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90

Migration and Irregular Work in Austria: Results of a Delphi-Study

Michael Jandl, Christina Hollomey and Anna Stepien



ICMPD

International Centre for
Migration Policy Development

INTERNATIONAL MIGRATION PROGRAMME

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Preface

The ILO has always maintained that the functioning of labour markets is the main determinant of migration, the characteristics of migrant workers flows, their pattern of employment and their terms and conditions of work in countries of destination. Thus the functioning of labour markets determines the regularity and/or irregularity of flows and stocks of migrants in terms of, both migration and employment statuses. If access to, and stay in, the territory of a country is restricted; flows and stocks may be irregular in terms of their migration status and consequently, employment situation. But if the right to enter and stay in a territory is recognized for nationals of a country or a group of countries, while access to the labour market is not, it is only the employment situation of migrants that will be irregular. The irregular employment of regular, legally residing, migrants in old receiving countries in Western Europe has been observed since the 1980s. These migrants were essentially Third Country Nationals (TCNs), i.e, nationals of countries other than members of the European Community. In sum, the situation existed of migrant workers irregular both in terms of migration and employment statuses and others irregular only in terms of employment.

With more open borders, from and into countries of Eastern and Central Europe, in the 1990s and more so with the accession to the European Union of new member States in 2004, the situation has extended. It is important to note that migrant workers only join natives in practicing irregular employment even though not necessarily in the same occupations. In other words, like in other European countries, especially in the south of the continent, migrants do not create irregular employment but benefit from the opportunities it offers.

This paper is the first of three studies on Austria, the Czech Republic and Hungary that examines this situation of irregular employment of migrants, its terms and conditions of work, its evolution, its causes and the policies needed to eliminate such a situation. The premise is that irregular employment is detrimental to national economies, to native and migrants workers in regular employment as well as to those workers involved in it. The study, undertaken by researchers at the International Centre for Migration Policy Development (ICMPD) adopts a Delphi method, which is amply explained in the paper. Suffice to say, it is about the considered perceptions of a problem by a number of experts, and the authors' examination of these perceptions.

The term used at the ILO with regard to irregular work is employment in the informal economy. Informal economy conveys the idea that irregularity does not only affect employment relations but extends to other areas such as taxes paid and services received from the state. However, "irregular work" has been kept because it was the term used in the two rounds of surveys of the Delphi method.

Ibrahim Awad
Director
International Migration Programme

Foreword

Since the early 1990s, news and stories about irregular employment of foreign workers have been a recurring feature of the media in European countries. This has been no different in Austria, where the geographical proximity to the newly liberalized Central and Eastern European countries have added to the concerns of the public and policy-makers. And indeed, there are many indications that the 2004 and 2007 expansions of the EU-15 to become the EU-25 and now the EU-27 had profound effects on migration patterns to and within the enlarged EU. Aside from the much-discussed *legal* access to the labour markets of the EU-15 countries for citizens of the new Member States, which at least in Austria and Germany will continue to be determined by national migration policies over the next couple of years, patterns of *irregular* foreign employment in Austria have seen significant changes in their structure and dynamics. With the two latest (2004 and 2007) and possible future rounds of EU Enlargement new framework conditions will shape the dynamics of irregular foreign employment in many European States. To understand these processes it is important to look at the underlying factors driving and sustaining irregular foreign work. Only by discerning fundamental patterns and structural reasons for irregular migrant work that lead to a holistic understanding of the phenomenon, can sensible policy interventions (either through migration policy or labour market policy) be designed, which are able to achieve their desired outcomes, while minimizing their unintended consequences.

This report summarizes the results of a multi-round Delphi-Study on Migration and Irregular Work in Austria carried out between 2005 and 2007.¹ The goal of this survey was to provide in-depth expert assessments of the structure and dynamics of irregular foreign employment in Austria following the 5th Enlargement of the EU in 2004. Addressing several large gaps in social science research, the project thus contributes to two disciplines: migration research and labour market research. Moreover, the structured use of expert opinions can provide valuable insights into the effectiveness of current or planned policy measures towards irregular foreign employment and can also serve as a qualified means of forecasting future developments with regard to irregular labour migration (especially regarding further rounds of EU-Enlargement).

