aging and economies are sluggish, immigrants fill specific labor shortages and offer informal social service system to families, children, and the elderly (Al-Azar, 2008).

The foregoing changes produced two basic models of immigration policy developed in post-World War II Europe: the "rotation system" and "permanent residence." The rotation system emerged due to strong desire by host states to access labor while maintaining the cultural integrity of their nations (Reitzes, 2004, p. 350). Inevitably, foreign workers were confined to industrial citizenship while tightening obstacles to political citizenship. The rotation system therefore granted foreign workers temporary stay in the host countries that were only interested in the labor of single young males without family. Nevertheless, family reunion, search for better life, remittances, and persistent labor demand increasingly led to the eclipse of the rotation system and paved way for the emergence of the permanent residence option.

Immigration poses two main challenges for the European governments. One is how to manage the inflow of immigrants; the other how to integrate those who are already there.²

Amidst these challenges, racial hostility in Europe becomes deeper and even dangerous. In 1995, there was a resurgence of far-right xenophobic policies in France, Denmark, Austria, and the Netherlands against African immigrants and most recently Italy. Far right policies influence whom to

² *The Economist*, November 2, 2002, pp. 1-5.

let into richer countries and why. Since the 1990s, voters in Europe have rewarded politicians who promised to keep out strangers and curb rapid immigration. Far-right politicians prefer to accept xenophobic fears than to rethink migration benefits.

Several developing countries, for example in Francophone West Africa have rejected the imbalance that characterized globalization whereby industrialized countries promoted the unhindered flows of capital, goods, and services which they supplied but restricted the mobility of labor coming from the developing countries.

For comparative economic advantage, many European governments have realized that the market for top talents is global and competitive. The United Kingdom, Canada, and Australia redesigned migration policies not to just admit, but actively to attract highly skilled immigrants. On August 1, 2001, Spain's 2000 revised immigration law became effective. It permits foreigners who can prove they have been working in Spain since January 2001 to obtain legal residency, but lays out strict quota system based on labor market needs for future guest workers.

Due to labor shortages in some key sectors, the expansion of the global economy and the long-term trend of aging population, many industrial nations are in dire need of migrant workers. They faced shortages in the highly skilled sectors such as information technology and health services, and manual jobs in agriculture, manufacturing, and construction. Equally, many ignored the increasing wave of irregular migration to fill jobs that locals were not willing to take. Whereas population is swelling in the developing countries, high-income nations in the EU faced demographic dip. In order to keep the economy vibrant, developed countries require skilled labor. In this way, for example, EU's largest employer, the United Kingdom's National Health Service, is highly dependent on migrants to work as nurses and doctors. In the mid-1950s, the labor shortages in the health and service sectors of the United Kingdom led to employers advertising in India and the Caribbean for workers. In the 1960s and 1970s, Germany pulled "guest workers" from Yugoslavia and Turkey (Tupman, 2000, p. 3). Thus, changes in population structure generate pressure for immigration. In 1992, it is estimated that Germany alone had a million immigrants due to the crises in the former Republic of Yugoslavia.

There is an ongoing trend to lessen the entry conditions for certain categories of workers, especially agriculture on a seasonal basis. It is estimated that the agricultural sector of the EU employs about 500,000 seasonal workers from outside the continent (Mutume, 2006, p. 15). Even though developing countries are concerned about brain drain, there are

demands for the liberalization of labor flows that could help reduce unemployment, and increase revenue earning through remittances and import skills, knowledge and technology through returnees. The developing countries receive \$165 billion annually from remittances abroad, which help in poverty reduction.

Human Trafficking

Immigration was one aspect of globalization that has been disruptive since the end of the Cold War. For women, the labor market in industrialized nations has not been liberalized either. No European country's immigration policy admitted populations of unskilled workers who are predominantly women.³ European far right parties have further pushed the wave of anti-immigration policies. One reason why would-be immigrants choose round-about routes to European countries is that there are few options available. Indeed, irregular migration characterized by illegal entry, bogus marriages, overstaying temporary admissions, abuse of asylum systems, and the difficulty of removing unsuccessful applicants have been major concerns of governments and citizens in industrialized countries (Mutume, 2006, p.15).

