

ON THE EDGE OF EXCLUSION: THE CHANGING NATURE OF MIGRATION IN CYPRUS AND MALTA

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Abstract

At the heart of the Mediterranean crossroads, lie two islands that bridge North and South, islands that will undoubtedly continue to experience flows of migrants and refugees, like the ones that have caused such a furore during the last decade. Malta and Cyprus were admitted into the European Union (EU) in 2004, a fact that has greatly affected the type of migration they are both experiencing and the related policy responses. Moreover, they lie between the shores of rich Europe, with its declining birth rates and consequent labour shortages, and poor Africa with its burgeoning jobless population, visible demarcations of the North-South divide and the related South-North migration routes into the EU. Their geographic location now means that they are lucky enough to be considered part of “Europe”, but must also bear the consequences as their borders have been redefined as external EU borders in need of fortification and control.

This paper is a comparative analysis of how Malta and Cyprus are coping with their new migration realities as member states on the European Union’s southern periphery. I will first discuss what the two islands have in common and where they differ in terms of migration and the responses to this relatively new phenomenon for countries historically known as countries of emigration. Where can lessons learnt be shared and what does each of these countries have to gain from the experience of the other? This discussion will be framed within the accession of the two states to the EU. Although part of the rich club, they are also minor political players within the Union and therefore hold little power to affect the type of migration and asylum policies they are obliged to enact as member states. Indeed, as members, they are now not simply facing new forms of migration, but have also been placed in the difficult position of acting as gatekeepers. In this context, EU policies and directives have impelled them to adopt increasingly restrictive migration policies.

Keywords: Cyprus, Malta, European Union, migration, migration controls, externalisation, asylum, irregular migration, refugees, mixed flows.

Introduction

On 1 May 2004, Cyprus¹ and Malta became two of the newest members to join the European Union (EU), along with eight Central and Eastern European countries, in the biggest enlargement the EU has experienced, both in terms of population and landmass.² In the run-up to the 2004 'big bang' enlargement, the focus around Europe was mainly on the possibilities of mass migration from Eastern Europe. As might have been expected, migration projections into or out of the new southern European members were not considered to be as significant. Malta and Cyprus are of course small countries, with populations of 401,880 and 788,457 respectively.³ Moreover, the numbers of migrants and refugees arriving in Malta and Cyprus are small, if compared unequivocally to other countries in Southern Europe.

They are latecomers to the migration phenomenon experienced by Southern European countries, which transitioned earlier from countries of emigration to those of immigration. The academic literature written on this evolution in Southern Europe is significant, but has focused primarily on larger countries, such as Italy, Spain, Greece and Portugal.⁴ This sudden transformation has raised social, economic and legal issues for which administrations have not been prepared. Unfortunately, host populations have also seen an increase in hostility towards non-EU nationals, who are perceived as a threat to the national culture and economy.⁵ Although Malta and Cyprus are largely absent in this academic literature, they have recently become much more vocal in EU fora while protesting the "unfair burden" being placed on them in terms of migration as new member states on external borders.

Indeed, as new EU members, the two islands have had their borders redefined as external borders in need of fortification and control. Located on the EU's southern rim, which has been characterised by some as the "soft, vulnerable underbelly of Fortress Europe",⁶ these countries are considered a liability due to the porous nature of their borders and the large informal sectors in their economies. Moreover, the two islands find themselves at the crossroads between Europe, the Middle East and Africa, strategically placed in a position to either bridge or divide the Mediterranean region.

As dead bodies wash up on the shores of the Mediterranean, it is clear that a tragic human crisis with far-reaching social and political implications is at stake. What light can these uniquely situated islands shed on the recent debates over migration to Europe? Located along the EU's southern periphery, they are important with regard to the continued attempts in Europe to externalise asylum processes and focus on short-term restrictive policies, rather than protective, human rights based policies. In this context, EU policies and directives have impelled Malta and Cyprus to adopt increasingly restrictive migration policies in line with their new roles as members on the external border. This paper first looks in turn at each of these

countries and the new migration realities they face. Then, trends across the two cases will be highlighted, with a focus on the public and media discourses surrounding migration, the affects of EU membership in general, and the specific affects of the emphasis within the EU on externalising migration controls, as well as asylum processes.

Migration Realities of Mediterranean Island States

During the twentieth century, large numbers of civilians from both Malta and Cyprus sought better opportunities in richer countries such as the UK, the USA, Canada, Australia and South Africa. Indeed, the high unemployment levels on the islands after World War II caused many to emigrate in the post-war period, encouraged in part by schemes such as subsidised steamship fares. Cyprus and Malta were then British colonies, but gained independence in 1960 and 1964, respectively, although the Queen remained Malta's head of state until 1974 and British troops were not expelled from the island until 1979. Although these two former British colonies experienced similar histories of emigration, the end of the twentieth century brought with it different immigration patterns and realities for the two islands.

Cyprus

Although Cypriot migration has a long history, the divisions between the two constitutionally recognised communities and the events of 1974 dramatically increased the number of emigrants leaving the island. Since independence, the country has struggled with the ethnic tensions between Greek-Cypriots and Turkish-Cypriots, who make up 82% and 18% of the population, respectively. This tension, culminating in the forced division of the island in 1974, has been explicitly linked to demographic concerns and migration to the island, a tension exacerbated by the Turkish government's encouragement of the settlement of its nationals in northern Cyprus.⁷

The coup carried out by the Greek junta and the subsequent Turkish invasion of northern Cyprus dealt a severe blow to the Cypriot economy. With a 37% loss of the island's territory to Turkey, GDP fell by 18% between 1973 and 1975 (falling to 842 million Cypriot pounds), while unemployment increased by 30% (reaching 22.5% in 1975).⁸ In spite of this devastating poverty, economic growth followed in the 1980s and 90s primarily due to mass tourism, the expansion of the tertiary sector, and considerable monetary investments from refugees fleeing the Lebanese civil war. What has been referred to as an "economic miracle" was made possible in part by the cheap labour supplied by the 200,000 Greek-Cypriot refugees who were expelled from the northern part of the island after the Turkish invasion.⁹ Thus during this time, Cyprus had little need for migrant labour from other countries and maintained restrictive immigration policies.

However, in the late 1980s, the economic growth on the island led to a demand for labour that exceeded the supply of the native population.¹⁰ Therefore, in 1990, Cyprus abandoned its restrictive policies and started granting a large number of temporary work visas to foreigners. Today, these work permits are granted for a period of four years, and are attached to a specific employer within a sector that is deemed to have labour shortages that Cypriots cannot or will not fill. Until recently, the permits were granted for six years, a time period was shortened in response to concern that an EU directive on the long-term residence of third-country nationals could allow for permanent settlement after five years.¹¹ The introduction of this legislation in 1990 resulted in an increase of documented migrant workers (excluding domestic workers) from 545 in 1990 to 10,370 in 1996 and to 30,225 in 2005.¹² In addition, there were an estimated 15,863 migrant workers employed as domestic labourers in 2005. Although the majority of migrants work as domestic workers, the service industry (including tourism),¹³ manufacturing, agriculture and construction industries also attract a large amount of migrant labour.¹⁴

The changes in patterns of migration to Cyprus in the early 1990s were also affected by political events occurring internationally. The break-up of the Soviet Union resulted in labour migration from countries that were previously part of the USSR. Most notably, Pontic Greeks migrated from the Caucasus region, as they were entitled to Greek nationality, which allowed them to immigrate to Cyprus without the normal bureaucratic formalities. Unsurprisingly, conflicts such as the Gulf War in the early 90s, ongoing turmoil in Palestine, and the War in the Balkans during this decade contributed to the flow of migrants, as well as political and economic refugees arriving in Cyprus. The US-led invasion of Iraq in 2003 and the resulting mayhem and suffering has also added to the number of asylum seekers as Iraqis have fled their homeland.

Irregular Migrants

In 2005, the total number of non-Cypriot residents, including irregular migrants, was estimated to be between 80,000 and 100,000, or approximately 10-13% of the population. The figures for irregular migrants are inherently difficult to obtain, but are thought to be between 10,000 and 30,000.¹⁵ Other estimates range even more widely, from 6,000 to 45,000.¹⁶ These irregular migrants include people from China, and from countries in Eastern Europe (Bulgaria, Romania, ex-Yugoslavia, Russia, Ukraine, Georgia, and Moldova, among others), in Southeast Asia (especially women who are employed as domestic workers from the Philippines, Sri Lanka, India and Pakistan), and in the Middle East (Syria, Lebanon, Iran, Iraq, to name a few).¹⁷

As is the case in wider Europe, most irregular migrants in Cyprus are 'overstayers', people who overstay their visas or people who work outside the realm of their visas, a phenomenon previously prevalent amongst overseas students in

Cyprus. During the 1990s, irregular migrants also arrived in Cyprus by sea from countries in the Middle East, such as Lebanon. However, the demilitarisation of the “green line” dividing the island in April 2003 has meant that irregular migrants can now move more easily into the southern part of Cyprus, and thus into the EU, by crossing this division. The partial lifting of the restrictions in movement has also allowed several thousand Turkish-Cypriots to cross the demarcation zone every day in order to work in the southern part, primarily in the construction industry. The government claims that at least 80% of all irregular migrants in Cyprus arrive by crossing the “green line”, a claim that ignores the reality of ‘overstayers’ and feeds ethnic tension on the island.¹⁸

Asylum

As the EU’s third smallest member, Cyprus has also recently experienced an increase in asylum applications. Between 2002 and 2003, the annual total increased by 363%; while in Europe as a whole it fell by 20%.¹⁹ In 2007, the total number of submitted asylum applications was 6,790 – not a large number in absolute terms. However, if one takes the size of the population into account, Cyprus received the largest number of asylum applicants per 1,000 inhabitants out of 51 European and non-European industrialised countries in 2007.²⁰ The number of applicants in 2007, if taken on a per capita basis, is equivalent to over 500,000 applicants in the UK and France (where the actual number of asylum applicants for 2007 were 27,900 and 19,160, respectively), and over 700,000 in Germany (19,160 applicants).²¹ Obviously, such comparisons are limited in their usefulness and may be used unscrupulously by governments to sensationalise the issues around migration and asylum and to shirk their responsibilities of protection.²² They are used here to illustrate that the relatively small number of asylum claims made in Cyprus (and Malta, discussed below) when compared to other EU member states, may be viewed in a different light if one takes into account population size, population density or GDP.

