Irregular migration is one of the most discussed social and political issues in Western European countries since at least a century. This not only because of the divisive debates on security and control policies but also for the strong and compelling link between the migrants’ legal status and their inclusion in host societies.

This issue aims to address empirical historical questions on this topic which interrogate the dichotomy opposing legal and illegal migration in Europe. Shifting legal conditions and uncertain resident status are common situations and usual everyday matters for many migrants nowadays as in past times. In order to catch these ambiguous status and changing social conditions, this issue focuses on a historical period, going from the immediate period after World War II up to the restriction policies of the mid-1970s, which is usually neglected in illegal migration studies.

In most of the historical and sociological literature, the 1970s are considered a turning point, the beginning of a new era of restrictive immigration policies in Western and Northern Europe. And indeed they were: between 1971 and 1975, most of Western European countries stopped previous bilateral agreements on migration flows, closed their frontiers to foreign workers and began to protect themselves by effective border controls. But this does not mean that illegal immigration is a new and peculiar feature of post-seventies restrictive policies. Dictatorships and authoritarian politics trying to restrict emigration flows in Spain and Portugal did not only create political exiles but also generated important waves of clandestine labour migrations towards countries like France or Belgium, whose authorities were eventually not very scrupulous about their South borders. More surprisingly, even in the case of democracies like Italy, which signed a range of international conventions and treaties in order to organise and regulate labour migration flows in the 1950s and 

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1960s, many of their nationals abroad were irregular migrants. As Sandro Rinauro and Víctor Pereira point out in theirs articles, about a half of the several millions of people crossing the borders from Southern Europe and the Mediterranean area toward North-Western Europe from 1945 to 1975 were irregular or illegal migrants.

Local and state administration acted in flexible ways toward workers with weak immigration status, varying from case-to-case decisions concerning work permits or family reunifications to collective waves of regularisations. Recent studies on France, Belgium and West Germany focus precisely on these dynamics and reconstruct the categories and practices of public administrations according to which migration movements were judged as legal or illegal. Besides the sociology of public administration and the analysis of civil servants’ attitudes and choices (a theme recently renewed by the historians of migration institutions), the studies of Jenny Pleinen and Alexis Spire show also the ways in which migrants dealt with different public actors and authorities, trace out individual migrant careers and give important hints on the process of becoming a semi-legal or an illegal immigrant.

From the point of view of the fabric of illegal migrants, the comparison between the French and Swiss immigration politics and policies made by Sandro Rinauro is particularly enlightening. Though differently conceived, the French aiming to a state monopoly in the organisation of migration flows, and the Swiss regime leaving to private business the task to recruit and select migrants but submitting them to a strict regulation, both governments were producing irregular migrants. By deconstructing these regimes, examining their administrative mechanics and analysing their consequences, Rinauro comes to point out the multiple links between legal and illegal flows.

Indeed, there were numerous ways to become a semi-legal migrant. The shifting line between tourists and legal workers for foreign people coming from countries linked by legal treaties was intentionally overused by immigrant workers mobilising their cultural capabilities or informal helping networks. A certain tolerance toward irregular migrants and a pragmatic attitude of alien administrations – leading in several states to overlook formal restrictive regulation – seem to have created informal immigration regimes which softened strict regulations.

Economic fluctuations, but also political and institutional transformations, influenced this pragmatic approach to immigrants’ reception. Such crises, both economic or institutional, were crucial issues in the fabric of illegal or semi-legal immigrants, and critical moments for the shift of attitudes toward irregular migrants.

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In the post-World War II period, decolonisation was one among the most striking factors of institutional change for migrants coming from the Mediterranean Nord-African regions of the ancient French Empire. Amelia Lyons studies the Algerian case analysing first of all the legal restrictions introduced through bilateral accords – which introduced quotas – and the particular set of norms concerning the Muslims subjects of the French Empire in the French Nationality Code, requiring Algerians’ reapply for citizenship between 1963 and 1967. She is then able to explore the changes of several social policies, from mandatory housing certificates to the denial of prenatal benefits, all of which effectively limited Algerians’ access to social rights and frequently forced them into irregular status. Even in this case she can analyse how direct service providers interpreted their clients’ «totally ambiguous» status, and how different services’ interpretations could generate opposite and conflicting social actions.

This special issue deals also with a second crucial topic concerning illegal immigration, namely the practices of migration transit in continental Europe in the twentieth century. Particularly, it raises the question how the migration networks, institutional or informal, cope with the constraints that shaped the displacements of (legal) migrants.

In the late nineteenth century public policies and private companies created a wide range of institutions in charge of the recruitment and the physical displacement of migrant workers. The developing of state central services and border posts grew up as dramatically as the number of public servants involved in migrations policies since the early twentieth century. Shared as they were between several and very important public administration services, their actions were often lacking coherence and efficacy. After World War II several states, the receiving as well as the sending ones, adopted centralised migration policies aiming to a state monopoly of migration flows. Yet, their control regimes failed in a consistent number of individual displacements. The non-respect of the transnational mobility laws and regulations cannot be explained only by receiving states’ unwillingness to impose their own legislation regulating transnational movements. According to Victor Pereira, Portuguese authorities, for example, were also unwilling or unable to handle legal

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emigration of their nationals in France, despite two emigration treaties signed with France in 1963 and in 1971. This lack of political willingness gave considerable opportunities to illegal migration networks of smugglers offering to potential migrants a chance to emigrate crossing Spains’ porous borders. The micro-historical reconstruction of different kinds of informal networks, using Portuguese, Spanish and French authorities’ archives and interviews conducted with clandestine emigrants, smugglers and civil servants, leads Pereira to state that clandestine emigration appeared to Portuguese potential migrants in the 1960s «safer, more efficient, less expensive and less unpredictable than legal emigration».

From many and consistent points of view, the «glorious» period between the end of World War II and the mid-1970s seemed conducive to successful attempts of state regulation of migration flows. Intense economic growth, lasting demand of skilled and unskilled workers and political consensus leading to the creation of immigrants’ placement institutions were followed by the multiplication of bilateral agreements between South-European and Mediterranean sending and North-Western European receiving countries. However, in an era when states’ intervention (called «interference» in some economic spheres) on labour market could have been non only tolerated but also demanded by social actors, employers as well as workers, many mobile persons considered more rational to be an irregular immigrant. The formal organisation of migrants’ recruitment and occupational placement created informal migration institutions and led to the development of specialised «private» agencies both in sending societies and receiving countries. The different national case studies presented here show how public administration selected, organised, placed, and dealt with migrants and how migrants themselves reacted and adapted to changing institutional frames. They suggest that in many migrant careers legal and illegal status was a connected issue that must be studied as a changing social and institutional process.

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