The chapter argues that the restrictive and discriminatory immigration policies in the EU countries made many women fall victims of traffickers' antics. The new immigration laws restricted women to seek visa, residency, and work permits as tourists in the entertainment industry. This phenomenon has increasingly led to the unprecedented rise in the trafficking of women as sex-workers. Sex tourism emerged as a form of global commerce (Wonders & Michalowski, 2001, p. 546). Protocol on Trafficking attached to the UN Convention Against Organized Crime, endorsed by 80 countries and the EU in December 2000 defined trafficking as a modern form of slavery and indentured servitude, linked to organized criminal activity, money-laundering, corruption, and the obstruction of justice (Lyday, 2001, p. 4). According to the Protocol, the consent of the victim is not considered relevant in the process of "recruitment, transportation, transfer, harboring or receipt of persons...[using] force...coercion, abduction, fraud, deception, abuse power, or...vulnerability...or the giving and receiving of payments to achieve consent of a person having control over another person."⁴ As Lyday notes, the Protocol is an important countermeasure to the activities

³Special Report Asylum,' *The Economist*, March 15th, 2003, p. 35
⁴Trafficking Protocol 1(2) (a) of the UN Convention

of some states in the EU; which generally treat trafficked persons as illegal immigrants rather than victims of fraud and debt bondage requiring protection and repatriation (Lyday, 2001, p. 4).

The conflicting pressures of politics and economics in Europe make migration difficult for many women. Restrictive asylum and immigration laws adopted by many European countries in recent years have created a new market for women trafficking entrepreneurs. In 1990, nearly 300,000 illegal immigrants crossed the borders into the EU. According to estimates in the International Center for Migration Policy Development in Vienna, professional smugglers guided more than half of them. Up to 120,000 women are smuggled into Western Europe, mainly from countries undergoing political and economic transitions.

New Border Regime and Fortress Europe

Strong linkages exist between global mass migration, mechanisms of state border control, and trafficking in human beings. The prevailing discourse on migration in the EU concerns migration management through successful border control and sovereignty of nation-states, the stereotypical linkage between criminality and migration, and what is popularly referred to as "illegal immigration as a threat" to states (Zimic, 2004). This period characterized by turbulent international migrations has been followed by what has been described as an "isolationist walling off policy." The policy has the prominent features of "closed, highly selective and only conditionally permeable external boundary of the European Union—the Schengen border, a new kind of 'wall around the west'" (Zimic, 2004, p. 11). This new border policy is represented by a "a newly formed line of division, replacing the old 'iron curtain of Europe' with a new, electronic, 'e-border,' based on computer checks and, in general, high information technology. This is the bureaucratic line that encloses 'fortress Europe'" (Zimic, 2004, p. 11).

A new emerging border in the EU is characterized by bureaucratic, electronic, and paper boundaries aided by entry permissions, a visa system as well as an array of computer databases. Generally, the migration policy of the EU is founded on the principle of border control and regional security. EU migration policies has also led to the "closing the doors to the welfare state." According to Zimic, (2004, p. 11) the welfare state is being conceptualized as a welfare curtain, "the dividing line between immigrants and citizens, between those included and those excluded from the benefits of the welfare state." Zimic, (2004, p. 12) further notes that the reality of contemporary migration is...

controlled by nation states, security as national and regional priority, and on the other hand, mass migration is inherent in human history, and immigrants who cannot enter the state on a regular basis find solutions outside the legal and illegal structures. The linkages between the social conditions of globalization, closed borders, and poverty intertwined to facilitate trafficking and modern slavery. According to Williams and Masika (2002, p. 5) cited by Zimic (2004),

Globalization, liberalization, and free market promotion have paved the way for the unfettered movement of capital and labor. While borders have opened for trade, capital, investors, and individuals from wealthier countries, people from poorer countries have not been given the same freedom of movement. Many Western nations have introduced stringent restrictions and prohibitive immigration laws to keep out asylum seekers and economic migrants from poorer countries. Within this climate of immigration restrictions, trafficking has flourished, and more people are turning to traffickers to facilitate migration.