Michael Jandl
Vienna, June 2007

¹ The research presented here is part of the multi-year research project Migration and Irregular Work in Europe (MIGIWE), of which the Austrian Science Foundation FWF funds the Austrian part (FWF Project number: P17721-G04; main researchers: Veronika Bilger, Sandra Gendera, Christina Hollomey, Michael Jandl and Anna Stepien; project leader: Michael Jandl). The partners in the international research collaboration are the International Centre for Migration Policy Development (ICMPD) in Vienna, Charles University in Prag and Panta Rhei Research in Budapest.

Executive Summary

This report summarizes the results of a multi-round Delphi-Study on Migration and Irregular Work in Austria carried out between 2005 and 2006. The research presented here is part of the two-year research project Migration and Irregular Work in Europe, of which the Austrian Science Foundation FWF funds the Austrian part.

The Delphi method involves a large number of independent experts in an interactive process of exchange through the use of written questionnaires, designed to foster convergence and consensus. Experts are given the opportunity to state their views on a given topic and react to the (anonymized and consolidated) views and assessments of other experts in the second round.

This Delphi-Study involved the administration and processing of two rounds of Delphi questionnaires, which were answered by 37 experts in the first round and 22 experts in the second round. The first questionnaire was informed by a preceding round of in-depth interviews with 37 experts in the same field.

In the context of migration, irregular work of foreigners in Austria comes in many forms, of which the illegal residence status of non-citizens (more precisely of third-country nationals) makes up only a sub-category. A working definition of “irregular migrant work (IMW)” was provided to the experts in order to capture the whole range of possible manifestations: *„IMW is defined as paid employment of foreigners (non-nationals) in Austria that is in contravention to one or more of the following laws and regulations: foreign employment law (including laws on residence), social security law, tax law, labour legislation and trade regulations.“*

Based on this definition, the experts specifically identified the following 10 forms of IMW: 1) „illegal“ work in contravention to Foreign Employment Law (including illegal residence); 2) non-registration at social insurance institutions; 3) non-registration for tax purposes; 4) violation of workers’ rights; 5) under-reporting of the extent of employment; 6) over-extension of work permit duration; 7) pseudo-self-employment; 8) employment by pseudo-companies; 9) violation of trade regulations; 10) paid employment through membership associations.

Against this background, the general effects of irregular migrant work on the Austrian economy are assessed as negative by a majority of experts. Disaggregating the effects, the negative consequences for public finances (state income, social security) and for regular employees in Austria (both natives and migrants) are seen as particularly problematic, while the effects on employers are seen as both positive and negative (depending on their involvement with IMW).

According to our expert panel, the main motive for employing foreigners irregularly is the saving of costs through the non-payment of social security contributions and taxes and the paying of lower wages. On top of that, other reasons and motives – often specific to certain sectors or types of employment – can play a role too: avoidance of workers’

rights and benefit entitlements; higher dependency of workers; higher flexibility; specific labour shortages; easy availability; social networks in ethnic economies and administrative restrictions on hiring foreign employees in certain branches.

Beside these individual motives on the micro-level, we also asked our experts to assess the influence of various structural factors on the macro-level on IMW. Among these factors, there was near-consensus that the tendency towards deregulation and subcontracting is furthering IMW. A majority also saw the increasing flexibilization of work relations and the liberalization of labour laws as favourable to IMW. The experts' view on the role of globalization is less clear-cut and only a minority of respondents considers the influence of demographic factors as important in this context.

To obtain irregular employment, contacts through family and friends are seen as the most important search strategy for migrants. Next in importance, professionally organized recruitment agencies, followed by contacts through previous employment in Austria, contacts through ethnic community networks and irregular sub-contractors acting in bad faith, are listed by our experts. Contacts through media advertisements, street markets or going from door-to-door in search of employment are seen as comparatively unimportant search and recruitment strategies. The dominance of certain recruitment strategies for irregular workers in particular branches is seen as causally related to the prevalence of certain nationalities in particular segments of irregular labour markets.

According to our expert panel, the main countries of origin of irregular migrant workers in Austria vary by branches and types of employment. Overall, Poland, the successor states to the former Yugoslavia, Slovakia, Hungary, the Czech Republic, Turkey and Romania are listed as the main countries of origin of migrants engaged in IMW (in this order), but in certain branches and fields the sequence is changed (e.g. for care in private households, Slovakia and the Czech Republic come out on top) or other nationalities are named as important as well (e.g. Chinese in catering).

