

NON-STATE ACTORS AND MIGRATION CONTROL IN SPAIN. A MIGRATION INDUSTRY PERSPECTIVE¹



Ana López-Sala

*Institute of Economics, Geography and
Demography
Spanish National Research Council (CSIC), Spain
ana.lsala@cchs.csic.es*

Dirk Godenau

*Department of Applied Economics and
Quantitative Methods
University of La Laguna, Spain
dgodenau@ull.es*

RC 31. SOCIOLOGY OF MIGRATION

Session: The Migration Industry: Global Presence, Local Arrangements.

Third ISA Forum of Sociology

July 10-14, 2016

Vienna, Austria

1. Research developed in the framework of MIND Research Project (grant number CSO2014-53680) funded by the Spanish National Research Program, 2015–2017.
Preliminary draft, please do not quote or circulate.

1. Introduction

This paper analyzes the migration control industry in Spain. The case study explores the appearance and evolution of the emerging organizational framework to control migration flows that has developed around border management and is limited to actors involved in this sphere (control providers); not included are actors and formal and informal organizations involved in facilitating irregular migration.

There are two reasons for focusing specifically on this little explored area of the migration industry and applying it to the Spanish case: first, the importance that migration control has acquired in this southern European country over the recent past; and, second, the relevance of the Spanish experience in the current European context, marked by the refugee crisis and the reactive European policy on migration control that it has provoked.

Restrictions on the freedom of movement have generated growing business opportunities, increasing transaction costs and the appearance of intermediaries (some to facilitate, others to restrict movement) who modulate the dynamics and management of the flows. The dynamics of this migration market, in which a growing number of non-state actors participate, tend toward increasing capitalization of both functions (impeding or facilitating), which reflects the interrelations in the appearance of business opportunities in the race between permeability (which has been examined in greater detail by studies on the migration industry) and impermeability. Studying migration control from this perspective allows us to transcend and complement traditional state-centric/migrant-centric approaches in this sphere of migration policy by incorporating non-state actors and also sets the groundwork for a detailed description of how migration control markets in different national settings are shaped.

This paper is structured in two parts. The first reviews the concept of the migration industry, including an introduction to the notion of migration control markets, and presents a systematic inventory of the functions, actors and outsourcing formulas that operate within these markets. The second part focuses on analyzing the Spanish case. This section presents and describes the outsourcing initiatives and practices that have been developed by the Spanish government to control irregular immigration at the borders and within its territory, highlighting the differences with other international cases that have been studied previously.

Our hypothesis is that the outsourcing practices implemented by the Spanish case cannot be exclusively explained by the level of neoliberalization or the “varieties of neoliberalism” of the state (Menz, 2009 2011; 2013), but rather that they are also the result of the priorities in migration policy and, in particular, of the factors that influence how migration control is implemented. These factors are shaped by the fact that Spain is a border state and the distinctive ways it has managed migration over the past three decades.

2. Migration Industry and Migration Markets

2.1 On the migration industry

The migration industry focus has gained some prominence in migration studies over the past few years. Its development as an analytical approach is based on the belief that the dynamics of international migration management cannot be entirely understood without considering its economic aspects, as well as the processes of commercialization and financial gain, and the private interests that materialize around them.

Despite its current popularity, there are many antecedents to this approach in academic literature, although they have not always adopted the same term. For example, at the end of the 1970s, Harney introduced a concept he referred to as “the commerce of migration” to describe profitable activities carried out by a broad range of intermediaries (mainly labor, transportation and money brokers) who intervened in the facilitation and maintenance of Italian migration to the American continent between the end of the 19th Century and the start of the 20th (Harney, 1977). This initial mention was completed in the following two decades by other contributions (employing the concept of “migration business”) focused on trafficking and smuggling of migrants (Salt and Stein, 1997; Kyle and Koslowski, 2001). Castles and Miller mentioned the concept of migration industry in *The Age of Migration*, linking it to the migration systems theory (Castles and Miller, 2003). However, the term has become much more prevalent in the academic lexicon over the past decade through Hernández-León’s examination of migration between Mexico and the United States, in which he defined in much greater detail the migration industry “as the ensemble of entrepreneurs, businesses and services which, motivated by the pursuit of financial gain, facilitate and sustain international migration” (Hernández-León, 2005, 2; see also Hernández-León 2008). His definition includes the different legal, illegal, formal and informal activities structuring the migration process and that are linked to various actors (state actors, migrants, migrant advocacy groups) (Hernández-León, 2005). These contributions, which have shaped a growing literature centered on analyzing the services provided by a broad range of intermediaries, including, smugglers, recruiters, brokers and companies¹, have various elements in common. First of all, this literature considers the migration industry to be a meso-structure that links macro- and micro-level structures in the migration process (Spener, 2010). Second, these contributions have focused on what we can refer to as services associated with the facilitation of migration (facilitation services providers), incorporating additional explanatory elements in the structure and maintenance of the migration process between areas of origin and destination. Finally, these approaches have based their analyses on the participation of intermediate actors who are motivated by the pursuit of financial gain.

Over the past few years this approach has been the focus of new conceptual and analytical revisions that have broadened its scope through a more comprehensive examination of the many “migration markets” and emphasizing other functions. For example, Nyberg Sorensen and Gammeltoft-

1. The analysis of intermediary services channeling migrant worker flows has been somewhat developed in migration studies through historical contributions (Gabaccia, 2000) and more recent work analyzing the importance of private actors in recruiting and supplying workers, although not always framed in the concept of the migration industry (see for example, Krissman, 2000; Hennebry, 2008).