Indeed, the crystallization of new borders, closed, and selective contributed significantly to trafficking. As Campani (2004) cited by Zimic (2004) noted,

The present international migratory context is a product of the contradiction between global markets of consumerism and services, on one hand, and, on the other hand, a work force which is still 'bordered' in a context of continuous impoverishment of third countries and restrictive migratory policies implemented by the rich countries. This contradiction cannot be solved only through repressive policies.

Thus, states aspire to tight control over border sovereignty by arresting migrants, policing borders and deporting poor migrants back to their proper 'home' countries (Berman, 2004, pp. 41-61).

European border authorities collaborated to police Libya's vast desert borders that have increasingly earned a reputation as a center for people smuggling to Europe. Along the Libyan borders, illegal immigrants carry out menial jobs such as selling bits of meat from discarded goat carcasses or head loading in order to fund their journey which costs as much as £1,000. Malta, about 350 kilometers from North Africa, spends half of its military budget to crackdown on the large number of illegal migration through patrols by boat and aircraft. According to estimates, a quarter of Libya's population is migrants in the aftermath of Muammar Gaddafi's attempt to make the country the hub of a United States of Africa. But recent evidence of deportations from Libya shows the country's

intolerance of illegal migration.

The new borders and discriminatory immigration policies fueled "slave rings" exporting cheap labor lured by promises of big money from Africa to Europe. In South Africa, this process is referred to as "apartheid labor," a system in which expatriates recruited black manual laborers being exported to Australia through tourist and business visas.⁵

The EU has further closed the door to refugees and asylum seekers. Reports have shown that while Germany has taken commendable measures to prosecute right wing and xenophobic violence, police abuse of immigrants is on the rise. Germany and France, like other EU states, apply summary prosecutions to assess the claims of asylum-seekers from countries that are deemed to be "safe" for repatriation, often despite substantial contrary evidence. In most cases, France also denies asylum for people facing persecution by rebel groups, against international law. The system of narrow application of refugee law is compounded by the Schengen Agreement of the EU members which reinforces the practice of summarily rejecting asylum applications if another country that generally observes refugee standards has ruled against the asylum-seeker, however unjustly.⁶ An example of this discriminatory law against refugees and asylum seekers could be seen in Denmark. With the triumph of the Danish Liberal Party (Venstre) and its coalition allies in the general election in November, 2001, the government introduced significant amendments to the Aliens Act 1983. There were concerns that the new amendments do not offer fair and satisfactory examination of asylum applications. On March 4, 2002, three Austrian police officers were accused of ill-treating and killing Marcus Omofuma during forced deportation to Nigeria.⁷ A similar case of forceful deportation occurred in Belgium. In September 1998, Semira Adamu, a 20 year-old rejected asylum seeker from Nigeria died of a brain hemorrhage following the "cushion technique" applied by three Belgian escorting officers during forceful deportation from Belgium.

Migrants and Labor Power

Following the shifting immigration policies in the EU, there is a growing dichotomy between the migrants who possess labor power needed to create and accumulate wealth and the mass of the "others" who lack

⁵ 'African Slave Labour in Australia?' in *African Business*, January 2003, pp. 54-55.

⁶ Human Rights Watch World Report 1996, p. 15.

⁷ Amnesty International, Index: Concerns in Europe, January-June, 2002, September 1, 2002.

such attributes. The industrial economy only absorbs few of those with human capital and marketable abilities which they can transform into earnings by selling their labor or using their abilities to organize the production of goods and services for profit. This category includes university trained professionals from Africa. They are often selected to fill labor shortages in the European economy. According to Karl Marx, under capitalism, a person can only be gainfully employed if s/he possesses labor power, marketable abilities, skills, and competencies that increase capital. The majorities of the migrants without skills provide socially undesirable jobs such as sexual services or work as domestic servants or drug smugglers. The objectification of women's bodies could therefore be linked to the general disembodiment of workers within the capitalist economy (Wonders & Michalowski, 2001, p. 551).