Regarding the gender balance in IMW, most experts agree that this is predominantly male in the construction business but overwhelmingly female in cleaning and care work in private households. There was less agreement on the gender balance in other sectors but the majority of experts agreed that there are more irregular migrant males in trade and industry as well as in agriculture and more females in catering and tourism.

Our experts were also asked to assess the educational levels of irregular migrant workers from different origins, as well as the level of qualifications actually needed for their irregular work activities in Austria. While there was some disagreements on both issues, there was more consensus that IMW from the new EU countries (EU-8) tend to be higher qualified than third-country nationals. A majority also classified irregular work in most branches (with exceptions such as the care sector) as activities needing only low qualifications. Accordingly, the so-called de-qualification was seen to be even more prevalent in IMW than in regular foreign employment.

The type of jobs available to irregular migrant workers is also seen as influential on whether or not IMW leads to competition and substitution processes on the labour market. While native workers are seen to be affected mainly by downward pressure on wages in particular sectors of the labour market, settled migrant workers may also be put in direct competition with newly arriving (regular and irregular) migrant workers.

In the two rounds of our Delphi-Survey our expert panel was also asked to provide estimations on the extent of IMW in the most notorious branches in increasing detail. Following a general assessment of conventional estimates in the first round, about half of the respondents provided their own detailed estimates in round two. On average, our expert panel estimates the extent of IMW as a percentage of total employment to be highest in construction and catering/tourism (around 15%) as well as in agriculture (13%). The average estimate for trade and industry (5,2%) was only slightly higher than that for the share of IMW in total employment in Austria (5%).

In addition, our experts were asked to provide (successively more detailed) estimates on the number of irregularly employed foreigners in care and cleaning in private households. Within a broad range of 15-50,000, the average estimate of IMW in the care sector in private households is 29,000 and, in a more narrow range of 20-40,000, for cleaning in private households it is 24,000.

Asked about the quantitative development of IMW over the past 15 years, the majority of respondents indicate that it has grown in all five-year periods since 1990 and particularly since the latest EU-enlargement in 2004. According to branches, the overwhelming majority of experts agree that IMW has grown over the past five years in care and cleaning in private households, as well as in construction and (with fewer indications) in catering/tourism. On the other hand, the development of IMW in agriculture and trade and industry was predominantly assessed as stagnant or even declining.

Prompted for a prognosis about the future development of IMW over the next 10 years, our expert panel made the following predictions: An overwhelming majority projects a further growth of IMW in the private care sector, and a majority also foresees further growth of IMW in cleaning in private households and (fewer) in catering/tourism. Interestingly, IMW in construction and agriculture is largely predicted to remain stagnant (albeit at a high level). As for the past 5 years, IMW in trade and industry is seen as stagnant or even declining over the next decade. Generally, IMW is predicted to grow further by the majority of respondents.

Regarding measures to address IMW, the effectiveness of controls (at the workplace) and sanctions is predominantly seen as limited. Controls in private households (against IMW in care and cleaning) are widely seen as problematic and inefficient, border controls are judged to be increasingly irrelevant for controlling IMW in Austria, and the majority of respondents calls for more comprehensive measures at the political level.

To evaluate which political measures would be best placed to address IMW in Austria, the expert panel was asked in Delphi II to judge a large number of suggested measures

(based on comments made in Delphi I) on two dimensions: whether the measure would be (politically) *feasible* and whether it would be (generally) *desirable*.

Among the 24 measures subjected to evaluation, the following measures were predominantly considered desirable but not feasible: substantially increasing the Federal Care Allowance for people in need of (old-age and health) care; skimming of profits gained through IMW from employers; and EU-wide harmonization of labour framework conditions (labour laws, taxes...).

The following measures were predominantly considered as feasible but not desirable: a regionally limited opening of labour markets for certain professions and branches; a further liberalization of labour laws; sanctions and penalties against irregular migrant workers; new incentive systems for the creation of low-wage jobs (combination wage); and strengthening of controls through modern technologies (biometrics, ...).