In 2005 and 2006, Syrian nationals made the largest number of asylum applications, between 15% and 18%. Over the past five years, other nationalities that have been amongst the most numerous have been Sri Lankan, Georgian, Bangladeshi, Iranian, Pakistani, Indian, Chinese, Ukrainian, Iraqi and Russian.²³ In 2003, Cyprus experienced firsthand an idiosyncrasy of the asylum system as the number of Bangladeshi and Pakistani asylum applications soared unexpectedly, the overwhelming majority coming from students who were on legitimate student visas. The principal reason for applying for asylum seemed to be that asylum seekers are given the right to access the labour market, while at this time people holding student visas were not. These applications were rejected, and as an example to others falsely claiming asylum, some of the students were deported back to their countries of origin without being able to finish their studies. Much stricter controls were also implemented for the granting of student visas. And perhaps more progressively,

Cyprus adopted an EU directive in 2007²⁴ that allows third-country nationals to work while pursuing their studies through an amendment to the Aliens and Immigration Law, which now entitles such students to work on a part-time basis for up to 20 hours during term and 40 hours during holidays.²⁵

Having previously relied on support from the UNHCR for the processing of asylum applications, and often the resettling of recognised refugees, Cyprus was faced with the task of putting in place new national asylum systems (which began operating in January 2002) in order to comply with EU legislation before joining the Union.²⁶ As in Malta, the increase in asylum claims over the past five years caught the authorities unprepared and created severe delays in processing claims, delays which last up to two or three years.²⁷ Low recognition rates are another feature of the new Cypriot asylum system. Since 2004, many more asylum seekers have received temporary protection than refugee status, although the rates still remain low – between 1.6% and 3% – even with the inclusion of those granted temporary protection. In 2005, the Cypriot government, as well as the UNHCR, pointed to false claims as a reason for the low rates of recognition for refugees, which were less than one per cent for the previous year.²⁸ However, the rate has remained below one per cent in subsequent years.²⁹

Asylum seekers are in principle not detained while their application is being processed and are given permission to work. However, Amnesty International reports that out of the 12,000 asylum seekers in Cyprus in May 2007, only 300 held work permits. They report similar finding for the government's monthly stipend of 480 dollars afforded to asylum seekers: only 350 asylum seekers received it in 2007.³⁰ There are also reports that asylum seekers are being denied the right to work and access to healthcare, housing and social benefits. Most therefore resort to trying to make a living by working in the informal sector, where they are vulnerable to abuse and exploitation.³¹

Detention is also a reality as failed asylum seekers and irregular migrants may be arrested and kept in the Central Prison in Nicosia or other police stations around the country. Amnesty International reported that in September and October 2007, detainees in the infamous Block 10 – a two-storey building within the Prison in Nicosia, which serves as a detention centre for rejected asylum seekers under deportation orders – several of whom had been held for over 30 months, protested against the length and conditions of their detention.³² Unfortunately, the government does not officially report the number of failed asylum seekers and migrants held and the length of their detention.

The Cyprus Problem and the EU

Migration to Cyprus is often associated with the 'Cyprus problem', the division of the island that occurred after the Turkish invasion in 1974. The settlement of non-

nationals is viewed within this framework as dangerous for the demographic character of the island. Moreover, restrictive migration policies are defended as necessary in order to protect the fabric of the nation, which is already under threat from the northern occupiers. This line of reasoning is certainly encouraged by the fact that Turkey has successfully promoted the settlement of Turkish nationals in northern Cyprus, a policy that has deepened the conflict on the island.³³

The new realities of migration to the island have also been politicised within the discourse of the 'Cyprus problem'. For example, the claim that as many as 97% of all irregular migrants reach Cyprus by travelling through the occupied northern part appears opportunistic, as it disassociates the phenomenon from the new economic and political realities in Cyprus, as well as more globally, that encourage this type of migration. As has already been noted, many irregular migrants have in fact overstayed their visas rather than entered irregularly, a phenomenon fuelled by the government's reluctance to grant long-term residence status.³⁴

The division on the island is further complicated by Cyprus' new status as a member of the European Union. EU membership was previously hailed as the answer to the division of the island, but was not realised when Greek-Cypriots rejected the Annan Plan as excessively pro-Turkish in a referendum in 2004. Nevertheless, the island as a whole was accepted into the Union, with the *acquis communautaire* suspended temporarily in the northern part, since the 'TRNC' is not recognised by the EU.³⁵ Therefore the "green line" is not technically considered an external EU border, although it is treated as one politically, as is clear in the Cypriot government's rhetoric on irregular migrants crossing the demarcation line. The division of the island is thus emphasised and entrenched through the government rhetoric concerning the need to "protect" this zone. This issue will merit even more consideration when Cyprus adopts the Schengen agreement, which it plans to do in 2009 and which will theoretically abolish all passport controls for those travelling to other Schengen countries within the EU.³⁶ Turkey's pending membership to the EU would also add another dimension to this picture should it come to fruition.

Malta

Malta, like Cyprus, has a long history of emigration, which increased considerably during the post World War II era, when destruction incurred during the War and high levels of poverty and rates of unemployment caused many Maltese to search for better lives abroad, most often in Australia, Canada, the UK and the USA.³⁷ Malta's legislation on migration reflects this history, as the only relevant policy during the latter half of the twentieth century was the Immigration Act of 1970.³⁸ Although Malta signed the Geneva Convention in 1968, to which it held a geographic limitation until 2001, there was no national refugee or asylum legislation until the Refugee Act was implemented in 2001³⁹ in order to align Maltese policies with EU legislation before accession took place in 2004.

Although Malta and Cyprus have similar histories of emigration, their more recent experiences with immigration have differed quite significantly. Over the last eighteen years, Cyprus has received and indeed encouraged a significant number of economic migrants to fill shortages in the labour market, which have not existed to such a degree in Malta. Rather, the migration debate in Malta has only come to the political forefront in 2002 and has centred on the “boat people” who arrive on the island from the North African shore, usually having departed from Libya (although the very large majority are not Libyan nationals). The number of these people increased dramatically and unexpectedly from 57 in 2001 to 1,686 in 2002, catching the Maltese authorities unprepared. This figure remained between 1,500 and 2,000 in subsequent years, with the exception of 2003, when it fell to 503.⁴⁰ In 2007, there were 2,106 migrants and asylum seekers being housed in open centres around the island and over 1,300 were incarcerated in the three detention centres on the island.⁴¹ Although, the numbers of migrants and asylum seekers arriving are low when compared to the numbers arriving in other EU members states, the Maltese government has repeatedly pointed to Malta’s small size and to the fact that the population density (1,200 per square kilometre) is one of the highest in the world and thus the affects of these arrivals are exponential.⁴² For example, the 1,272 asylum applications that were lodged in Malta in 2006 are equivalent to 199,226 in France and 188,977 in the UK. The actual asylum claims made in these countries were 26,300 and 27,850, respectively.⁴³ The Maltese government thus continues to ask the European Union to share the responsibility of the migration ‘burden’, a request that until recently has fallen on deaf ears.⁴⁴

Most of the migrants and refugees arriving in Malta come from sub-Saharan Africa, the largest percentages of asylum applications having come from Somalis, Eritreans and Sudanese over the past five years.⁴⁵ These migrants usually travel through Africa until they reach Libya, where they may work for a number of years until they can earn enough money for the voyage across the Mediterranean.⁴⁶ The focus in Maltese debates and legislation has thus been on deterring migrants from arriving in Malta by implementing harsh, restrictive policies, such as the island’s lengthy detention policy of up to 18 months. This approach is fuelled and simultaneously justified by the fact that many of the migrants claim they never intended to come to Malta, nor to stay there, but were either picked up by the Armed Forces on their way to mainland Europe because they were in distress while at sea or landed on the island believing they had arrived in Sicily or Italy.

It is important to make two observations here: first, that it is politically convenient for Malta to maintain that most of the migrants do not want to remain, a logic which helps the government portray Malta as a victim of migration patterns and EU legislation; and second, focusing on this fact disregards global patterns which point to the likelihood that Malta will continue to receive migrants and refugees in the coming years. There is also some preliminary evidence suggesting

that Malta is in fact a final destination for a handful of the migrants, a reality that will likely continue as the migrant population grows, begins to fill gaps in the labour market, and networks are established between Malta and countries of origin.⁴⁷

The Blurry Line: ‘Illegal’ Migrants or Asylum Seekers?