This scenario brings back the return of *servant economy* akin to that of the 18th and 19th century Europe. The increasing demand for workers in catering, hotels, and seasonal employment in the agricultural sector, especially fruit picking provides market for slave rings and human smugglers. The United Kingdom's immigration enforcement authorities now have new powers to shut down "rogue employers" who draw illegal immigrants to Britain. The new Employment Bill proposes tough penalties for businesses not paying workers minimum wage and agencies which exploit workers and undercut legitimate business. The new bill imposes £10,000 civil penalties for each illegal worker that firms employ. Additionally, "rogue employers" could incur unlimited fines and be sent to prison. New compulsory identity cards have equally been proposed for immigrant workers.

In the informal sector of the industrialized nations, many of the employers prefer the recruitment of labor through the back door in order to offer low wages to the illegal immigrants. These immigrants have no control over the nature or place of work, or the terms or condition of employment. They left home for the promise of a better life but end up in slavery-like conditions. The explosion of modern slavery, especially women trafficking, inundates many parts of the EU. Victims of trafficking suffer the double tragedy of being illegal immigrants trapped in a life of what has been called "disposable people."

Irregular migration has posed several problems for the economy and social welfare programs of countries in the EU. Some countries have growing number of "underutilized" workers who are either unemployed or are forced to work on a part-time basis. For instance, in both France and Italy, the rate of underutilized labor reached 21 percent in 2004, from 17 percent in 1994. In effect, countries in the EU became selective on the

migrants they are willing to admit by opting for only those with skills and capital to invest. In order to ensure access to the skills and talents of migrants whose labor contributes £6 billion to the British economy annually, the United Kingdom's Austrian style points encourage highly skilled workers to extend their residency and working permits. The new scheme was designed to attract the most talented professionals with the skills UK required to remain as a global economic and technological leader. Under this scheme, there is an open invitation for the migration of professional South African nurses desperately needed in the United Kingdom.

Portugal in January 2001 launched Europe's most liberal earned legislation program. By August 2001, some 90,700 work permits had been granted to foreigners who entered the country illegally or as tourist, and found jobs on which employers pay taxes. Foreigners can extend their stay indefinitely if they continued working, and eventually get permanent residency or Portuguese citizenship. These revisions were adopted in the context of a severe shortage of skilled labor.

Thus, skilled workers have benefited from these immigration policy shifts. They easily obtain passports, visa, work, and residency permits. Unskilled workers disproportionately represented by women have limited avenue for legal labor migration, prompting many women to migrate illegally. Employers who were willing to violate immigration restrictions often recruited them. These "undocumented immigrants" were typically excluded from labor law protections and other state service by law and/or practice.⁸ Even when visas were available for unskilled work, there were large recruiting networks that took advantage of immigrants' ignorance and ardent desire to migrate by charging them exorbitant job placement fees and thereby exploiting them. Equally, unskilled work visas were often short term, and renewal could be difficult or impossible.

Unskilled workers were considered a nuisance, threat to living standard for the local poor, and potential agents for the spread of HIV/AIDS and, indeed, terrorism. Many European nations imposed draconian border controls, stringent restrictions, and prohibitive immigration laws to keep out asylum seekers and economic migrants from poorer countries. At the Seville, Spain Summit in June 2002, the key resolutions included imposing sanctions against countries outside the EU (code for Africa) that fail to limit the flow of migrants into the EU. The summit also resolved to boost joint border patrols, improving cooperation among EU countries on visa, and sending assistance to Italy, Spain, and Greece to crackdown on

⁸ Human Rights Watch 2000.

refugees trying to cross into Europe from the Mediterranean Sea, the Middle East, and the Balkans.