Finally, the following measures were predominantly considered as desirable as well as feasible: opening of the labour market for certain professions with a particularly high demand for workers; opening of the labour market for certain migrant groups with long-term residence status (family members, students,...); a (further) harmonization of residency- and employment rights; entitlement for care beneficiaries to certain in-kind benefits (short-term care,...); labour market access for household assistants for households with full-time care needs; enhanced legal support for irregular migrant workers against their employers; establishment of counseling centres for IMWs (hot-lines); enforced black list of irregular employers in public contracts; common EU instruments for the cooperation of agencies fighting irregular employment; faster recognition of foreign diplomas and qualifications; legalisations of irregular migrant workers; and enhanced networking and data exchange among public sector institutions (social insurance, labour market service,...).

One important question for Austrian policy-makers to decide in the near future, is whether or not restrictions on the free access to the labour market for new (EU-8) citizens (transition period) should be lifted. Opinions on this issue are divided in our expert panel, with both proponents and opponents arguing that their preferred choice would contribute to reducing IMW. Being presented with both pro- and contra arguments, however, the majority of experts in Delphi II see a higher potential for IMW after the expiry of the transition period.

At the end of the Delphi-Study, our experts were asked to sketch the most likely scenario they foresee on the development of IMW in Austria over the coming decades. While individual scenarios varied considerably, and were often contradictory, there were also some common points worth mentioning:

- The end of the transition period on the labour market for the EU-8 will have an influence on the labour supply and, hence, on IMW;
- The same is true for the accession of further countries to the EU (Romania and Bulgaria and then others) and the timing of transition periods related to these;

- The liberalization of visa- and residency regimes for EU Candidate Countries will have an influence on IMW in Austria;
- The economic development of Central, Eastern and Southeastern European countries will influence migration and return patterns from and to these countries and, hence, IMW in Austria;
- Political measures addressing irregular employment in Austria generally, or in certain branches and occupations, will have a decisive impact on the extent, form and impact of IMW in Austria.

I. Introduction

In recent years, news about irregular migration and irregular foreign employment in Austria has attracted growing public attention. However, in contrast to the considerable level of interest these issues have attracted in the media, political discourse and public discussion, there is little systematic research on the topic. Perhaps this should not be surprising, as the phenomenon cannot, by its very nature, be precisely measured, and as primary sources are very hard to come by. In fact, aside from a limited number of scientific publications on irregular migration in Austria, most public knowledge on the subject derives either from anecdotal evidence or from data collected by law enforcement bodies.

Studies and reports referring to migration and labour markets have mainly focused on regular foreign employment, while irregular migration and informal work is mentioned only in passing, if at all (cf. Biffl 2003, Biffl 2005, Bock-Schappelwein 2004, Demel et al 2001, Fassmann and Stacher 2003). Other studies that do address irregular migration in Austria remain at a legal or theoretical level without going into the structure of irregular labour markets in Austria (cf. Çinar et al 2000, Fronek 2000, Riedel 2000). A specific issue that has received much attention in the recent literature on labour migration to Austria is EU-enlargement and its effects on Austrian labour markets (cf. European Commission 2003, Fassmann and Münz 2002). In this context the potential for an increase in irregular migrant work by new EU citizens due to the immediate validity of the principle of freedom of movement and residence from May 2004 onwards, in connection with continued restrictions in the access to the labour market, has been squarely predicted (Huber and Brücker 2003, Jandl and Hofmann 2004) without, however, providing much empirical evidence for these claims.

A partial exception to the widespread omission of irregular activities in studies on the effects of the 2004 EU-enlargement is provided by a project of the Paul Lazarsfeld Society for Social Research. In this project a group of researchers developed an instrument for a continuous labour market monitoring in the border regions around Eastern Austria and empirically tested their approach with a survey instrument. The study concluded that there is a considerable general migration potential within the region but that the current „active migration potential“ (persons with language skills, who already took concrete preparations for working in Austria) was rather low (0.7%, 1.2% and 0.5% of the respective samples in Hungary, Slovakia and the Czech Republic). Moreover, the future development of actual labour migration from Austria's neighbouring regions is seen as highly dependent on the extent of economic growth and development and continuing wage differentials between the regions (Hudler-Seitzberger and Bittner 2005, p. 93). However, an analysis of 90 expert interviews carried out in the same regions in 2004 as part of the same project predicted a potential increase in the amount of illegal employment as well as in the number of self-employed migrants following the 2004 EU-enlargement (Paul Lazarsfeld Gesellschaft für Sozialforschung 2004).