When migrants, the majority of whom are male, are apprehended by the Armed Forces, they are immediately labelled ‘illegal’ and are transported to one of the three detention centres on the island. It is from detention that most apply for asylum, since it is their only legal recourse either for staying in Malta or continuing their voyage to continental Europe. After spending months in detention, failed asylum seekers, recognised refugees, those with temporary protection as well as irregular migrants who have not applied for asylum all move into one of the “open centres” on the island. The open centres are run by various organisations funded by the government and are all perpetually plagued with overcrowding. The inadequate conditions are evident in the newest open centre in Hal Far that officially houses 600 migrants and refugees and is called a ‘tent city’ due to the canvas tents that have been erected in place of buildings. The tents obviously provide little shelter or protection from rain and cold temperatures in winter and soaring temperatures in summer.

Until 2002, the limited number of asylum claims made in Malta was processed by the UNHCR office in Rome with the help of the Emigrant Commission in Malta, a non-governmental organisation set up in 1950 to help Maltese citizens wanting to settle abroad.⁴⁸ The Refugee Act of 2001 replaced this arrangement and created a new, nationally run asylum system, which included the post of Refugee Commissioner, under whose auspice asylum claims and appeals have been assessed since January 2002. The young system has been hindered by the unexpected number of asylum claims made, as well as the lack of staff due to a limited budget and difficulties in obtaining adequate personnel, especially translators. The result is a slow application process during which asylum seekers are kept in detention for up to 12 months.⁴⁹

The Maltese government claims to have one of the highest rates of granting protection to asylum seekers in Europe. In 2006 (up to May), 49.2% of applicants had been granted some form of protection, the majority (47.1%) temporary humanitarian protection. When compared with the recognition rates in Cyprus, this is obviously a much bigger percentage. However, since Malta has created its own asylum system and the UNHCR no longer resettles recognised refugees from the island, there has been a significant shift towards granting people temporary protection rather than permanent refugee status.⁵⁰ This trend is politically convenient for Malta as it reinforces the idea of the island as a place that migrants temporarily transit and not a place where they might want to settle permanently.

Maltese laws allow for the detention of irregular migrants for up to 18 months and asylum seekers for up to 12 months – a policy which is expensive⁵¹ and serves to criminalise people who have committed no crime.⁵² Moreover, it has weathered heavy criticism from human rights groups on the island, in Europe and internationally. The detainees themselves have held peaceful protests, even breaking out of the centres in order to march to the Prime Minister's office.⁵³ People who have often had traumatic experiences in their country of origin and during their journeys are detained for an unacceptable and inhumane length of time in appalling conditions. Overcrowded centres are the norm, and dirty conditions have spread diseases such as tuberculosis. The lack of privacy in the centres also causes tension between the detainees, which is exacerbated by being reduced to total idleness and provided with no form of physical or mental stimulation. Prolonged detainment in such unhealthy conditions also produces severe psychological affects.⁵⁴ The lack of attention to the mental health of detainees has been highlighted by the Council of Europe, which also reported on the need for on-the-spot psychiatric care, especially considering the traumas often experienced by migrants and refugees.⁵⁵

The lack of transparency is also a cause for concern. Only a limited number of NGOs have been given access to closed detention centres and even the press did not previously have a right to enter, except for the occasional pre-arranged 'tours' given by the government. The government maintained that this was in order to protect potential refugees and "to protect the families and friends of detainees who are still in their homeland from retribution by the regime against which protection claims are being made."⁵⁶ As Neil Falzon, the UNHCR representative in Malta, pointed out, this excuse is hardly valid and journalists should be given access "so that through their reporting, they will be able to teach the Maltese people more about the refugee situation ..."⁵⁷ Similar criticism has also come from many other organisations, institutions and individuals, such as the European Justice Commissioner Franco Frattini and the European Parliament.⁵⁸ After the general election in March 2008, this policy was, however, reversed, thus allowing journalists to file requests to enter detention centres, by the newly appointed Minister for Justice and Home Affairs, Carmelo Mifsud Bonnici, who argued that the government "... [has] nothing to hide" and must be more transparent.⁵⁹

Although these are significant improvements, the government's lack of acceptance and insensitivity to the phenomenon of migration in Malta is still well illustrated through the asylum system and especially the detention policy. The migrants that arrive do not fit neatly into legal and political categories, which are narrow and do not reflect migrant agency, the multiple "push" and "pull" factors involved, or artificial boundaries and mechanisms operated by states that may interrupt a migrant's journey. This is of course not a phenomenon limited to the Maltese islands.

Table 1: Asylum Applications and Recognition Rates in Malta and Cyprus, 1995-2008*

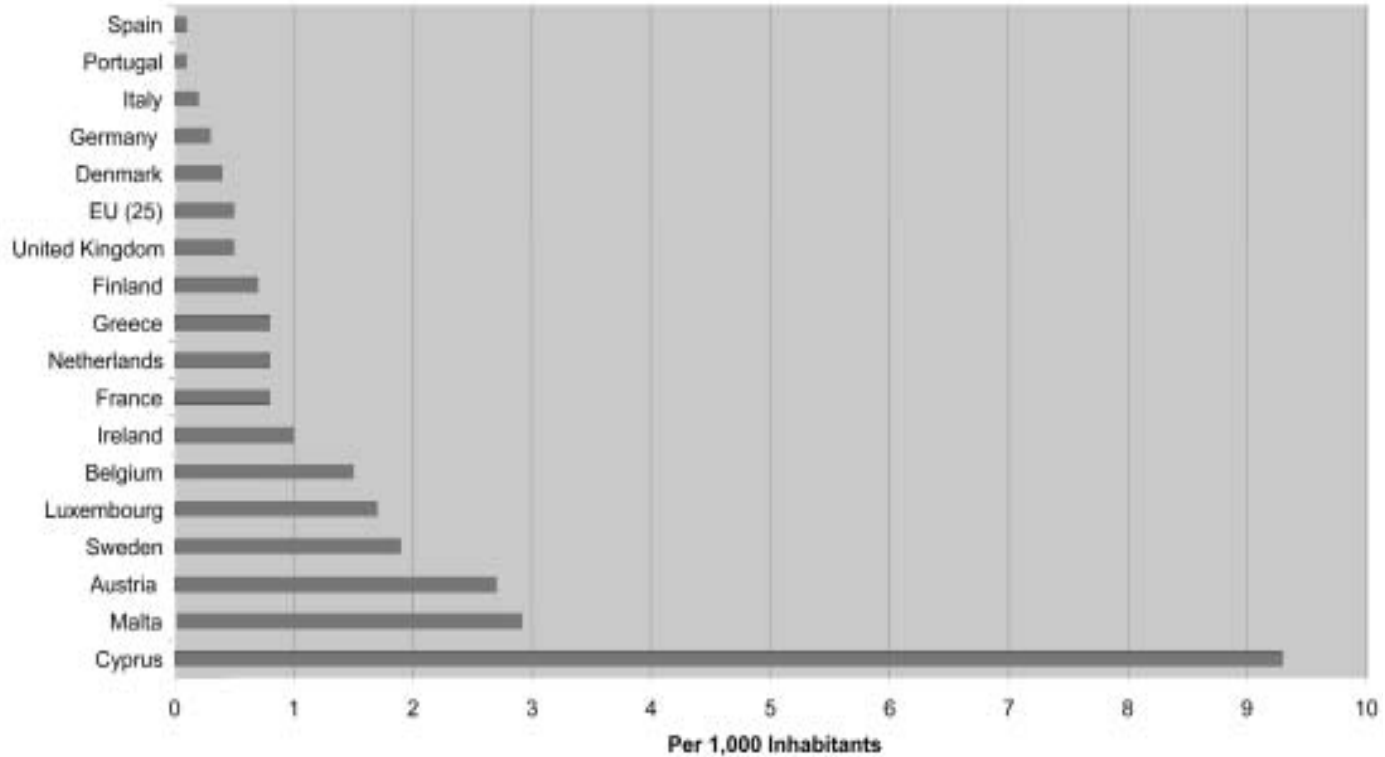
Cyprus	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008**
Asylum Applications	109	101	92	225	789	651	1,766	951	4,411	9,859	7,745	7,172	8,925	2,994
1951 Convention Status	10	12	8	45	27	39	36	92	180	65	43	48	40	
Allowed/humanitarian			20	-	-	-	-	-	1	92	136	171	223	
Recognition Rates (total)	9.17%	11.88%	30.43%	20.00%	3.42%	5.99%	2.04%	9.67%	4.30%	1.59%	2.31%	3.05%	2.95%	
Recognised Refugees	9.17%	11.88%	8.70%	20.00%	3.42%	5.99%	2.04%	9.67%	4.08%	0.66%	0.56%	0.67%	0.45%	
Malta														
Arrivals								1,686	302	1,388	1,822	1,780	1,697	2,439
Asylum Applications	148	75	65	165	85	71	116	350	368	997	1,166	1,272	1,672	1,995
1951 Convention Status	137	85	32	50	51	28	39	29	49	49	34	28	8	
Allowed/humanitarian				32	22	1	24	102	268	560	484	527	620	
Recognition Rates (total)	92.57%	113.33%	49.23%	49.70%	85.88%	40.85%	54.31%	37.43%	55.81%	61.08%	44.43%	43.24%	37.56%	
Recognised Refugees	92.57%	113.33%	49.23%	30.30%	60.00%	39.44%	33.62%	8.29%	8.63%	4.91%	2.92%	2.2%	0.48%	

Source: 'UNHCR Statistical Yearbook', 'Country Data Sheets, 2005'; '2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons'; 'Asylum Claims in Industrialized Countries, Monthly data: January – September 2008'; For statistics on Malta, cf. National Statistics Office figures; For figures on arrivals in Malta see, for 2002-2005, National Statistic Office, Malta, 'World Refugee Day News Release 2006'; and for 2006 and onwards, see Herman Grech, 'Portrait of Africa', Times of Malta, 11 November 2007.