Hansen (2013) recently examined the associations between the functions of migration facilitation and control. These authors, expanding on the work of Agustín (2008), also introduced the “rescue industry” as an aspect of the migration industry, referring to actors who provide “assistance” to migrants (Nyberg Sorensen and Gammeltoft-Hansen, 2012). In their words, the migration industry could be redefined as “a wide array of non-state actors who provide services that facilitate, constrain or assist international migration” (Nyberg Sorensen and Gammeltoft-Hansen, 2013, 6-7). Similarly, in various recent articles Hernández-León (2013a and 2013b) has broadened the analytical horizon of this focus by including other kinds of intermediaries, mainly “facilitators, firms engaged in control and restriction, rescue organizations, and clandestine actors” (Hernández León, 2013a, 24 and ss.). These revisions have had a large impact on recent academic literature, and the focus has spread to studies on migration control and the regulation of legal and labor migration (Garapich, 2008; Spaan and Hillman, 2013, Surak, 2013; Andersson, 2014; Groutsis, Di van de Broek and Harvey, 2015; Andrijasevic, 2015).

The recent academic advances in this approach have emphasized two broad elements that transversally penetrate the analysis of migration flows. First of all, that this migration industry is a crucial aspect of international mobility and, therefore, should become a subject of migration theory studies. International migration flows cannot be understood without considering the factors that lead to the appearance and consolidation of this industry and the actors it involves. Second, that the migration industry is shaping how migration is managed on the national and international levels, restructuring the global governance of human mobility (Betts, 2013).

2.2. From Migration Industry to Markets of International (Irregular) Migration

However, in our opinion, exploring this approach and evaluating its suitability for certain analytical contexts requires some conceptual clarifications. In this section we will revise the term migration industry and propose the term “international migration markets”, which, as we shall see, is more suitable² (see Figure 1). It should be emphasized that migration industry literature tends to use metaphorically ideas that have specific meanings in the economy. This is the case of terms such as “market”, “industry”, “business” or “profit”. Although the main objective of this paper is not to reconsider or evaluate the concept of migration industry from the lexical perspective of the economy, it is necessary to introduce certain nuances in the terms employed in order to clarify the approach and its analytical ramifications in case studies.

Despite the fact that its denomination as “industry” could be associated with criteria used to classify sectors of productive activities in national accounts, the migration industry has little to do with manufactured goods. The term “industry” in this approach apparently has been chosen due to other connotations of industrial activities, like their organized structure and private profit orientation. The metaphoric use of the term “industry”, including all sorts of organized activities, is also visible in studies that include supply-demand interactions and do not restrict their analysis to the providers of these services. Therefore, in the area of the dynamics and management of international mobility, the notion of “markets” is relevant, because the restrictions to free mobility

2. A similar term (“market for managing migration”) was introduced recently by Gammeltoft-Hansen and Nyberg Sorensen (see Gammeltoft-Hansen, T. and Nyberg Sorensen, N: 2012 and 2013).

through national and supranational bordering practices increase the transaction costs of border crossings and thereby create opportunity structures for systematic and organized provision of cross-border relocation services. These international migration markets are not limited to the actors providing the relocation services demanded by migrants, because these “facilitators” of irregular border crossings create an additional demand for border control measures with states providing or subcontracting services related to the implementation of immigration policies.

Although the concept of international migration markets has the advantage of including supply-demand interactions, its inclusive nature also implies a higher risk of using it simply as a nebulous proxy for all organized activities linked to border permeabilization and impermeabilization. The distinctive “economic” nature of markets is based on the presence of transactions, and these imply the interchange of goods and services between actors through the negotiation of quantities and prices. When a state licenses contracts to providers of border control services, or a migrant pays for illegal border crossing services, it can be considered a market activity. But payments and prices should not be conflated with profits, because not all market activities are profit-oriented. Additionally, market actors are not necessarily private organizations, sometimes public organizations also operate in markets (e.g., universities and research institutes, public security providers).

The asymmetrical structure of most markets, far from complying with the conditions of “perfect competition”, is fertile ground for market intermediation services. In general terms, intermediation in markets develops if intermediaries help match supply with demand through information and negotiation; if intermediation allows for simplifying transactional ties; if scale advantages and task specialization can be achieved; or if intermediaries provide mechanisms for risk-sharing, financing and payment. The pronounced asymmetry between migrants and states implies large and diversified opportunities for intermediation (Godenau and López-Sala, 2016a). Migrants facing restrictive borders look for the expertise of facilitators and are willing to pay for relocation services if they can afford it³. In parallel, states also strive for intermediation as border management becomes increasingly complex, requires more specialized services (e.g., technology) and is labor intensive in some of its elements (retention centers, visa expedition, etc.).

Figure 1. Markets of international (irregular) migration

Actors (demand)	Functions	Actors (supply)
Migrants	Facilitation	Trafficking and smuggling networks, intermediation businesses, transportation, NGOs, etc.
States and supranational entities (e.g., EU)	Restriction	Airlines, security and technology companies, NGOs, etc.

3. This is why impermeable borders create market segmentation; it is quite different to “buy-yourself-in” using the high-price segment (by plane, using fake documents) than it is to use more risky maritime journeys. For obvious reasons most studies focus on situations of migrant vulnerability, but a significant share of irregular international migration is unobserved as it is very efficient (opaque) and does not raise attention of public debate.