The wave of anti-immigrant policies throughout the EU, coupled with racism and xenophobia, especially in Germany, Denmark, and the Netherlands came amid growing concerns that the fear of being "swamped" by immigrants assisted the electoral triumph of European far-right parties whose policies were subsequently adopted by mainstream parties. For example, in the Netherlands, recent policies adopted by the new coalition government made up of the Christian Democratic Appeal (CDA), the right wing populist "List Pim Fortuyn" for Liberty and Democracy (VVI) have made even harder policies for immigrants to get into the country.⁹

On January 28, 2003, the EU launched its own "navy" to patrol the southern shores of Europe and head off flotilla that ship illegal African immigrants through North Africa. The scheme, called operation Ulysses, involves five European nations, including the United Kingdom. The "navy" is viewed as the first step towards a common EU border guard. The quasi-military fleet is one of a host of measures sought by countries such as Spain and Italy, which have complained of bearing the bulk of the cost of policing EU borders. It is made up of naval vessels such as those belonging to Spain militarized Guardia Civil. Italy, France, and Portugal have each sent a vessel to join the fleet, each carrying 30 sailors. Operation Ulysses is based in Algeciras, on the strait of Gibraltar, a few miles from the coast of Africa. The sailing of all orders gives new scope for criminal fraternities such as the Mafia, which added the trade in women to existing operations of drug smuggling.

Women became the most expendable and vulnerable group of workers in the global job market.¹⁰ Many manufacturing jobs were being replaced by high technology jobs leaving some workers without high skills behind. Other low skill and manufacturing jobs have been relocated to other countries where labor costs were comparatively lower. Given women's position in the employment market, the globally constituted technological net was clearly not for their appropriation.

Coupled with these immigration difficulties was the increasing demand for women in the sex industry. In Europe, economic boom has given dramatic surge to sex tourism. Many companies included "weekend holidays" as part of employees' yearly bonuses to stimulate their productivity. At the height of western capitalism, sex has become major

⁹ *New African*, November 2002, p. 43.

¹⁰ Barbara Adam, 2002.

incentive to boost workers' productivity. This contributed to the exponential growth of sex industry that created employment for women as models, singers, dancers, and entertainers and eventually sex workers. The rise in entertainment industry led to the prevalence of HIV/AIDS. There is equally the rise in pornography films. Sex slavery in Western Europe has grown explosively since the end of the Cold War and the opening of Western borders. Sex traffickers promise normal jobs with high wages, foreign adventures, even marriage. Their victims, often eager to escape dire economic situations at home, fall easily into their trap through trickery, coercion, or outright abduction. Once abroad, they are stripped of travel documents and kept isolated in slave-like conditions, transferred from one location to another, and sold like commodities. In some regions, traffickers live lavishly without fear of prosecution while victims suffer miserably.

Recent legislative initiative in Greece like other European countries, also failed to address the issue of trafficking. A new immigration law passed by the Greece Parliament in April 2001 originally contained provisions granting work permits to "only artists employed in entertainment centers" and essentially mirrored the existing visa requirements in Greece's Aliens Act, law No. 1975/1991. It was essentially a grant for the employment of migrant women in bars, nightclubs, and other venues in the sex industry creating a boom for traffickers. EU governments have used the existence of the visa regime for alien artists as a cover for not addressing trafficking abuses. There are agencies that import women from Nigeria under the pretext of promoting artists, which does not enable the police force to intervene. The sojourn permits of these women are valid for one to six months. Adrift in strange European cities, they are stripped of their identification documents by the traffickers, on whom they become totally dependent.

EU border patrol agents continued to commit acts of violence with impunity against undocumented women migrants.¹¹ While Germany has taken commendable steps to prosecute those behind right wing and xenophobic violence, police abuse of foreigners is on the rise.

Trafficked women further experience social displacement despite the creation of anti-trafficking initiatives at the international and regional levels and in bilateral and multilateral agreements among European state. Greece in particular has failed to take the measures necessary to take its own trafficking problems. The government has essentially pursued a

¹¹ Human Rights Watch World Report 1996, p.46.

“crime control” approach to trafficking.¹² Greece had not made significant efforts to combat trafficking, failed to acknowledge publicly that trafficking is a problem, failed to implement comprehensive anti-trafficking legislation, rarely prosecuted trafficking and awarded light sentences to punish traffickers when they were tried, and called corruption in the police and border control, a major problem. But EU governments relatively share this characteristic. In most European countries they are only concerned with women’s status as undocumented migrants and are not with any abuse suffered at the hand of traffickers. The absence of government-supported services for trafficked women in Greece often results in an *ad hoc* and uncoordinated approach to their care. As a result, trafficked women who manage to escape cannot rely on the authorities for effective protection for assistance with safe repatriation to home countries.