*Asylum Applications are those received within the year and also include appeals. Recognition numbers are those also recognised (or not) within the year and thus do not necessarily correspond with the asylum applications made that year as is evident in the 1996 recognition rates for Malta. These rates are given as an indication of the percentages being granted some form of protection.

**For the first three quarters of 2008 (Jan.-Sept.). Recognition data for 2008 was not available at time of writing.

Asylum Claims in 2005



Source: UNHCR Asylum Levels and Trends in Industrialized Countries, 2005
<http://www.unhcr.org/statistics/STATISTICS/44153f592.pdf>

Cyprus and Malta: Trends and Trajectories

Despite the fact that the number of migrants and asylum seekers arriving in Malta and Cyprus are small in absolute terms, it is clear that per capita, the two small islands are experiencing a large amount of asylum applications. Between 2003 and 2007, Cyprus received 39 asylum seekers per 1,000 inhabitants, the highest level in Europe. Malta was ranked third after Sweden, with 13 and 15 asylum seekers per 1,000 inhabitants, respectively. These numbers have overwhelmed the newly established asylum systems in both countries and lead to unacceptable delays in the processes, during which asylum seekers remain in a vulnerable state, either deprived of one of their most fundamental freedoms in a Maltese detention centre or a Cypriot prison, or with limited opportunities and government support within the community.

The government and media portrayal of these countries being overwhelmed or invaded allows for the justification of long delays in asylum processes, poor reception standards, and the shirking of the responsibility to protect asylum seekers and refugees. The continuation of a discourse that interprets the migration phenomenon as a result of inadequate border controls or of new laws imposed by the EU is not only naïve, but destructive to the integration of migrants and refugees into Maltese and Cypriot societies, especially in terms of durable settlement possibilities.

Another key aspect in keeping up this appearance is the insistence that both countries are transit points for migrants and asylum seekers, who intend to continue on to continental Europe, a journey thwarted by EU regulations, such as the Dublin II Convention.⁶⁰ Although this assumption does reflect reality to some extent, more so perhaps in Malta where the labour market is smaller and opportunities fewer, it has been abused by politicians in order to attract EU support in the form of financial aid and 'burden-sharing' initiatives. Consequently, the focus of the migration debate and ensuing policies has shifted into the realm of security and control, rather than human rights and integration. What appears to be more pertinent however is the fact that they are no longer simply countries of emigration or even immigration but caught in the middle, countries of transit migration in transition, now required to become outposts of EU migration control.⁶¹

Fundamentally important to this new reality is the fact that the flow of people moving across the EU's southern border is a "mixed flow" – that is it includes people who are seeking asylum and refugee protection, as laid out in the 1951 Geneva Convention and its subsequent protocol (1967), as well as people who are seeking better economic opportunities. The response by nation states to these flows have erred towards more draconian migration controls, causing organisations such as the UNHCR to call for a differentiation between different types of migrants in order

to continue to afford adequate protection to refugees. It has also led to an academic discussion of the asylum-migration nexus.⁶² Moreover, the recognition of mixed flows highlights how fundamentally the geopolitics of the Cold War, the historical context in which the Convention and the UNHCR were conceived, affected the definitions and structures of the institution. Having not been re-examined, the result is the continued use of a narrow definition⁶³ that reifies a politicised and superficial division between political and economic migrants, which reflects poorly the reality where individual agency entwines with often indistinguishable political and economic 'push' and 'pull' factors.

Public and Media Discourses

The public and media discourses surrounding migration on the two island states largely ignore the realities of mixed flows of migration. Instead, the high number of economic and irregular migrants has added to the distrust of asylum seekers as 'bogus' refugees. This omission in the migration story has been detrimental to the reception of migrants in Malta and Cyprus and has added to prevalent racism, xenophobia, and feelings of invasion that are widely expressed in both countries. In Cyprus, the media have encouraged the association between migration and negative social consequences, such as unemployment, the break-up of marriages, criminality, and the national problem of Turkish occupation.⁶⁴

In Malta, local NGOs as well as international organisations have criticised the government for not doing enough to curb the growth of racism. For example, the policy of handcuffing migrants and asylum seekers while transporting them, as well as the broader detention policy, serve to criminalise people who have committed no crime and negatively affect the way Maltese people perceive them. The government has also been criticised for sending the wrong message to the Maltese population by emphasising the numbers and the cost of migration and even making racist remarks themselves, linking migrants and asylum seekers to crime, terrorism, and the spread of illness.⁶⁵ Katrine Camilleri, Assistant Director of Jesuit Refugee Services Malta, said, "A lot of statements have been made, even by those in authority, associating immigrants with illness and with a security threat. Obviously anyone can be sick ... it has nothing to do with nationality. But, irregular immigrants have been publicly associated with illness or with the threat that they might be terrorists. Of course, so could anyone else and we're more likely to be than they are. No terrorist is going to come and spend 18 months in Safi [Detention Centre] ... But, the fact that in the public mind we have made these associations is very dangerous."⁶⁶

In both countries, the perception of being invaded by migrants and asylum seekers is encouraged by ignorance and misinformation, leading to xenophobia and racism. This racism is fuelled by two complementary factors based largely on fear: the fear of losing economic security and the related perception of material scarcity,

an image propagated by the governments' rhetoric within the EU regarding Malta and Cyprus' inability to cope with the 'burden' of migrants and refugees; and the fear of losing one's national identity, a fear exacerbated by stereotypes and myths relating to both the national culture and cultures of the migrants and refugees. The perception of Maltese and Cypriot societies as homogenous, along with the state's condonation of racism through its exclusionary practices, has further aggravated the issue.⁶⁷ The migrant is thus constructed by nationals as the 'other', who is both inferior and threatening, challenging traditional divisions between nationals and non-nationals through the act of migration, as well as a group's sense of identity within a specific culture, territory or ethnicity.⁶⁸

As McGhee points out, host communities must be educated about ethnic minorities and their culture in order for integration to take place effectively.⁶⁹ Education, after all, is fundamental in the struggle against the perpetuation of intolerance and inequality within a society. An interesting study undertaken with Greek-Cypriot students demonstrates both the detrimental nature of narrow nationalistic and ethno-centric citizenship studies, and in turn, the effectiveness of education awareness campaigns in combating racism and xenophobia, and their positive influence on attitudes towards migration.⁷⁰ Unfortunately, comprehensive education campaigns dealing with the new realities of migration, as well as the new realities of globalisation and wider economic, political and social patterns, are by and large absent in Malta and Cyprus, although NGOs attempt to fill some of the gaps produced by the lack of a comprehensive government-led initiative.⁷¹

The European Union: Demon or Saint?

In the run up to the 2004 'big bang' enlargement, Malta was the first candidate state to hold a referendum on EU membership. The high turn out (91%) and the narrow victory (53.65%) of the 'yes' camp indicates the divided opinion on the issue. Not only did less than 20,000 people swing the vote, but Malta was also the only state to have a major political party, the Labour Party, opposing membership to the EU.⁷² This degree of 'euro-scepticism' was unparalleled in all the other accession states of 2004. Indeed, in Cyprus the lack of 'euro-scepticism' was seen by some as naïve, as integration into the EU would necessarily involve costs as well as benefits.⁷³

Moreover, as Trimikliniotis has noted in relation to the accession debate in Cyprus, the extreme positions taken – the "Europhoria" and the "demonization" – concealed the true colours and consequences of integration.⁷⁴ This was certainly also the case in Malta, where the campaign for and against Europe was deeply entangled with the polarisation of party politics and the debate therefore remained shallow and highly sensationalised. With regard to the present migration reality, the countries continue to oscillate between blaming the EU on the one hand, for all their migration woes, for not doing enough to support the small, "vulnerable" border

states and on the other hand, hailing the EU as the answer to their prayers, the only way forward in managing the migration issues at hand. Nevertheless, some practical measures have been taken by both countries to address concerns, such as the seven-year period during which EU nationals wanting to work in Malta must apply for a work permit, just as non-EU nationals must.⁷⁵ What was not explicitly or adequately addressed in the discussion of migration is the fact that European integration, while involving the inclusion of some into an area of relatively open national borders, also involves the exclusion of others through the hardening of external borders. Thus although Malta and Cyprus have presumably increased their political power globally by joining the EU, they are still minor players and have been expected to increase migration controls and fortify their borders as gatekeepers to the EU.