For analytic purposes it is worth mentioning that there are two neatly separated markets related to irregular international migration: the market of border crossing (facilitators) and the market of migration control (restrictors). The recent literature about the “migration industry” seems to include service providers in both markets, but their market structures are completely different. Demand in the border crossing market is highly fragmented (polypoly, migrants are price-takers), while the demand in the migration control market is concentrated (monopsony, States with power of negotiation). On the supply side, the border crossing market is mostly illegal and informal with phenomena of self-organization, but also tending towards increasing “industrial” organization and capitalization. The suppliers in the border control market are concentrated (oligopoly) and normally linked to the general security industry (providers of military services; technology, expertise, etc.). These differential elements explain the majority of the links that are established between migrants, states and organizations or more or less formal structures of intermediation, as well as the dynamics that are established in each of these areas.

2.3. The Irregular Migration Control Market

Using these clarifications, we can define the “irregular migration control market (IMCM)” as a services market directed at controlling cross-border mobility, in which a broad range of actors participate. This supervision and selective immobilization market is embedded in the organizational framework of migration control, which includes infrastructure (material resources, such as human and technological resources), structural elements (regulation of the process, including intervention protocols) and superstructural elements (ideas and ideologies that guide the process). The dynamics of this market have two main characteristics: first, higher transaction costs derived from the application of restrictive border policies, leading to the rise of intermediation services facilitating movement; and, second, increased use of services to contain this mobility, with the objective of being more effective and controlling costs.

This market covers various functions of border control and internal control, including: a) the selection, filtering and registration of entries; b) surveillance, detection, interception and rescue; c) retention and immobilization; and d) transportation (expulsion) of irregular immigrants. These primary functions have activated a market (or framework) of secondary services to assist migrants in the situations and infrastructures where businesses and state-financed social organizations participate in migration control, the latter forming a market to specifically provide services to assist irregular migrants. This web of support services has emerged in many receiving countries as a consequence of what we can refer to as migration enforcement accountability, that is, public scrutiny of how migration control policy, which is subject to national and international legislation, is applied.

The nature of the services provided and the actors who intervene⁴ in this market are articulated

4. Although this paper focuses on private actors who provide this kind of service, we should not forget the practice and operation of migration control incorporates public actors who coordinate their action with these private actors creating a material, structural and operational web to contain cross-border mobility, in some areas blurring the lines between public and private. Despite the use of functional distinction between facilitation and restriction/control services, specialists have pointed out the difficulties in categorizing or classifying the action of some of the actors, especially because the same actor can act as facilitator or restrictor of international cross-border mobility (see Spaan and Hillman, 2013).

around these functions (see Figure 2). It is important to point out that, while in the case of facilitation services, the demand is generated principally by migrants themselves, who seek a series of services directed at overcoming physical and bureaucratic barriers to cross the border, the demand for restrictive and enforcement services is concentrated among the states and supranational entities with competence in this area (e.g., the European Union). This is why, generally speaking, the actors involved in the containment market maintain close ties with states through the process of outsourcing (see Figure 1), as pointed out by other authors (Gammeltoft-Hansen, 2013).

Figure 2. Functions and Actors in the Irregular Migration Control Market

Control function	Temporal sequence		
	Pre-border	At the border	Post-border/re-border
Authorization (select/filter/prevent)	<ul style="list-style-type: none"> • Visa processing companies 	<ul style="list-style-type: none"> • NGOs 	<ul style="list-style-type: none"> • Private organizations involved in asylum application management and assistance • NGOs
Surveillance, detection, detention and interception, rescue	<ul style="list-style-type: none"> • Private carriers • NGOs 	<ul style="list-style-type: none"> • Private security companies • Surveillance/barrier technology companies • Private rescue organizations and NGOs 	<ul style="list-style-type: none"> • Employers Landlords • Private security companies • NGOs
Detention (immobilize)	<ul style="list-style-type: none"> • Private companies and NGOs involved in detention centres in third countries (in transit detention) 	<ul style="list-style-type: none"> • Private companies and NGOs involved in temporary detention facilities at the border (airports, ports) 	<ul style="list-style-type: none"> • Private companies and NGOs involved in detention centres
Transport (mobilize)	<ul style="list-style-type: none"> • Private carriers 	<ul style="list-style-type: none"> • Private carriers 	<ul style="list-style-type: none"> • Private carriers • NGOs

The increasing push toward privatization and outsourcing in the migration control services market (Lahav, 2003; 2014; Bloom, 2015; Trujillo-Pagán, 2014) can be explained by the convergence of a group of interrelated factors, that we can outline here. First of all, as a consequence of what we can refer to as adaptive control challenges. In the European case, for example, the growing politicization, visibilization and criminalization of irregular immigration has led to a very complex policy, made even more complicated by the creation and management of a common area of free movement, in which different levels of government intervene. Despite the fact that the state is the main actor in the construction of the rules that regulate cross-border transactions, the gradual process of building a common European policy on border material and the movement of people has produced the emergence of new organizational challenges stemming from joint management (e.g., in visa policy) and coordination (through the implementation of Integrated Border Management). This is combined with new demands that require an expertise not found in governmental agencies (and that both businesses and social organizations can provide), as well as infrastructure that is partially or totally subcontracted (e.g., transportation infrastructure).

Secondly, outsourcing is the consequence of what we can denominate budgetary control challenges, in reference to factors linked with the cost of services. In a context of budget cuts, the search for less expensive services and increased efficiency has led states to reformulate how to finance migration control. This situation has turned migration control into a new business opportunity, in which the private sector has gained a great deal of influence by offering the specialization and added value of their services (expertise and infrastructure), as well as lobbying, in which the creation of exportable spin-offs and the suitability of the provision of global services are emphasized.