In Greece, undocumented women are often treated like criminals, detained and deported under the 1975/1991 Aliens act despite being trafficking victims. These tendencies have paved way for trafficking networks, dominated by Nigerian organized crime syndicates in West Africa who are highly adaptive and have expanded their operations into Republics of Benin, Togo, Ghana, Guinea, Mali, and South Africa. For example, Italian and Dutch authorities arrested several Nigerians accused of smuggling their fellow citizens, some as young as 15 years, into Europe to work as prostitutes and drug traffickers. The victims were smuggled through “serious adoption irregularities” in which Nigerian women living in Italy took infants from Nigerian orphanages and sold them in Europe.

New Strategies of Trafficking in a Global Age

In response to the new immigration rules, traffickers have resorted to other avenues of making money. For example, Mafia associations use young Nigerians as drug mules by paying \$4,500 per trip to swallow cocaine and transport it around Europe. Papa Wemba, also known as “Rumba Rock” was arrested in France in 2003 on charges of an illegal immigration racket. About 200 citizens of the Democratic Republic of Congo (DR Congo) entered France during Papa Wemba’s concert tours posing as members of his entourage but never went back home. A prosecutor demanded for a five-year jail sentence for the singer and a fine of 750,000 Euros. He was faced with similar charges in Belgium. His singer wife, Jules Shungu Wembadio Pene Kikumba, was arrested in Paris

¹² Human Right Watch, Memorandum of Concern ; Trafficking of Migrant Women for Forced Prostitution into Greece’ November 14, 2000

in February 2003. French immigration authorities claimed that prospective immigrants from DR Congo paid \$4,500 in exchange for documents showing that they were members of Papa Wemba’s band, but some of the trafficked victims engage in goat herding and fishing trades. Equally, the vice squad in Reims, northeast France in 2002, discovered the existence of a perfectly structured network of prostitutes from Nigeria and Sierra Leone, stretching to various parts of France including the island of Corsica. Forty-five people arrested by the police lacked necessary legal permits to stay in France.

Sex work is legal in European countries and new laws are being imposed to driven it underground rather than on streets, a policy that makes trafficking booming. Sex work could be carried out in brothel and private apartments. In 1999, new legislation imposed criminalized men and clients who buy the services of sex workers. Paying for sex is now illegal and punishable by fine or prison sentences. But police in most countries are involved in the sex trafficking industry; this makes it difficult for victims to report crimes. In Italy, a foreigner who brings a migrant woman for the purpose of prostitution, can, by law be jailed for up to seven years. In 1994 alone, 18 Nigerian traffickers were charged for encouraging, exploiting, and aiding and abetting prostitution of nine women. However, many traffickers operate with impunity due to their collaboration with Italian gangs, police, and immigration authorities supporting the transaction.

Sex work is legal in Italy by Merlin law of 1958, making it illegal for the police to deport immigrant sex workers. Women who seek assistance from police are deported because they do not have a valid resident’s permit (Caritas, January 25, 1997). Traffickers have used this law to have total control over trafficked women with threat of exposing them to police for deportation. Similarly, trafficked women are regularly moved from one EU country to another at intervals to avoid police deportation.

Most times, the identities of trafficked girls are changed. They do not know where they work and the social protections available for them. Once the girls are brought to Europe, they can’t run away because their passports are immediately seized, they have no money, and they are closely monitored.

Before entering the Netherlands and other EU countries, for other than tourist purposes, women have to apply for a special visa specifying the reasons for their journey. It is difficult for women from countries outside the EU to enter the Netherlands legally in order to find jobs. Sex work means all kind of work in sex industry: striptease or go-go dancer, barmaid, waitress, offering phone or Internet sex, or offering sexual

services (femmigration for Migration prostitutes and Trafficked women on the internet). Traffickers took advantage of strict immigration policies.