As border states, Cyprus and Malta are both acutely aware of the consequences of this logic. The Dublin II Convention, which all member states must adhere to as part of the *acquis communautaire*, stipulates that asylum seekers must apply for asylum in the first EU country they reach, ostensibly to reduce the risk of 'asylum shopping'. In both countries, the Convention has been seen to produce an unfair 'burden' in terms of migration numbers and has had implications for Search and Rescue (SAR) missions. Malta's SAR region spans over 250,000 square kilometres of the Mediterranean and effectively means that every boat leaving Libya must pass through the region.⁷⁶ Before joining the EU, Malta's unwritten policy was to help boats in distress before sending them on their way to mainland Europe, their intended destination. However, due to the Dublin II Convention, the government is currently required to process the asylum claims of migrants whom the Armed Forces intercept within the SAR region. Although the Armed Forces are expected to come to the aid of boats in distress in the region, they allow others to pass through without intervening. The boats asking for assistance are brought into Maltese ports and the migrants aboard are transported to one of the detention centres, from where they can initiate the asylum process.⁷⁷

In Cyprus, which also has a large SAR region, relative to its landmass, of 176,000 square kilometres, the issue is again complicated by the division of the island.⁷⁸ As stated earlier, the numbers of irregular migrants arriving by sea are much less significant than those in Malta. However, it has been suggested by the Cypriot Coast Guard that most boats attempt to travel through Cypriot waters in order to land north of the "green line" in the Turkish-controlled part of Cyprus, where regulations are seen to be more lax and from where one can easily travel overland across the demilitarised line to the southern part of the island.⁷⁹

What is clear on both islands is that the Dublin II Convention and EU membership have resulted in the redefinition and related shoring up and reassertion of their borders through the incorporation of more restrictive migration controls

facilitated by new technologies and expertise. In Malta and Cyprus, the implications are conditioned by the fact that they are both island states with blue borders. This has had two crucial consequences: first and perhaps foremost, the reality of blue borders results in a high degree of immobility for migrants and refugees, especially in light of the Convention's authorisation of surveillance and tracking measures, such as fingerprinting, used to return asylum seekers to the first country of arrival within the EU. Secondly, these blue borders are much more difficult to control than land borders as they cannot be demarcated in the same fashion, by building a wall or establishing guard towers. Sea borders are also multiple, involving layers of different types of inclusion and exclusion. Territorial waters, contiguous zones, exclusive economic zones and search and rescues regions encompass progressively more area in the Mediterranean causing Maltese and Cypriot SAR regions to be much larger than the islands' territorial waters, which extend 12 nautical miles or 22 kilometres out to sea. So, for instance, Malta has territorial waters comprising 3,800 square kilometres, while its SAR region spans over 250,000 square kilometres. Even when boats are intercepted within these waters, it is impossible to return migrants without the cooperation of bordering countries, such as Libya. Thus the FRONTEX patrol, Operation Nautilus II, launched in 2007 has largely operated as a rescue team, helping boats in distress and taking those on board to the nearest member state, Malta or Italy, rather than stemming the flow of migrants trying to enter Europe, its professed aim.⁸⁰

The issue of an 'unfair burden' has recently been addressed within the EU Justice and Home Affairs Council and in the European Pact on Immigration and Asylum,⁸¹ an agreement that was proposed by Nicholas Sarkozy in July 2008, when France took over the Presidency of the European Council, and was subsequently adopted by the Council in October. The Pact is not legally binding, but rather a political document and in this capacity proposes five commitments: (1) to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration, (2) to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit, (3) to make border control more effective, (4) to construct a Europe of asylum, and (5) to create a comprehensive partnership with the countries of origin and of transit in order to encourage synergy between migration and development.

A running theme within the Pact is the need to strike a 'balance' between stricter migration controls and upholding migrant rights, as well as the rights of non-member states. The logic of balancing freedom and security, which entered the EU discourse after the 11 September attacks, has been criticised elsewhere for creating the illusion not only that liberty and security are similar and comparable types of concepts, but that they are also antithetical. This trade-off creates a detrimental tension between human rights and security.⁸² Moreover, the usefulness of the Pact

in building a common European migration and asylum policy has also been questioned. Carrera and Guild highlight nationalism and intergovernmentalism as the Pact's guiding principles, arguing that this undermines the Europeanisation of policies and diverges from the supranational focus seen in recent Commission communications.⁸³

The Pact does address the issue of 'burden sharing' and explicitly points to the "disproportionate influxes of immigrants" faced by member states on the external border, gestures that have been received well by Malta and Cyprus.⁸⁴ However, it leaves much to be desired as it does not address the issue of mixed migratory flows and the asylum-migration nexus. The logic employed also ignores the fact that globalisation, as well as the economic and political structures that exist in the EU (and the developed world more generally) cause the mixed flows of migration to varying degrees and in different manners. For example, increasing restrictions and border controls have increased "illegality" and resulted in more sophisticated smuggling techniques and the diversification of migration routes, which in turn has prompted calls for further restrictions. Externalising the responsibility of migration controls to North African countries with poor human rights records not only jeopardises migrants' basic human rights, but has also caused some migrants who were intending to remain in the region, to instead move on to Europe due to increasing repression.⁸⁵

Stuck on the Edge: The Impact of the External Emphasis

Within the EU as a whole, the migration debate is increasingly focused on the external dimension, such as repatriations, return directives, readmission agreements and border controls, rather than the integration of migrants, facilitation of legal entry into the EU for migrants and asylum seekers, and the protection of human rights. Over the past twenty years, as borders have been relaxed within the EU, member states have introduced a torrent of restrictive measures targeting non-EU nationals, such as extended visa requirements, carrier sanctions, restrictions on freedom of movement, and limitations on the right to work – all designed to prevent or deter migrants from turning up on their doorstep and seeking asylum.⁸⁶ There is also an evident desire to externalise part of the migration 'problem' through measures such as 'extraterritorial processing' and 'protection in regions of origin'. These can be clearly seen in the UK's unsuccessful proposal of 2003 to create Regional Protection Zones and Transit Processing Centres on the outskirts of the EU where most asylum applications would be considered in order to restrict the number of people entering and applying for asylum within the EU. Although some view this proposal as a way to reduce smuggling and the undertaking of dangerous journeys by asylum seekers,⁸⁷ it has also raised many concerns, including the lack of incentives and resources for countries outside the EU to guarantee minimum human rights standards.⁸⁸

Although the proposal failed, the concepts and ideas behind it have gained prominence over more progressive proposals, such as development assistance, debt reduction, and the promotion of human rights and good governance in countries of origin. These underlying concepts can be seen in new efforts to set up camps in countries outside the EU, such as Libya, and in the shift towards bilateral agreements with these countries.⁸⁹ Malta and Cyprus find themselves on the edge of the EU and have had their own migration debates affected by the larger European discourse. Control and restrictions have become ubiquitous without thought of human consequences. In Malta, repatriations are increasingly common, although the government maintains that it lacks the funds to repatriate all the migrants it would like to. Nevertheless, reports have accused the government of repatriating migrants to countries where they face extreme danger, as with a group of Eritrean migrants repatriated in 2002 and jailed and tortured upon their arrival.⁹⁰ There are also reports of migrants being repatriated back to Libya.⁹¹ Deportation is also practiced in Cyprus where 2,892 people were deported in 2007 and 2,983 in 2006. The police have noted that these deportation numbers are dependant on the holding capacity of prisons where migrants are detained and which are currently reported to be at 'full capacity'.⁹²

The externalisation or 'delocalisation' of the migration 'problem' has also taken place through bilateral agreements that address the readmission of irregular migrants and the co-operation of law enforcement between EU members and non-members.⁹³ Due to the slow process of harmonisation of asylum policies in the EU, there has also been a proliferation of such agreements made with non-member countries that border the Union, often in order to negotiate repatriation agreements. For example, there have been continued attempts by Italy to attract Libya into law enforcement co-operation in attempts to curb irregular migration, aimed especially at Libya's (un)willingness to strengthen its border controls. Since 2003, Italy and Libya, as well as Spain and Morocco, have collaborated in joint patrols and the readmission of migrants, often even those who are not nationals, but have transited these countries, in exchange for aid.

Understandably, there has been fierce criticism of these negotiations with countries that have, at best, dubious human rights records.⁹⁴ The Libyan judicial system, for example, has no procedure in place for asylum seekers and is not a signatory to the 1951 Geneva Convention that provides protection to refugees. In light of these factors, the agreements are seen as attempts to deny access to asylum processes within Europe. Such bilateral agreements, as well as the portrayal of migration as a security challenge, have also fostered the militarisation of the southern European border, where military (and semi-military) forces and hardware are increasingly deployed in attempts to prevent migration by sea. This security framework has become even more prevalent in the aftermath of the 11 September terrorist attacks and the subsequent attacks in Madrid and London.⁹⁵

Indeed, the focus in the Mediterranean should be a humanitarian one based on human rights and the protection of vulnerable people. The headlines reporting the deaths and drowning of migrants in their attempts to cross the Mediterranean Sea and the untold numbers that have died silently reflect the human tragedy that is being allowed to happen. Human Rights Watch report that 100,000 people attempt to cross the Mediterranean every year and that over the past decade, 10,000 have died trying.⁹⁶ Although humanitarian grounds are often used as a justification for the need and increase in sea patrols involving co-operation from nation states on the southern and northern shore of the Mediterranean,⁹⁷ this argument obscures the fact that tighter controls have resulted in migrants taking greater risks by attempting voyages in rickety boats during winter months when the seas are rough, voyages that are longer and more dangerous, resulting in more deaths at sea. The shifting of migration in response to increasing border controls has been witnessed already in Western Africa, where increased controls in the Straits of Gibraltar and around the enclaves of Ceuta and Melilla resulted in migrants and refugees increasingly choosing the Canary Islands as their destination instead of Southern Spain.⁹⁸ In turn, the fortification of patrols along the West African route, in part by the FRONTEX HERA I and II missions, has been said to have partially caused the increase of migrants and refugees coming through the central Mediterranean.⁹⁹

These unforeseen consequences make clear that although policy and political rhetoric has been restrictive, draconian, and even xenophobic, the effects of policy on the ground are more subtle and varied. Migrants' ability to react and respond in varying degrees to structures that help or hinder their journeys reflect their agency – their autonomy, will, flexibility and persistence. Migrant agency, coupled with restrictions, has resulted in part in increasingly varied and dangerous migration routes being taken. This along with the impossible nature of patrolling borders absolutely and the narrow political categories that define the “wanted” from the “unwanted” and thus justify the fortification of borders, results in irregular migrants entering host countries. Domestic business interests, supranational bodies such as the EU and international human rights norms also affect the inclusionary and exclusionary measures taken vis-à-vis migrants, often resulting in the inclusion of more migrants than governments acknowledge. Indeed, the focus on “boat people” and on the militarisation of the EU's external borders can be viewed as a red herring, a convenient way for states to appear tough on migration, while accommodating business interests and the need for migrant labour, especially in light of the majority of irregular migrants in the EU being ‘overstayers’.