Thirdly, it is a consequence of what we can refer to as accountability and legitimacy challenges. The highly sensitive nature, from a social and legal perspective, of actions carried out to control migration has led to the externalization of migration management through mechanisms that permit greater flexibility and freedom of action, while also impeding public scrutiny over such interventions and promoting opacity. The indirect externalization of the task of supervising procedures and migrant assistance through outsourcing makes it possible to elude accountability to the general public and national parliaments; an aspect that to a large degree explains why the management of migration control in some “settings” has been outsourced to certain civil society entities⁵.


Therefore, this irregular cross-border migration market has mainly been articulated through two types of state strategies: a) to license comprehensive services packages and b) subcontract specific services and infrastructures in all of the primary and secondary functions mentioned earlier, including all irregular immigration control functions, from processing visas, to selecting, filtering, identifying and registering migrants, as well as detaining, assisting and transporting them.

This new, increasingly privatized, regulatory framework for controlling cross-border movement has been widely studied by specialists. The resulting debate has centered on a series of aspects. First of all, the path-dependence and lock-in effect of this process, which, once put into action, impedes reversing the tendency. This aspect seems especially relevant in the case of security companies that intervene in different control scenarios and functions.

The consequences of this process is not only that these actors have gained prominence in making decisions and implementing migration control policies, both in terms of functions and resources (Lemberg-Pedersen, 2013), but also that expert knowledge no longer comes from within government organizations (Bloom, 2015). Privatization, however, is not currently interpreted as weakening the state’s control over migration, but rather it is seen as a reformulation of the control strategies and techniques exercised and supervised by the government (Gammeltoft-Hansen, 2013).

Secondly, this growing privatization of migration control has sparked great concern among experts regarding how it affects the rights of refugees and irregular immigrants, and the democratic supervision over whether or not those rights are respected at the borders and within the territories

5. These general determinants, however, are activated differently in the various national cases. For example, Menz argued, in a comparative research, that the degree of neoliberalization matters in terms of the involvement of private actors in carrying out functions of transportation, detention, prevention and deportation of migrants (Menz, 2009, 2011 and 2013). His main conclusion is that the rationale for incorporating private actors in migration control is the “neoliberal obsession over alleged efficiency gains, the ideological faith in the superiority of private-sector solutions, and alleged cost-saving” (Menz, 2013, 114).



of countries of destination (Rodenhäuser, 2014; Lahav, 2014; Baird, 2016). As Gammeltoft-Hansen (2011) recently described, migration control practices carried out by private actors have proven to have “certain responsibility and accountability gaps”, diffusing legal responsibility, causing a lack of transparency and impeding public scrutiny. In his own words, migration control “appears to operate behind a corporative veil” (Gammeltoft-Hansen, 2013).

Thirdly, the debate has spread to the functions carried out by social organizations, whose inclusion in this irregular immigration control market has been linked to the concept of “assistance or rescue industry”. The debate around the role of civil society organizations in some of the areas where they exercise control has led to analyses on the levels of collaboration, coopting and independence of these organizations and their positions regarding state-sponsored initiatives and how they react to them (Nyberg Sorensen, 2013).

3. The market of (irregular) migration control in Spain. Exploring the logic of outsourcing

The objective of this section is to analyze and describe this irregular migration control market (and the dynamics and practices of outsourcing) in the Spanish case, underscoring how it differs from other national cases that have been previously studied. Our hypothesis is that in the Spanish case outsourcing practices cannot be exclusively explained by the level of neoliberalization, or the “varieties of neoliberalization”⁶ of the Spanish state (Menz, 2009 2011; 2013), but rather that they are also the result of the priorities of migration policy and, in particular, of the factors that condition how migration control is implemented, which are shaped both by the fact that Spain is a border state (the southern maritime border of the Schengen Area) (Andersson, 2014) and by the peculiarities of how it has managed migration over the past three decades.

This analysis is carried out within the context of the different functions to control human movement around which this market and its services are based. The analysis demonstrates how state practices and strategies to contain migration now feature greater embeddedness between the government and the private sector, revealing how complex and dynamic migration control governance has become, although the state has not lost any of its sovereignty, and that this approach is a response to different priorities of this policy and to processes related to the accountability and legitimization of these practices. We will highlight how the Spanish migration control market operates under high levels of formality, with the participation of businesses and other highly specialized private actors that have close ties with the Spanish government and European agencies, and where the provision of what we have denominated primary and secondary services are highly concentrated in a few companies and social organizations.

What are the differences in the way outsourcing is used in the Spanish migration control market and how is this linked to the peculiarities of Spain as an immigration country?

In general terms we can state that in contrast to what is observed in other countries, such as certain Anglo-Saxon countries, in the Spanish case outsourcing in areas and services related to “security” can be described as expanding selectively and at a low intensity, this is also true in the area of migration management. In this sense, the Spanish model is closer to a “continental model”, as observed in Germany or the Netherlands, and until recently also in Italy, where, for example, the privatization of detention facilities has never been contemplated as an alternative to public managed facilities.

Outsourcing in Spain has been concentrated in the area of border control (*hard policies*), a basic priority of migration policy, through the contracting and buying of services, equipment and infrastructure that provides greater control over undesired irregular mobility through maritime corridors. This is particularly relevant in the case of technology and infrastructure construction companies, which maintain strong ties with the state through their participation in other areas, such as defense and public works. Outsourcing involves greater protagonism for private actors in

6. Menz (2011) introduces the hypothesis that different varieties of neoliberalism can be observed; if they are more pronounced they are correlated with greater involvement of private companies in control and enforcement functions in the sphere of migration management.

decision making, the elaboration of intervention protocols and operational practice in migration control, although management in this area remains under the control of the state and agencies with competences over migration. Through this collaboration with the private sector, government agencies have greatly increased their expertise over the past decade. The rationale for outsourcing arises from the need to improve the infrastructure and effectiveness of migration control, as well as the demands for specialized support in sectors that are highly dependent on technological innovations, in a policy area that is also subject to the requirements of the European Union.