In the Netherlands, only women from within the EU can get work permits. The law governing entry of non-EU laborers into the country does not recognize prostitution as work. Hence, for non-EU women there is no legal way of obtaining a permit to work as prostitute. These women then, having arrived in the Netherlands with tourist visas or false passports, are left with little choice. They will vanish underground and work in illegal brothels or homes. There, they will not be able to claim any of the legal protection the EU sex workers enjoy. On the contrary, they will be open to blackmail, abuse, debt burdens, and everything else that come with illegal prostitution run by ethnically based gangs and pimps. They are highly unlikely to report to the police if anything happens to them out of fear of being deported. The law that aims to protect sex workers puts this specific group of women in a more vulnerable position.

Young women trafficked from Nigeria arrive first in the Netherlands with instructions to apply for asylum as homeless minors. The women use false passports understating their age, and in many cases, claiming to be from Liberia or Sierra Leone, war-torn countries whose refugees are rarely deported from Europe. More than 400 of these applicants have disappeared from Dutch asylum centers since 1998.

Administrative requirements also impose various obstacles for immigrants, some of which are illegal. Requiring potential immigrants to obtain a visa and a promise of work before traveling to Spain nullified most Nigerians women and therefore falls into the trap of traffickers. Obtaining a visa and work permit while still in Nigeria made most women vulnerable to trafficking. The visa regime has been discriminatory against women. Visa racketeering looms large making many visa seekers becoming refugees in their own home. Applicants pay non-refundable visa fee, of N15,000.00 (fifteen thousand naira) and taking all the risks of spending endless time at the embassies among unknown and sometimes hostile people.

Visa application forms cost \$200.00 to \$300.00 from street vendors. Spaces on the lines are sold for as high as N5,000.00.¹³ The trade in false documents also opens up the possibility for corruption among police, immigration officer and embassy officials, as only they are in the position to sell such documents. "If a visa is a ticket to freedom; if a residence or work permit means escape from illegality and the underground economy,

¹³ Adeseri, A. & Adeoye, S. British High Commission Studies Visa Racket Allegation. *The Guardian*, Sunday, May 11, 2003, p. 1.

no wonder then that illegal immigrants will pay a small fortune to obtain such documents on the black market."¹⁴

Most of the passports used to smuggle Nigerian women into Europe belong to Ghanaians who are living legally in the Netherlands and who sell or rent their Dutch passports to traffickers. By replacing the photo, a trafficker can enter Europe without trouble. Many families mortgage their land to pay their way to Europe. Some pay their lifetime's income to get their tickets, passports, and other documents to visa intermediaries in the black market. Investigations revealed that majority of the women entered Europe with legal traveling document and authentic visa of which prime motives were tourism, studies, marriage, and working visa. In most cases, multiple entry visas valid for one year have been used to smuggle in as many women as possible. Upon arrival in Europe, they found themselves placed on streets as sex workers. Girls and women trafficked to Italy are typically single, aged 14-18 and less frequently aged 19-24.¹⁵

European Dream and Immigrant Experiences

The large-scale immigration waves to Europe were propelled by poverty and the seeming lack of opportunities at home for many youths and the lure of "good life" in Europe. It is paradoxical that, some of the illegal immigrants had alternative survival modes in their native countries but were lured by the "European Dream."¹⁶ Some could boast of personal businesses such as beauty salons or barbing centers or restaurants, personal independence and financial stability. Immigrants could liquidate such businesses in search of the greener pasture. Several hundreds of Africans risk everything including the lives for the unknown by traveling over land and on the sea to reach the Canary Islands, a Spanish overseas territory off Morocco's Atlantic coast. Spanish enclaves of Ceuta and Melilla in northern Morocco are targets for African immigrants to reach Europe. Reports have shown that immigrants usually make the crossing in small, overcrowded, and ill-equipped boats.¹⁷ For example, in February 2005, Spanish coastguards intercepted a decrepit fishing vessel drifting off the island of Tenerife in the Atlantic Ocean and rescued 227 people aboard. In 2006, between 500 and 3,000 West Africans drowned while crossing to the Canaries. The ambition of the illegal immigrants was to

¹⁴ The Truth About The Human Trade, CARF 33, August/September, 1996.

¹⁵ Caritas, European Race Audit Bulletin No. 25. London: The Institute of Race Relations. November 25, 1997.