Conclusion

Migration is often viewed as having negative social and economic consequences, a justification for tighter migration controls. I argue here, as others have done,¹⁰⁰ that the negative consequences are largely due to and certainly exacerbated by the

pursuit of control and the restrictive policies that are justified in the name of protecting citizens. Migration controls produce illegality, marginalising migrants and asylum seekers within the societies of receiving states. The vulnerability and precariousness associated with illegality allows for the exploitation of migrants within the labour market, benefiting employers who pay them low wages.¹⁰¹ As Saskia Sassen notes, “Border enforcement is a mechanism facilitating the extraction of cheap labour by assigning criminal status to a segment of the working class – illegal immigrants.”¹⁰² Thus, in Malta and Cyprus, migrants and asylum seekers are exploited by employers who are able to pay them below the minimum wage, withhold payment, and impose dangerous working conditions. The marginalisation of migrants was made clear in a shocking Supreme Court decision in Cyprus where a judge ruled in favour of a Cypriot employer who had withheld payment from one of his employees, a third country national, on the basis of his not having a work permit at the time.¹⁰³

The exclusion of migrants and asylum seekers from mainstream society, along with practices of detention and deportation,¹⁰⁴ sends a clear message of these people being “unwanted”. The discrimination they endure in housing, healthcare, and employment, leads to their further marginalisation and ghettoisation, fuelling racism and xenophobia.¹⁰⁵ Thus by rendering migrants socially and politically powerless, the state promotes the monetary interests of business by providing a cheap labour pool, while simultaneously undermining the working class and the wider society within its own borders.

Despite the different reactions by Malta and Cyprus due to divergent histories, geographies and cultures, the focus in both has been on short-term control, while long-term considerations such as the integration of migrants and refugees have fallen by the wayside and the human rights of ‘illegal’ migrants have suffered an even worse fate.¹⁰⁶ Membership in the European Union has facilitated the emphasis on exclusion and influenced the ‘repressive’ elements of policy,¹⁰⁷ especially through the redefinition of Cypriot and Maltese borders as external borders. The pressure exerted for these external borders to be fortified due to the relaxation of internal borders, along with the attempts to externalise control and protection measures, has closed off possible legal routes for migrants and asylum seekers to enter the European Union.

In southern Europe, there are also negative implications for member states, which adjoin countries that are (thus far) uninvited and possibly uninterested in EU membership. This artificial division imposed by the EU has further exacerbated tensions created by economic, political, cultural, and religious divides in the Mediterranean.¹⁰⁸ Within the EU, the Dublin Convention reinforces a hierarchy and increases levels of distrust between core and periphery states whereby states on the fringes must act as “gatekeepers” or “outposts”. Others have also labelled

Cyprus, in particular, an “entrance hall” or “waiting room” for migrants attempting to transit to other European countries.¹⁰⁹ Although these analogies are useful in that they reflect the experiences of many migrants in Malta and Cyprus, it is important to point out their limitations and ways in which they may be misleading. For instance, within the broader EU context, the numbers arriving in these countries are small and the numbers wanting to continue on to mainland Europe even smaller.

Research shows that the vast majority of irregular migrants arrive in Europe through legal channels and either overstay their visas or take up employment outside the legal terms of their visas. And yet, the member states that make up the European Union have increasingly focused their rhetoric, money, and time on FRONTEX patrols in the Mediterranean, on restricting asylum application to the first country of arrival through the Dublin II Convention, and on erecting fences, walls, and barbed wire in Ceuta and Melilla, Bulgaria and Slovakia, to create an image of “fortress Europe”. These exclusionary measures are costly, partially ineffective and more often than not result in the exclusion of those that are the most in need of protection, those that cannot afford to buy a plane ticket into Europe.

There is also a clear contradiction as businesses recruit migrant labour, usually through short-term residence schemes, in order to fill shortages, while governments, spurred on by domestic xenophobia and a desire to comply with EU standards, pursue their political interests by creating barriers to migration in order to control ‘illegal’ immigration.¹¹⁰ The policy response includes stricter visa requirements, increased patrolling of land and coastal borders, expedited asylum applications, the principles of ‘safe country of origin’ and ‘safe third country’, expulsion of irregular migrants, and the exchange of information with other Schengen countries on ‘undesirable’ migrants, including asylum seekers.¹¹¹

In Malta and Cyprus, these restrictions have produced a segmentation of society with widely felt social consequences as exclusionary practises and procedures influence citizens’ perspective of the migration phenomenon and increase levels of racism and xenophobia. The EU’s exclusionary policies, seen clearly in border states such as Malta and Cyprus, disenfranchise people who act as a reserve army of labour and who have little recourse to human rights law and protection from the state. They are immobilised in a system that boasts increased mobility and disenfranchised in a system that flaunts democracy.

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Notes

1. Although the affects of the division of the island on migration will be addressed, this paper focuses primarily on the Republic of Cyprus and not on the Turkish occupied north known as the 'Turkish Republic of Northern Cyprus (TRNC)', although unrecognised by the international community or by any sovereign nation, with the exception of Turkey. I will refer to this occupied area as northern Cyprus.
2. The eight other countries to join in 2004 were the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.
3. As of July 2007.
4. See, for example, Floya Anthias and Gabriella Lazaridis (eds.) (1999) *Into the Margins: Migration and Exclusion in Southern Europe*. Aldershot, Ashgate Publishing; George Katrougalos and Gabriella Lazaridis (2003) *Southern European Welfare States: Problems, Challenges and Prospects*. Basingstoke, Hampshire, Palgrave Macmillan; Russell King, Anthony Fielding and Richard Black (1997) 'The International Migration Turnaround in Southern Europe' in Russell King and Richard Black (eds.), *Southern Europe and the New Immigrations*. Brighton, Sussex Academic Press; Carlota Solé (2004) 'Immigration Policies in Southern Europe', *Journal of Ethnic and Migration Studies*, Vol. 30, No. 6, pp. 1209-1221.
5. Anna Triandafyllidou (2001) *Immigrants and National Identity in Europe*. London, Routledge, p. 90.
6. Mike Haynes (1999) 'Setting the Limits to Europe as an "Imagined Community"' in Gareth Dale and Mike Cole (eds.), *The European Union and Migrant Labour*. Oxford, Berg, p. 19; Katrougalos and Lazaridis (2003) *Southern European Welfare States*, p. 169.
7. Nicos Trimikliniotis and Corina Demetriou (2007) 'Cyprus' in Anna Triandafyllidou and Ruby Gropas (eds.), *European Immigration: A Sourcebook*. Aldershot, Ashgate, p. 56; Nicos Trimikliniotis and Corina Demetriou (2005) 'Active Participation of Immigration in Cyprus', Country Report prepared for the European research project POLITIS, Oldenburg. Accessed from [www.uni-oldenburg.de/politis-europe] on 12 March 2007.
8. GDP is by expenditure, at constant 1990 prices in national currency. For these and other figures, see the UN Statistics Division [<http://unstats.un.org/unsd/default.htm>] and the ILO Bureau of Statistics [<http://www.ilo.org/stat/lang--en/index.htm>].
9. Trimikliniotis and Demetriou (2005) *Active Civic Participation*.
10. Nicos Trimikliniotis (2001) 'The Location of Cyprus in the Southern European Context: Europeanisation as Modernisation?', *The Cyprus Review*, Vol. 13, No. 2 (Fall), p. 58.
11. See Mark Thomson (2006) 'Migrants on the Edge of Europe. Perspectives from Malta, Cyprus, and Slovenia', *Sussex Migration Working Paper*. Accessed from [www.sussex.ac.uk/migration/documents/mwp35.pdf] on 6 January 2008; Nicos Trimikliniotis and Panayiotis Pantelides (2003) 'Mapping Discriminatory Landscapes in Cyprus: Ethnic Discrimination in the Labour Market', *The Cyprus Review*, Vol. 15, No. 1 (Spring), p. 3.
12. Trimikliniotis and Pantelides (2003) 'Mapping Discriminatory Landscapes', p. 3.