Outsourcing is more extensive and has more ramifications in the case of assistance provided to migrants in geographical and institutional settings where migration is controlled (*soft policies*), creating a services market in which economic interests, legitimization mechanisms and the desire to provide protection converge; here the role of non-governmental organizations stands out.

This system of public management through agreements with social assistance organizations has a long tradition in Spanish public policies, particularly in immigration policy (Bruquetas et al., 2011), creating a joint management formula to provide assistance that allows the state to contain costs on permanent infrastructure and have more flexibility when dealing with what has been a volatile phenomenon in the Spanish case. The Spanish management system is also based on a model that strongly guarantees rights, but is very weak in terms of resources.

Outsourcing in the “selection and filtration services” market, specifically in the area of visas, is closer to what is observed in other Schengen countries. As is the case in the majority of European countries, Spain established an agreement with VFSglobal⁷, a company that manages the visas for 50 states around the world, and which carries out this function in 49 Spanish consulates.

The collaboration between the government and the business sector is especially strong in the market for “surveillance, detection and interception” of migrants in transit or at the border. The fact that Spain is the southern border of the Schengen Area has shaped its policies to contain irregular migration flows and heavily affected the configuration of its human mobility control market in terms of investment (material infrastructure) and also by converting it into a place to assay control practices and technologies (technical and operational knowledge). The political and media focus on flows through maritime and peripheral land corridors⁸ largely explains why Spain has invested so heavily in making their border impermeable using technological mechanisms, such as remote detection and physical barriers (Godenau and López-Sala, 2016 b), rather than biometric control, which is the priority in European countries that do not have an external border. This process is also characterized by a growing European market, in which the Spanish government continues to demand services and distribute/adjudicate resources, while being complemented by the demands

7. See <http://www.vfsglobal.com/>

8. According to official data, between 1999 and 2015 more than 200,000 people have attempted to reach Spanish territory through these corridors. This number, while large, is extremely small compared to the number of entries that have occurred through airport (Latin American citizens) and land borders (Romanian citizens), which have been the true motor of Spanish immigration. However, despite its much smaller volume, controlling the maritime border and African irregular immigration has been the priority for Spanish policy.

and resources provided by the European Union⁹. The use of this kind of technology, understood by the Spanish authorities as a “comprehensive solution” to the “problem” of irregular immigration through maritime borders, explains why construction and security companies specialized in remote detection and satellite surveillance have gained such prominence in this selective immobilization market and their increasing protagonism in the creation of migration control not just in Spain but all over Europe. The growing prominence of these companies, as they have extended and diversified their technological control services, initially began under the rationale of improving the efficacy and specialization of the service. The most paradigmatic examples in the Spanish case are those of the Spanish companies Amper and Indra¹⁰, and more recently TTI¹¹ or GMV¹².

The Spanish government has also used a growing amount of resources to making the area around the cities of Ceuta and Melilla impermeable using barrier technologies¹³.

Between 2005 and 2015 the Spanish government paid over 60 million euros to contracted companies to construct, extend and maintain border facilities¹⁴. The main beneficiaries of these public contracts were large Spanish construction and security companies, including Dragados, Ferrovial, Indra, Eulen, Acciona, Initec, Tragsa and Securitas¹⁵. In 2014, more than a million euros were adjudicated to the Malaga-based company Mora Salazar, which owns the European Security Fencing company¹⁶.

This collaboration also extends to the market that we have denominated, perhaps overly euphemistically, as immigrant “mobilization and transportation services”, understood as a market directed at, using the term coined by Koshravi, the physical “removal” of irregular immigrants (Koshravi, 2009). Studies on privatization in the political sphere have frequently referred to the

9. Regarding how European projects on border security and surveillance financed by the EU in the 7th Framework Programme have been concentrated in a small group of technology companies, see Baird, 2016. In his study, Baird underlines the importance of the Italian company, Finmeccanica, the French company, Thales, and the Spanish companies Indra and TTI.

10. These companies created and developed the External Surveillance Integrated System (SIVE), a remote detection system of vessels that later inspired a large number of technological and operational initiatives at the European scale. This system cost 232 million euros just for the period between 2000-2008. This system was also successfully exported to other European countries such as Latvia, Portugal and Romania and non-European countries (Hong Kong). The complexity of the links between the public and private facets of the migration control market can be seen in the also growing presence of public institutions and companies in this market. The best example is the Spanish public company ISDEFE, which in recent years has increased its presence in this sector participating in European projects such as Closeye (coordinated by the Spanish Civil Guard), Oparus and Perseus.

11. TTI participated in the Talos and Seabila projects. <http://www.ttinorte.es/>

12. GMV was the main company benefited by EUROSUR in 2014.

13. According to data provided by the Ministry of the Interior and presented by the newspaper El País, between 1999 and 2004 Spain spent at least 140 million euros in the border fences around Ceuta and Melilla (see El País, 21 October, 2014).

14. Data from a request of the Ministry of the Interior by journalists through the “Tu Derecho a Saber” (Your Right to Know) Platform, a digital platform created in 2012 by various social organizations with the objective of transferring requests for information made by citizens (see <http://tuderechoasaber.es/es/help/about/index.html>).