A recent study on the quantitative effects of EU-enlargement on (regular) labour markets in the EU-15 shows that labour migration from the EU-8 (the 10 new EU Member States

minus Cyprus and Malta) has considerably increased in Austria despite the restrictions imposed by the transitional rules for the access to the labour market (Tamas and Münz 2006). Between 2003 and 2005 (year end) the share of EU-8 workers increased from 1.2% to 1.5% (or 45,000) of the total labour force in Austria (while it remained about stable in Germany at 0.7 %). This increase was partly due a growing number of EU-8 citizens with free access to the labour market and partly due to a preferential treatment in the allocation of short-term permits to EU-8 workers (vs. third country nationals). At the same time the number EU-8 citizens who have registered as self-employed service providers has tripled (2003: 2,000; 2005: 6,000), a development which, according to the authors, can at least partly be interpreted as a way of circumventing transitional restrictions.

Apart from the few studies on general labour migration and/or the effects of EU enlargement on migration to Austria that also address irregular migrant work, there are only very few studies that specifically deal with illegal/irregular employment of migrants as such. One early exception is a study carried out by Hofer (1993), which relies mainly on participant observation (Hofer himself worked as an irregular worker in the informal economy) as well as qualitative interviews with *irregular Polish migrants in Vienna* conducted over the course of one year. At that time (1992 – shortly after the fall of the Iron Curtain), Polish workers in Austria were a rather new class of immigrants, with few established networks. Consequently, most had to rely on finding work by standing at the roadside (“*Arbeiterstrich*”), and offer their labor directly to potential passing employers. Generally, migrant workers were used for unskilled work that needed to be done by assistants to the, mostly Austrian, skilled workers. However, because they were cheaper, they were also in competition to unskilled and older migrant workers whose job opportunities decreased accordingly. In Hofer’s opinion then, the continued employment of irregular workers decreased the ability, and the wish, of enterprises to expand the employment of regular workers and undermined labour and income standards on the labour market.

Another study carried out by a group of social scientists in 1999, examined the situation of illegally resident or illegally employed (foreign) *cleaning ladies* in Austria (Social Impact 2000). The empirical part of the project relied on a limited number (15) of problem-centered qualitative interviews with migrant women as well as with some of their employers. The interviews reflect the main concerns of the respondents, which include the fear for getting sick (which can lead to be fired) or getting caught and deported by the police as well as worries about their children. Most of the interviewees were overqualified for their jobs as cleaning ladies and wished they could start working in their own occupational field as they used to do in their home country. Similar to the findings of qualitative studies in other European countries, social networks seemed to play a much more important role than institutional or professional help for finding an irregular job or accomodation.²

² There are a large number of studies on irregular migration and irregular migrant work in other European countries, which can only be mentioned here (e.g. Alscher et al 2001, AKI 2003, Alt 2003a, Chimienti et al 2003, Cyrus 2004, Cyrus, Düvell and Vogel 2004, Elwert 2002, Engbersen 2001, Engbersen et al 2006,

An interesting study that sheds light on the conditions of production in Austrian industrial *agriculture* and its relationship to irregular migrant work is a small empirical study by Behr (2003). Though not restricted to irregular work *per se*, the study demonstrates the poor working and living conditions of seasonal migrant workers in vegetable and fruit gardening in Austria. While regular minimum wages were already extremely low for seasonal agricultural workers (at the time around €3,30 per hour), most employers still saved on taxes and social security contributions by registering workers only part time (e.g. 20 hours a week, while working hours can amount to 12 hours a day or more) and paying the rest informally in cash. Moreover, the particular organisation of harvest work (foremen giving work orders, piece-work, accommodation with employer, food on site, etc.) structured work relations and often lead to a high degree of dependency of the workers (on their employers and/or their recruitment agencies). As the study shows, however, much depends on the personal relationship of the migrant workers with their particular employers and the way of recruitment.