¹⁶ Jama, T.A. In Search of the Dream. *News Africa*, April 30, 2005, pp. 10-14.

¹⁷ Jama, T.A. In Search of the Dream. *News Africa*, April 30, 2005, p. 11.

enter Europe from Morocco through the Strait of Gibraltar into southern Spain. This route has become the choice of people smugglers despite tighter patrols by Spanish immigration authorities. In the harrowing experience of crossing to Europe many African immigrants have perished or landed in Santa Cruz, in the middle of the Atlantic Ocean. Some paid up to \$600 and got robbed of everything on them including traveling documents.

The Red Cross has assisted the immigrants arriving the Santa Cruz islands and without residency permit they face an uncertain future. Nigerian workers populated Tenerife in the Canary Islands. The residency permit grants them the right to work, rent an apartment, and move around freely. With the annual influx, it is estimated that about 800,000 immigrants work illegally in Spain. The majority of illegal immigrants come from Latin America and compete with Africans. In order to curtail the increasing wave of illegal immigration and associated problems, the Spanish authorities regulated the growth of clandestine labor market. For example, immigrants who could prove to have a work contract in Spain would be granted residence. Without legal status, many Africans still managed to work illegally in order to survive. Employers often hired them without legal documents, though some companies could lose their operating license or get their premises sealed off if the authorities got wind of the illegal deals.

For the immigrants, the illegal work is full of risk since it places them at the mercy of unscrupulous employers who pay lower wages without health and safety insurance. No matter the exploitation in the workplace, an illegal immigrant cannot turn to the police for help. Most the male immigrants from Africa work for construction companies, and the work involves difficult, long hours, and a high rate of accidents. In the construction sector, immigrants are vulnerable since they lack health insurance and compensation for injuries. Others opted for clandestine businesses such as drug peddling and sex work.

Unlike the Latin American immigrants who speak Spanish, Africans in Spain faced the challenges of language barriers and social integration. Latinos also have greater historic and cultural ties with Spain than immigrants from Anglophone or Francophone West Africa. Even though most African immigrants found standard of living cheaper in the Canaries than in the Spanish peninsula, they encountered intolerance and racism from the Spanish since they had little interaction with West Africans. In effect, they only work in the informal sector as cleaners or caregivers. They faced greater difficulty in finding jobs in the formal labor market. Many immigrants have discovered that life in Europe is not worth the risk

and has less possibilities for advancement.

Migration to Europe, has transformed the career choice of migrants in the process. As noted by Ellerman (2005, p. 619),

Migrants may have unskilled jobs in the host country, but that does not necessarily describe how they are in their home country. The poorest of the poor are not the typical migrants. Usually migrants have some considerable entrepreneurial drive towards self-betterment (of which their labour migration is testimony), some complement of skills, and some resources in order to finance the trip or trips.

Conclusion

Many scholars, diplomats, policy makers, and human rights activists have asked the question, how can such an abuse of women flourish in Europe in the 21st century? Yet until recently, their stories did not interest European law enforcement officials who would simply deport them along with other illegal immigrants. An ingrained fear of police and the shame of facing their families back home kept the victims of sex trafficking quiet.

This chapter suggests, in terms of labor mobility, that equal opportunities should be granted to all citizens of the world rather than criminalizing them. Labor, like capital, should be allowed to move freely across international borders. Indeed, the liberalization of labor mobility could be one of the markers for the success of globalization. As the *Economist* observed, "the backlash against immigrants in the rich world is a threat to prosperity everywhere."¹⁸ Industrial nations should drop barriers to the free movement of labor. The industrial countries of the EU need to keep their borders open, most especially to the skilled and highly qualified African professionals.

With specific reference to Nigerians who have been victims of human trafficking, the Nigerian government should intensify efforts in the Poverty Alleviation and National Poverty Eradication Programme to encourage women entrepreneurs to set up businesses in order to prevent them from being vulnerable to trafficking. Government could also create more jobs by revitalizing the moribund National Directorate of Employment (NDE) program.

¹⁸ *Businessday*, January 7, 2008, p. 47.

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