15. Indra and Dragados concentrate 50% of the budget of contracts that have been awarded.

16. The European Security Fencing Company was created in 2003 within the Salazar business group, and it is the only producer of razor wire in Europe.

role of airlines in remote control mechanisms (Lahav and Guiraudon, 2000; Scholten, 2015; Bloom and Risse, 2014; Rodenhäuser, 2014). Although the study of deportation practices has been growing in importance in migration control analysis (Ellerman, 2009; De Genova and Peutz, 2010; Hiemstra, 2012; Coutin, 2015; Golash-Boza, 2015), only recently has it dealt with the involvement of transportation companies within the deportation complex. Between 2003 and 2013, Spain expelled more than 125,000 irregular immigrants¹⁷ (Saiz de la Maza, 2015) and the annual expenditure on expulsions has been estimated to be 25 million euros¹⁸.

Since 2012 agreements have been reached through public tenders with the airlines Air Europa and Swiftair (UTE) (in 2013 and 2015) for 12 million euros a year to provide transportation within Spanish territory and abroad, which included strict confidentiality clauses. Although deportations on commercial flights reveal how “normal” the practice of deportation is, this kind of deportation, compared to those carried out on flights specifically for this purpose, are subject to greater accountability, not just by social organizations, but also by the general public –in this case, other passengers on the flights. The agreement with these airlines, which in the 2015 tender presented more expensive bids than that of AirNostrum, can be considered, therefore, the result of criteria that go beyond cutting costs and subcontracting the service.

The role of civil society organizations deserves a special mention in this review of outsourcing practices, due to their prominence in the Spanish case. Non-governmental organizations participate in this irregular immigration control market providing secondary services¹⁹, but framed in control practices, in every setting where these functions and practices are carried out (see Figure 2). Their participation includes: a) providing health services on Spanish coasts and the borders of Ceuta and Melilla; b) legal assistance to asylum and refugee applicants and irregular immigrants at the border; c) social assistance at internment centers, shelters for asylum seekers and refugees and the CETIs (temporary detainment centers for immigrants); legal assistance to irregular immigrants within Spanish territory; e) translation services; and f) managing reception centers for unaccompanied minors, victims of trafficking and immigrants in a situation of social vulnerability. To this end, the Spanish government has established exclusive agreements with “select” organizations (such as the Red Cross²⁰, or the Spanish Commission for Refugee Aid and the Spanish Catholic Migration

17. This statistic does not include the number of entry refusals and rejections at the border. According to EUROSTAT data in 2014 over two thirds of all refusals to enter the EU were reported by Spain and Poland (see http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation).

18. According to government budget data. Some reports by the Spanish press have elevated this number to 50 million euros a year (information from El Confidencial on 18 June, 2015, www.elconfidencial.com).

19. It must be pointed out that these services are not specifically directed at controlling irregular immigration, but rather that they are assistance provided to migrants in settings where immigration control is exercised.

20. Since the beginning of the past decade the Spanish government and the Red Cross have had an agreement to manage frontline humanitarian and medical assistance directly on the beach through ERIE teams. In addition, the Red Cross manages public funds through direct subsidies to a large number of shelters for immigrants in a situation of social vulnerability located throughout the country. In 2014 and 2015 new agreements were signed between the Red Cross and the Ministry of the Interior for humanitarian and social assistance for immigrants in internment centers, with financing of more than 1.2 million euros. In September, 2015 a direct subsidy of 13 million euros was also approved to improve the reception system for asylum seekers and refugees and to provide health and social services in the CETIs run by the Red Cross, ACCEM and CEAR. The goal of this subsidy was to enlarge Spain’s quite limited public system to assist international protection seekers (consisting of just 3 government centers in Madrid, Seville and Valencia) by using the reception networks of these three organizations (the CARs, refugee assistance centers),

Commission Association, in the case of asylum seekers) and created a public tenders program in which social organizations and immigrant associations can seek financing.

Despite the advantages this model of public management offers the government in terms of flexibility and cost savings on permanent infrastructure, this type of public management, which has been defined by government representatives and major social organizations as a “model based on the collaboration between the government and NGOs”, has been subject to heavy criticism and has created a great deal of tension among NGOs. Specifically, they criticize the heavy dependence of large sectors of civil associations on public funds for migration management, which limits the accountability of control practices, as occurs in other countries (Gill, Conlon, Tyler and Oeppen, 2014). In fact, an examination of the Spanish case reveals a broad process of segmentation within civil society between organizations that collaborate with the government in these functions and who are integrated in a “protection market”, and those who operate using their own resources or who focus on other kinds of actions, such as raising awareness or political lobbying, that require fewer resources. In this sense, a certain degree of coopting and clientelism can be observed, stemming from an operational interdependence that is largely focused on the material interests that converge in the action.

4. Final remarks

In barely three decades Spain has undergone a profound change and has now been consolidated as a country that receives migration flows. In this context, irregular maritime immigration, consisting mostly of Africans using Mediterranean routes, has generated a great deal of political and public attention. This paper is focused on the emerging migration industry that has developed in Spain around managing irregular maritime migration. The use of the term “migration industry”, and the focus referred to by the same name in international literature, should not make us forget that the opportunity structures generated by the impermeabilization of international borders can be better described as “markets”, in which supply and demand for services that facilitate or control human mobility interact. This analysis focuses on interactive processes, such as outsourcing, intermediation in migration projects and civil construction of accountability and so-called “humanitarian borders” (Walters 2011; López-Sala and Godenau, 2016). The analysis of the irregular migration control market transcends the perhaps overly generic tag of the gradual privatization of migration control, to delve into the dynamics of outsourcing through the incorporation of new aspects that reveal the complexity of the links between actors and the reconfiguration of the logic behind public/private²¹ and profit/non-profit, in migration control practices.