13. The service industry also often includes women working in the sex industry. For example, Ramona Lenz reports that many Ukrainians and Russians, among others, report working as 'performing artists' in 'restaurants', often euphemisms for prostitution in cabarets ['Fake Marriages as a "Threat" for the Nation - Migrant Sex Workers in Cyprus' in A. Szczepaniková, M. Canek and J. Grill (eds.) (2006) *Migration Processes in Central and Eastern Europe: Unpacking the Diversity*. Prague, Multicultural Centre, pp. 34-37]. See also Nicos Trimikliniotis and Mihaela Fulas-Souroulla (2006) 'Mapping of Policies affecting Female Migrants and Policy Analysis: The Cyprus Case', Working Paper No. 11 - WP 1, in series 'Integration of Female Immigrants in Labour Market and Society. Policy Assessment and Policy Recommendations', Intercollege Cyprus, December.
14. See Table 4.3 in Trimikliniotis and Demetriou (2007) 'Cyprus', p. 52.
15. See Table 4.2 in Trimikliniotis and Demetriou (2007) 'Cyprus', p. 51 for full breakdown of this figure; These figures are an estimate of the authors as there does not seem to be official numbers which are consistent. For example, the European Commission against Racism and Intolerance (ECRI) estimate that there were 75,000 non-Cypriots in Cyprus in 2005, 15% of which were irregular migrants and 7-8% of which were asylum seekers. However, these figures do not include some 'visitors', such as retired persons and students [ECRI (2005) *Third Country Report on Cyprus*, Adopted on 16 December 2005, p. 53].
16. Thomson (2006) 'Migrants on the Edge of Europe'; Trimikliniotis and Pantelides (2003) 'Mapping Discriminatory Landscapes', p. 4.
17. Trimikliniotis and Demetriou (2005) *Active Civic Participation*, p. 4.
18. Alvaro Gil-Robles, 'Report by Mr. Alvaro Gil-Robles, The Commissioner for Human Rights, on his visit to Cyprus', Office of the Commissioner for Human Rights, 12 February 2004, p. 4; Subsequent estimations by the government raise this figure to 90% (Cyprus Mail, 1 February 2006, 'EU Support on Immigration'; M. Thompson [2006] 'Migrants on the Edge of Europe') and even 97.43% (Henry Frenedo, 'Asylum Problems in the EU's Frontier Island States', *Times of Malta*, 12 June 2008).
19. Emilia Strovolidou and Rupert Colville (2007) 'Cyprus: The Twisted Reality Behind the Statistics', UNHCR, 13 January 2005. Accessed from [<http://www.unhcr.org/news/NEWS/41e690364.html>] on 15 March 2007.
20. UNHCR (2007) 'Asylum Levels and Trends in Industrialised Countries', p. 12; See *Asylum Claims Chart*, p. 29.
21. These comparisons are obviously limited. Their calculations were based on the number of asylum applicants in 2007 according to the UNHCR ('Asylum Level and Trends in Industrialised Countries 2007') and the populations given by the CIA fact book for July 2007.
22. Tonio Borg, Deputy Prime Minister and Minister for Justice and Home Affairs of Malta, 'Talk by the Hon Tonio Borg, Deputy Prime Minister and Minister for Justice and Home Affairs to Members of Parliament in Cyprus', 11 September 2007. Accessed from [http://www.mjha.gov.mt/newa/pressreleases/pdf2007/09september/pr_cyprus_110907.pdf] on 3 February 2008.

23. UNHCR, 'Asylum Levels and Trends in Industrialized Countries, 2007, 2006, 2005, 2004'; UNHCR, 'Asylum Levels and Trends: Europe and Non-European Industrialized Countries, 2003'.
24. COUNCIL DIRECTIVE 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.
25. Aliens and Immigration Law (Amendment) 184(I) of 2007.
26. Strovalidou and Colville (2007) 'Cyprus'.
27. Henry Frendo, 'Drawing Parallels Between Malta and Cyprus' Times of Malta, 13 June 2008.
28. Strovalidou and Colville (2007) 'Cyprus'
29. See Table 1, p. 29.
30. AI, Country Reports, Cyprus 2007; [<http://report2007.amnesty.org/eng/Regions/Europe-and-Central-Asia/Cyprus>]; AI Report 2008, State of the World's Human Rights, Cyprus [<http://thereport.amnesty.org/eng/Regions/Europe-and-Central-Asia/Cyprus>]; AFP, 'Cyprus Turns Into Dead End for Europe Seekers', 11 October 2007, [[http:// www.afp.com/english/home/](http://www.afp.com/english/home/)].
31. Nicos Trimikliniotis and Corina Demetriou (2007) 'Cyprus 2007: Racism and Policy Report I', RAXEN National Data Collection Report - Cyprus and Symphiliosi Policy Paper.
32. AI Report 2008, State of the World's Human Rights, Cyprus [<http://thereport.amnesty.org/eng/Regions/Europe-and-Central-Asia/Cyprus>].
33. Trimikliniotis and Demetriou (2007) 'Cyprus', p. 56.
34. Thomson, (2006) 'Migrants on the Edge of Europe', p. 9.
35. Roderick Pace, 'Malta and Cyprus: The Mediterranean Island States' in Zeff Eleanor and Ellen B. Pirro (eds.) (2006) *The European Union and the Member State*. Boulder, CO., Lynne Rienner Publishers, pp. 381-410.
36. It is worth noting that although Malta joined Schengen on 1 January 2008, it does not seem to have made a big impact on migration regulation due to it being an island and most visitors arriving by plane, where passport controls are nevertheless carried out.
37. See Malta's Emigrant Commission for a breakdown of migration, including return migration, to and from these countries between 1945 and 1996. [<http://www.maltamigration.com/statistics/canada.shtml?s=A30136C0-7D8627175959-58E8>].
38. [http://docs.justice.gov.mt/lom/legislation/english/leg/vol_5/chapt217.pdf].
39. [<http://www.legislationonline.org/upload/old/acf4e8a7551788d76b660fabfe09a726.pdf>].
40. See Table 1, p. 29.
41. Herman Grech, 'Portrait of Africa', The Times of Malta, 11 November 2007.
42. As a comparison, Spain, Italy and Greece have a population density of 90, 193, and 84 per square kilometre, respectively. Within the EU, the closest population density is that of the Netherlands at 393.

43. Calculations made using information from the following sources:
[http://www.insee.fr/en/ffc/chifcle_fiche.asp?ref_id=NATTEF02133&tab_id=23],
[<http://www.statistics.gov.uk/CCI/nugget.asp?ID=6>],
[<http://www.timesonline.co.uk/tol/news/world/europe/article2617427.ece>],
[http://www.nso.gov.mt/statdoc/document_file.aspx?id=2158].
44. Judith Crosbie (2007) 'Malta Tells EU Member States to Share Immigration Burden', European Voice, 7 June 2007. Accessed from [http://www.cobcoe.org.uk/Europa_0706_07.pdf] on 21 November 2007.
45. Niklas Luhmann, Malika Bouhénia and Fabrice Giroux (2007) 'Access to Healthcare and Human Rights of Asylum Seekers in Malta. Experiences, Results and Recommendations', Medecin du Monde humanitarian mission report, 2007.
46. Interviews with immigrants in detention and open centres in 2006.
47. As mentioned above, this is not occurring to the same extent as in Cyprus, but irregular migrants are being employed in the construction industry, without proper recourse to the law or to basic labour rights (Source: Interviews with migrants, NGOs and government officials in 2006).
48. The UNHCR also resettled many recognised refugees to other countries. See Table 1, p. 29 for a breakdown of asylum applications made each year in Malta.
49. The Commissioner's Office was set up in January 2002 with only five staff members, which expanded to 13 in subsequent years (Interview with the Refugee Commissioner at the time, Charles Buttigieg, 6 July 2006).
50. National Statistics Office, Malta, 'World Refugee Day 2006', p. 4. Accessed from [http://www.nso.gov.mt/statdoc/document_file.aspx?id=1700] on 15 July 2006; See also Table 1, p. 29.
51. The cost was 320,435 Maltese Lira (€746,385) in the first half of 2006 alone ('Immigrants refused entry into Malta', The Sunday Times of Malta, 16 July 2006).
52. The length of detention was previously indefinite. The 18-month limit, implemented after pressure from local NGOs, resulted in a delegation being sent by the Council of Europe to investigate the matter. The Council subsequently insisted that Malta change its indefinite detention policy. More recently, due to changes in the laws allowing migrants access to the labour market, asylum seekers whose application is still pending after 12 months, must be released from detention. Rejected asylum seekers may be held in detention for up to 18 months. See Jesuit Refugee Services Malta (2006) Asylum in Malta: What You Should Know, p. 23. Accessed from [http://www.jrsmalta.org/Guide_Book_EN.pdf] on 12 June 2008.
53. European Parliament, Directorate-General Internal Policies, Policy Department C, Citizens Rights and Constitutional Affairs, 'The Conditions in Centres for Third Country Nationals (Detention Camps, Open Centres as well as Transit Centres and Transit Zones) with a Particular Focus on Provisions and Facilities for Persons with Special Needs in the 25 EU Member States', IP/C/LIBE/IC/2006-181, 2006, pp. 119-123; Amnesty International, 'Open Letter to the Government of Malta', 2002. Accessed from [<http://web.amnesty.org/library/Index/ENGEUR330022002?open&of=ENG-MLT>] on 6 December 2005; Alvaro Gil-Robles, 'Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Malta, 20-21 October 2003', Office of the Commissioner for