In addition to these limited qualitative studies, some researchers have attempted to provide estimates on the *quantitative extent* of irregular foreign employment on the Austrian labour market. Biffl (2001) bases her estimate on the extent of illegal foreign employment in Austria on the assumption that the black economy contributes about 8,7% to total value creation in Austria (a figure included in official GDP estimates), and that this corresponds to about 10% of the total labour force in Austria. She further argues that, while 'domestic' and 'foreign' illegal employment might appear differently, the relative total extent of their engagement in irregular employment is likely to be about the same. As foreigners represent an average of 10% of the labour force, the total extent of illegal foreign employment would then comprise 35,000 persons (in full time equivalents), though the actual number of foreigners engaged in (full and part time) illegal foreign employment is likely to be significantly higher (between 50,000 – 70,000).

A rather different estimate is provided by the Austrian economist Friedrich Schneider who provides regular estimates on the size of shadow economies³ with the use of econometric models (cf. Schneider und Enste 1999). Using the so-called currency-demand approach (which is based on the idea that services in the shadow economy are usually paid in cash and that the size of such transactions can be estimated with properly specified currency-demand equations), Schneider (2006) estimates that the overall size of the shadow economy in Austria was 9.7% in 2006, with most of the shadow economic activity taking place in construction and handicraft, household services, trade and industry and hotel and catering. Based on these estimates, Schneider (2006, p.18) then calculates a fictional number of 716,000 native Austrians (full-time equivalents) and 98,000 illegal foreign workers (full-time equivalents) engaged in the shadow economy.

Jordan and Düvell 2002, Kindler 2005, Lederer and Nickel 2000). For recent overviews of the literature, see Düvell 2005 and Schönwälder et al 2004.

³ These are defined as „all unregistered economic activities that contribute to the officially calculated GDP“, see Schneider and Klinglmaier 2004, p. 4

II. Methodology

To learn more about irregular economic activities of foreigners in Austria, and in particular about recent development in this area after the latest rounds of EU enlargements, we employed a method that is different from those employed in earlier studies of the subject – the so-called Delphi method. In general, this method involves a larger number of independent experts in an interactive process of exchange through the use of written questionnaires, designed to foster convergence and consensus.⁴ The Delphi method is particularly valuable when confronted with complex social and economic phenomena where only little well-established knowledge is available, or where such knowledge is dispersed across a wide range of experts whose subjective evaluation can enrich the understanding and analysis of the research subject. Furthermore, the evaluation of policy measures (“Policy Delphi”) and the prognosis of future developments (“Prognostic Delphi”) are two main applications of the method.⁵ The goal is to bring together existing but fragmented knowledge and expertise in an interactive process. Experts are given the opportunity to state their views on a given topic and react to the (anonymized and consolidated) views and assessments of other experts in a second (and possibly third) round. The value of a Delphi-Survey lies not primarily in the (quantitative) representativeness of its findings but in the qualitative input of a diverse collection of experts that helps to elucidate a broad view of the research subject.

The following characteristics of the Delphi method are important conditions for the achievement of relevant results: multi-stage process, a balanced composition of the group of participating experts and anonymity. In order to allow an exchange, revision or refinement of opinions expressed by experts, the survey must include valid feedback mechanisms. Therefore the Delphi methods includes several consecutive stages (written questionnaires) but at a minimum two rounds of questionnaires. In this process, the role of the researcher is to summarize the points made by the experts and to communicate both the contested and the consensus views back to the participants, who are then called upon to either adjust their views in light of the new arguments or to better justify their own opinions.

The current Delphi study involved the administration and processing of two rounds of Delphi questionnaires, which were answered by 37 experts in the first round and (out of this group) by 22 experts in the second round. However, the first questionnaire was informed by a preceding round of in-depth interviews with 37 experts in the same field. The results of this preceding interview phase were reflected in the first round Delphi questionnaire. Therefore, we can designate the current Delphi survey as a “two-and-a-half round” Delphi study. The three stages of our Delphi study were implemented between October 2005 and September 2006.

⁴ General information on the Delphi-Method is provided in Linstone and Turoff 1975. A good overview is provided in Masser and Foley 1987.

⁵ See, for example, Rowe et al 1991. For a recent application of the method, see: Lachmanová and Drbohlav 2004.

In choosing the participating experts for the Delphi survey, researchers should strive to achieve large heterogeneity within the group of experts in order to cover as many aspects of the research subject as possible. On the other hand, once the interactive process is started, the group has to remain closed and no new experts may participate as they have not been involved in previous feedback rounds, even if some participants will drop out of the process. However, for valid results the number of participating individuals should not fall below 15 (Gordon 1994).