The particularities of the Spanish case in this material can be summarized as a (still) relatively low level of outsourcing; with a profile concentrated in border surveillance (building infrastructures and providing technologies) and attending to the needs of immigrants once they are intercepted at borders (NGOs selected by the government to provide assistance services). In contrast, Spain does not use outsourcing to substitute public servants in border control and the management of detention centers. Spanish immigration policies have become more restrictive during the economic crisis and their implementation has involved combining technological reinforcement of border control –thereby increasing the probability of interception – and cooperation with countries of origin and transit in northwest Africa –thereby reducing the probability of arrival and increasing the odds of removal.

In the face of the growing selective impermeabilization along the border with Africa, over the years Spanish civil society has produced a greater number of private initiatives that are critical of bordering practices. These initiatives are generating new forms of knowledge and expertise regarding the control process, as well producing new protest dynamics that are increasingly covered by the media and embraced by Spanish society. The consequence of this civil response is that the actions taken at borders and in detention centers, as well as deportation processes, have gained greater visibility. This “watch on the watchers” has increased the need for the authorities to accept that they are accountable for how they manage the borders and protect the human rights of migrants.

21. Although this paper has focused on analyzing the private actors who participate in the migration control market, we should not forget that this market also includes public actors, including government agencies, research centers and public companies who have gained more prominence through their growing specialization in these functions.

References

- Agustín, L (2007) *Sex at the Margins. Migration, Labour Markets and the Rescue Industry*. Zed Books. London.
- Andersson, R. (2014). *Illegality, inc: clandestine migration and business of bordering Europe*. Oakland. University of California Press.
- Andrijasevic, R. (2015). “ The commercialisation of migration control” in Anderson, B, and Hughes, V. (eds) *Citizenship and its Others* . Basingstoke. Palgrave Macmillan, 89-94.
- Baird, T (2016): *Who Is Responsible for Harm in Immigration Detention? Models of Accountability for Private Corporations*. Global Detention Project Working Paper No. 11.
- Betts, A (2013). “The migration industry in global governance” in Gammeltoft-Hansen, T y Nyberg Sorensen, N (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge, 45-64.
- Bloom, T (2015): The Business of Migration Control: Delegating Migration Control Functions to Private Actors”, *Global Policy*, vol 6, nº 2, 151-157.
- Bloom, T. and Risse, V (2014): “Examining hidden coercion at state borders: why carrier sanctions cannot be justified”. *Ethics and Global Politics*, 7, 2, 65-82.
- Bruquetas-Callejo, M; Garcés-Mascareñas, B; Morén-Alegret, R; Penninx, R. and Ruiz-Vieytez, E. (2011). “The Case of Spain” in Zincone, G., Penninx, R. and Borkert, M. (eds.). *Migration Policymaking in Europe*. Amsterdam: AUP/IMISCOE Research
- Castles, S y Miller, M. (2003). *The Age of Migration. International Population Movements in the Modern World*. Palgrave McMillan. New York.
- Coutin, S. (2015). “Deportation Studies: Origins, Themes and Directions”. *Journal of Ethnic and Migration Studies*, 41, 4, 671–681.
- De Genova, N. D., & Peutz, N. (2010). *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Duke University Press.
- Ellerman, A. (2009). *States Against Migrants: Deportation in Germany and the United States*. New York: Cambridge University Press.
- Gabaccia, D. (2000). *Italy's Many Diasporas*. UCL Press. London.
- Gammeltoft-Hansen, T (2011): *Access to Asylum: International Refugee Law and the Globalization of Migration Control*. Cambridge. Cambridge University Press.
- Gammeltoft-Hansen, T (2013): “The rise of the private border guard: Accountability and responsibility in the migration control industry” in Gammeltoft-Hansen, T. y Nyberg Sorensen, N. (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge.

- Garapich, M (2008): “The Migration Industry and Civil Society: Polish Immigrants in the United Kingdom Before and After EU Enlargement”, *Journal of Ethnic and Migration Review*, vol 34, 5, 735-752.
- Gill, N; Conlon, D. Tyler, I. and Oeppen, C. (2014) “The Tactics of Asylum and rregular Migrant Support Groups: Disrupting Bodily, Technological, and Neoliberal Strategies of Control”, *Annals of the Association of American Geographers*, 104, 2, 373-381.
- Godenau, D. and López-Sala, A. (2016a): “Migration and Borders: Empirical Patterns and Theoretical Implications in the Case of Spain” in Dominguez-Mújica, J (ed). *Global Change and Human Mobility*. Springer, 37 -52.
- Godenau, D. and López-Sala, A. (2016b). “Multi-layered Migration Deterrence and Technology in Spanish Maritime Border Management” in *Journal of Borderland Studies*. DOI:10.1080/08865655.2016.1174602
- Golash-Boza, T (2015). *Deported: Policing Immigrants, Disposable Labor and Global Capitalism*. New York. NYU Press.
- Groutsis, D; Di van de Broek, D. and Harvey, W. (2015): “Transformations in Network Governance: The Case of Migration Intermediaries”, *Journal of Ethnic and Migration Studies*, vol 41, nº 10, pp. 1558-1576.
- Harney, F (1977). “The commerce of migration”. *Canadian Ethnic Studies*, vol 9, nº 1, 42-53.
- Hennebry, J (2008): “Bienvenidos a Canadá? Globalization and the Migration Industry Surrounding Temporary Agricultural Migration in Canada”. *Canadian Studies in Population*, vol 35, 1, 339-356.
- Hernández-León, R (2005). *The Migration Industry in the Mexico-U.S. Migratory System*. California Center for Population Research. On-line Working Papers (CCPR-049-05).
- Hernández-León, R (2008). *Metropolitan Migrants: The Migration of Urban Mexicans to the United States*. University of California Press.
- Hernández-León, R (2013a). “Conceptualizing the migration industry” en Gammeltoft-Hansen, T y Nyberg Sorensen, N (eds.), *The Migration Industry and the Commercialization of International Migration*. Routledge, 24-43.
- Hernández-León, R (2013b): *The Migration Industry of Migration Control*. <http://www.antiatlas.net/en/2013/09/27/the-migration-industry-of-migration-control-ruben-hernandez-leon-ucla/>
- Hiemstra, N. (2012). “Geopolitical Reverberations of U.S. Migrant Detention and Deportation: The View from Ecuador”. *Geopolitics*.17, 2, 293-311.
- Koshravi, S. (2009): “Sweden: detention and deportation of asylum seekers”. *Race and Class*, 50, 4, 38-56.
- Krissman, F. (2000), “Immigrant Labor Recruitment: U.S. Agribusiness and Undocumented Migration from Mexico.” in Foner, N; Rumbaut, R, and Gold, S. eds), *Immigration for a New Century: Multidisciplinary Perspectives*. New York: Russell Sage Foundation, 277-300.