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- Human Rights, Council of Europe, Strasbourg, 2004; For media reports on the immigrant protests see, Aleander Balzan, 'Tensions Rise Following Migrant March on Valletta,' EU Observer, 28 June 2006. Accessed from [<http://euobserver.com/9/21973/?rk=1>] on 30 August 2006.
54. Hal Far Detention Centre 21 July 2006; Safi Detention Centre 22 July 2006.
 55. Herman Grech (2003) 'Concern over Detainees' Mental Health,' World Federation for Mental Health.
 56. Ministry for Justice and Home Affairs (2005) Irregular Immigrants, Refugees and Integration: Policy Document, Malta, p. 14.
 57. Interview, 27 July 2006.
 58. European Council on Refugees and Exiles (ECRE), ECRAN Weekly Update, 14 April 2006. Accessed from [<http://www.ecre.org/Update/Index.shtml>] on 29 August 2005.
 59. 'And Justice for All', Malta Today, 15 June 2008.
 60. Maria Avraamidou (2007) 'An Odyssey of Fear: African Asylum Seekers Tell their Stories', UNHCR, 19 February 2007. Accessed from [<http://www.unhcr.org/news/NEWS/45d96dae4.html>]; AFP, 'Cyprus Turns Into Dead End for Europe Seekers', 11 October 2007. Accessed from [<http://www.afp.com/english/home/>] on 7 April 2008; Thomson 'Migrants on the Edge of Europe', p. 9.
 61. This is not to say that this position is a unique one, as many, if not most, countries today are both countries of immigration and emigration. It is, however, a recent development on these islands, which provides a microcosm to investigate how this evolution is then reflected in policies and how these policies in turn affect the experiences of migrants.
 62. A concise and informative article can be found here: Gerry Van Kesse (2001) 'Global Migration and Asylum', Forced Migration Review, Issue 10 (April). This issue of Forced Migration Review commemorates the 50th anniversary of the UNHCR and might be useful in its entirety.
 63. Article 1 of the Convention defines a refugee as: "A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".
 64. Trimikliniotis and Demetriou (2005) 'Active Civic Participation', pp. 15-19.
 65. Interview with Katrine Camilleri, Assistant Director and Lawyer for Jesuit Refugee Services, 26 June 2006; Interview with Joseph Abela, a Labour Member of Parliament also affiliated with the Peacelab, a religious-based NGO that houses migrants, 19 July 2006.
 66. Interview, 26 June 2006.
 67. See Liza Schuster (2003) 'Common Sense or Racism? The Treatment of Asylum-seekers in Europe', Patterns of Prejudice, Vol. 37, No. 3, pp. 233-256; Teresa Hayter (2004) Open Borders: The Case Against Immigration Controls. London, Pluto Press, pp. 21-36.

68. Anna Triandafyllidou (2001) *Immigrants and National Identity in Europe*. London, Routledge; Anthias and Lazaridis, *Into the Margins*, pp. 1-11.
69. Derek McGhee (2006) 'Getting "Host" Communities On Board: Finding the Balance Between "Managed Migration" and "Managed Settlement" in Community Cohesion Strategies', *Journal of Ethnic and Migration Studies*, Vol. 32, No. 1, pp. 111-128.
70. Stavroula Philippou (2006) 'Curricular Intervention and Greek-Cypriot Pupils' Constructions of Citizenship: Can "Europe" Include Immigrants?' in Bradley, A.U. Levinson and E. Doyle Stevick (eds.), *Reimagining Civic Education: How Diverse Societies Form Democratic Citizens*. New York, Rowman and Littlefield Publishing, pp. 91-116. See also Nicos Trimikliniotis (2004) 'Mapping Discriminatory Landscapes in Cyprus: Ethnic Discrimination in a Divided Education System', *The Cyprus Review*, Vol. 16, No. 1 (Spring), pp. 53-86.
71. Interview with Paul Pace, Director of Jesuit Refugee Services, Malta, 26 June 2006; Interview with Neil Falzon, UNHCR Malta Representative, 27 July 2006.
72. [<http://www.sussex.ac.uk/sei/documents/maltese2.pdf>].
73. Nicos Trimikliniotis (2001) 'The Location of Cyprus', p. 12; For a more full discussion of the affects of EU membership on Malta and Cyprus, see Pace, 'Malta and Cyprus'.
74. *Ibid.*
75. Nevertheless, this restriction has not been enforced as no EU national's work permit has been refused. Katia Amore (2005) 'Active Civic Participation of Immigrants in Malta', Country Report prepared for the European research project POLITIS, Oldenburg, p.16. Accessed from [<http://www.uni-oldenburg.de/politis-europe/download/Malta.pdf>] on 1 July 2008.
76. For a map see [http://www.sarmalta.gov.mt/sar_in_Malta.htm].
77. Interview with Mario Caruana and Charles Deguara, respectively the Director of Policy Development and the Permanent Secretary at the Ministry for Justice and Home Affairs, 10 July 2006; Interview with Joseph Muscat, Maltese Member of the European Parliament, 7 July 2006; Interview with Refugee Commissioner, Charles Buttigieg, 6 July 2006.
78. For map, see [http://www.shipping.gov.cy/search_and_rescue/index.htm].
79. Helena Smith, 'The New Frontier', *The Guardian*, 24 June 2004; [http://www.shipping.gov.cy/search_and_rescue/index.htm].
80. Italy initially also refused to cooperate, claiming the *Nautilus II* is futile without Libyan support. One can see from the FRONTEX reports that Spain, on the other hand, has been able to turn back migrants due to their agreement with Senegal and Mauritania. FRONTEX, 'HERA 2008 and NAUTILUS 2008 Statistics'. Accessed from [http://www.frontex.europa.eu/newsroom/news_releases/art40.html] on 30 October 2008; See also 'Tidal Wave', *The Economist*, 21 June 2007.
81. Council of the European Union, 'European Pact on Immigration and Asylum', 13440/08 ASIM 72, Brussels, 24 September 2008.
82. Didier Bigo, Sergio Carrera, Elspeth Guild and R.B.J. Walker, 'The Changing Landscape of European Liberty and Security: Mid-term Report on the Results of the CHALLENGE Project', CHALLENGE Paper No. 4, February 2007.

83. Sergio Carrera and Elspeth Guild, 'The French Presidency's European Pact on Immigration and Asylum: Intergovernmentalism vs. Europeanisation? Security vs. Rights?', Centre for European Policy Studies Policy Brief, No. 170, September 2008.
84. 'Cyprus Pledges to Help Malta on Migration Pact', Times of Malta, 25 October 2008.
85. See Jørgen Carling (2007) 'Migration Control and Migrant Fatalities at the Spanish-African Borders', *International Migration Review*, Vol. 41, No. 2, pp. 316-343; Paolo Cuttitta (2007) 'The Changes in the Fight against Illegal Immigration in the Euro-Mediterranean Area and in Euro-Mediterranean Relations', *The Changing Landscape of European Liberty and Security (CHALLENGE)*, Working Package 8, Working Paper Month 24. Accessed from [<http://www.libertysecurity.org/article1293.html>] on 1 June 2008; Hein de Haas (2007) 'Myth of Invasion: Irregular Migration from West Africa to the Maghreb and the European Union', *International Migration Institute Research Report*, James Martin 21st Century School, University of Oxford; Derek Lutterbeck (2006) 'Policing Migration in the Mediterranean', *Mediterranean Politics*, Vol. 11, No. 1 (March), pp. 59-82.
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87. See for example, Emma Haddad (2008) 'The External Dimension of EU Refugee Policy: A New Approach to Asylum?', *Government and Opposition*, Vol. 43, No. 2, pp. 190-205.
88. Liza Schuster (2005) 'The Realities of a New Asylum Paradigm', *University of Oxford Centre on Migration Policy and Society Working Paper No. 20*; Rutvica Andrijasevic (2007) 'How to Balance Rights and Responsibilities on Asylum at the EU's Southern Border of Italy and Libya', *University of Oxford Centre on Migration Policy and Society (COMPAS) Working Paper No. 27*. Accessed from [<http://www.compas.ox.ac.uk/publications/Working%20papers/Rutvica%20Andrijasevic%20WP0627.pdf>] on 18 October 2007.
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90. See [<http://fortresseurope.blogspot.com/2005/12/eritrea-voices-of-torture.html>].
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94. See for example, the report on Libya by Human Rights Watch: Human Rights Watch (2006) *Stemming the Flow: Abuses Against Migrants, Asylum Seekers and Refugees*, Vol. 18, No. 5 (September).
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100. See for example, Teresa Hayter (2004) *Open Borders: The Case Against Immigration Controls*. London, Pluto Press. Here I do not address the benefits of migration for sending and receiving states generally, but confine my argument to the affects of border controls.
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105. As discussed in the 'Public and Media Discourses' section above. For a very comprehensive review of discrimination in Cyprus, see Trimikliniotis and Demetriou, 'Cyprus 2007: Racism and Policy Report I'.

106. Solé, 'Immigration Policies', p. 1219; Anna Terrón i Cusi (2005) 'Conceptual and Political Approaches to Integration: A Mediterranean Perspective' in Rita Süssmuth and Werner Weidnenfeld (eds.), *Managing Integration: The European Union's Responsibilities Towards Immigrants*. Gutersloh, Germany, Bertelsmann Stiftung, p. 33.
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108. Although the Euro-Mediterranean Partnership (and more recently Sarkozy's Union for the Mediterranean) has attempted to overcome these divisions, they have largely failed and generally have focused primarily on economic liberalisation. For more on these agreements, Russell King and Marco Donati (1997) 'The "Divided" Mediterranean', in Ray Hudson and Alan Williams (eds.), *Divided Europe: Society and Territory*. London, Sage, pp. 152-162; See also Ronald Skeldon (1997) *Migration and Development: A Global Perspective*. Essex, Longman.
109. Anthias and Lazarides (1999) *Into the Margins*, p. 3.
110. Martin Baldwin-Edwards (2004) 'The Changing Mosaic of Mediterranean Migrations' in *Migration Information Source*. Accessed from [<http://www.migrationinformation.org/feature/display.cfm?ID=230>] on 5 December 2005; Katrougalos and Lazaridis, *Southern European Welfare States*, pp. 167-191.
111. Baldwin-Edwards (2004) 'The Changing Mosaic'.