Kyle, D y Koslowski, R (2001), *Global Human Smuggling: Comparative Perspectives*. John Hopkins University. Washington.

Lahav, G (2003), “The Rise of Nonstate Actors in Migration Regulation in the United States and Europe: Changing the Gatekeepers or Bringing Back the State?” in Foner, N; Rumbaut, R. and Gold, S. (eds.), *Immigration Research for a New Century*, New York: Russel Sage Foundation, 215-240.

Lahav, G (2014): *From Migration Control to Disciplining Mobility: New Actors, New Challenges*. EUI Forum. Florence, European University Institute.

Lahav, G and Guiraudon, V (2000), “Comparative Perspectives on Border Control: Away from the Border and Outside the State,” in Andreas, P. and Snyder, T. (eds), *The Wall around the West: State Borders and immigration Controls in North America and Europe*. Lanham. Rowman and Littlefield Publishers

Lemberg-Pedersen, M (2013): “Private security companies and the European bordescapes” in Gammeltoft-Hansen, T. and Nyberg Sorensen, N. (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge, 152-172 .

López-Sala, A. and Godenau, D (2016): “Integrated Border Management and irregular migration at the South European-North African Border. The case of Spain” in Bossong, R. and Caparico, H (eds.) *EU Borders and Shifting Internal Security. Technology, Externalization and Accountability*. Springer, 81-100.

Menz, G (2009): The Neoliberalized State and Migration Control: The Rise of Private Actors in the Enforcement and Design of Migration Policy. *Journal of Contemporary Central and Eastern Europe*, 17:3, 315-332.

Menz, G (2011): Neoliberalism, Privatisation and the Outsourcing of Migration Management: A Five Country Comparison in *Competition and Change*, Vol. 15, No. 2, 2011; 116-135.

Menz, G (2013): “The neoliberalized State and the growth of the migration industry” in Gammeltoft-Hansen, T y Nyberg Sorensen, N (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge, 108-127 .

Nyberg Sorensen, N. and Gammeltoft-Hansen, T. (2012). *The Migration Industry and Future Directions for Migration Policy*. DIIS (Danish Institute for International Studies) Policy Brief. April 2012.

Nyberg Sorensen, N and Gammeltoft-Hansen, T. (2013). “Introduction” in Gammeltoft-Hansen, T y Nyberg Sorensen, N (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge, 1-23.

Nyberg Sorensen, N (2013): “Migration between social and criminal networks: jumping the remains of rhe Honduran migration train” in Gammeltoft-Hansen, T and Nyberg Sorensen, N (eds.), *The Migration Industry and the Commercialization of International Migration*. Routledge, 238-260.

Rodenhäuser, T (2014): “Another Brick in the Wall: Carrier Sanctions and the Privatization of Immigration Control” in *International Journal of Refugee Law*, vol 26, 2, 223-247.

Saiz de la Maza, E (2015). *Ultima Ratio. El proceso de expulsión de inmigrantes en situación irregular en España*. E-prints, Madrid. Universidad Complutense de Madrid.

Salt and Stein (1997): “Migration as business. The case of trafficking”. *International Migration*, nº 35, 467-493.

Scholten, S. (2014): *The Privatisation of Immigration Control through Carrier Sanctions. The Role of Private Transport Companies in Dutch and British Immigration Control*. Brill.

Spaan and Hillman (2013) “Migration trajectories and migration industry in Asia: Empirical examples and theoretical reflection” in Gammeltoft-Hansen, T. and Nyberg Sorensen, N. (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge, 64-86.

Spener, David. 2009. *Clandestine Crossings: Migrants and Coyotes on the Texas-Mexico Border*. Ithaca, NY: Cornell University Press.

Spener, D (2010). *Some Critical Reflections on the Migration Industry Concept*

<http://www.trinity.edu/dspener/ clandestinecrossings/related%20articles/migration%20industry.pdf>

Surak, C (2013). “The migration industry and developmental states in East Asia” in Gammeltoft-Hansen, T. and Nyberg Sorensen, N. (eds.), *The Migration Industry and the Commercialization of International Migration*. London. Routledge, 64-86.

Trujillo-Pagán, N (2014). Emphasizing the ‘Complex’ in the ‘Immigration Industrial Complex’ in *Critical Sociology*, vol 40, 1, 29-46.

Walters, W. (2011). “Foucault and Frontiers: Notes on the Birth of the Humanitarian Border” in U. Bröckling, S. Krasmann, & T. Lemke (Eds.), *Governmentality: Current Issues and Future Challenges*. New York: Routledge, 138-164.