The institutional background of the participating experts in our Delphi-Survey are reflected in Table 1 below. In both rounds there was a good distribution of experts regarding their institutional affiliation. The importance of such heterogeneity became apparent in the analysis of the responses, for example when experts from a certain professional or institutional background often expressed similar opinions towards a certain topic or when certain subgroups as a whole differed in their assessments from other subgroups.

Table I: Institutional Background of Participating Experts	Number of Respondents in Delphi I	Number of Respondents in Delphi II
Governmental (Ministries, Labour Market Service, work-site inspectors, social security bodies)	12	8
Non-Governmental (Charitable organisations, migrant organisations, help and advice bodies)	8	5
Special Interest Groups (Chamber of Commerce, Chamber of Labour, trade unions)	7	3
Research (Labour market researchers, migration researchers, other researchers)	10	6
Total	37	22

Finally, it is important that the participating experts remain anonymous before, during and after the Delphi survey in order to allow an even-leveled process of communication across institutional and status barriers. This is especially important for sensitive research topics like irregular migrant work where institutional affiliations may otherwise impede the free expression of personal opinions. In our Delphi study, the anonymity of participating experts remained safeguarded during all stages of the research process.

Taken together, these methodological principles can maximise the explanatory power of Delphi studies. Nevertheless, there are also significant constraints in the use and interpretation of Delphi surveys. The main constraint is the fact that the Delphi survey can only reflect the opinions, however well argued and justified, of the participating experts and cannot deliver representative or quantifiable results. The main achievement of our Delphi survey, on the other hand, is a well-grounded assessment of the theoretical, political, structural and economic dimensions of the subject under study. In addition, the

prognosis of likely future developments and the assessments of more than 20 current and planned policy measures meant to address irregular migrant work will be particularly interesting for policy-makers looking for effective means for tackling this complex issue.

III. A Short Definition

The subject matter of our research is the irregular work of migrants (or irregular migrant work – IMW), a term that has so far not been commonly used and requires some explanation. Traditionally, irregular economic activities of immigrants have been referred to as „illegal foreign employment“ (*Illegale Ausländerbeschäftigung*) and this is also the legal term commonly used in Austria and other German-speaking countries. However, already at an early stage of research it became clear that this traditional terminology fails to capture essential elements of the phenomenon. Today, irregular income-generating activities of immigrants increasingly take place between legality and illegality and encompass various forms of irregularity, both with regard to the legality of their residence status and their employment status. As has been noted elsewhere, a simple dichotomy of legality – illegality of employment and residence status is no longer sufficient, particularly after the latest rounds of EU enlargement have created various levels of access to the labour market for foreigners (cf. Anderson and Ruhs 2006).

For the purposes of this Delphi study the definition of the term “*irregular migrant work*” (IMW) was deduced from the expert interviews carried out at the beginning of the research process. We are, first of all, interested in the economic activities of *migrants* (here defined as foreigners or non-nationals) only, thus excluding economic activities of Austrians, but including both those of EU-nationals and third-country nationals. We are, furthermore, not interested in all aspects of migration and all activities of migrants, but mainly in those aspects that relate to *irregular work*. „Work“ is conventionally defined as gainful economic activity (employment or self-employment), while the irregularity in such activities can include many forms of semi-legal, quasi-legal or grey areas of employment relationships of migrants. Such arrangements often take place at the margins of legal regulations, or try to circumvent them in various disguised forms. For the purposes of this study then, irregular migrant work has been defined as follows:

Irregular migrant work comprises all paid work of foreigners (non- citizens), that conflicts with one or more of the following laws and regulations: Foreign employment law (including residence law), social insurance laws, tax laws, labour legislation and trade regulations.

Thus, in a legal sense, irregular work of foreigners is distinguished from irregular work of nationals (Austrian citizens) only insofar as currently only non-nationals (except EU 15 member states plus Malta and Cyprus) can violate the terms of foreign employment law, and only Third Country Nationals can violate residence law. The above definition enables us to incorporate a variety of irregularities occurring on the Austrian labour market, of which the (legal or illegal) residence status of economically active migrants is but one aspect that assumes ever less importance for irregular migrant work in Austria.

IV. Forms of Irregular Migrant Work

The above definition of irregular migrant work enables us to incorporate a variety of irregularities occurring on the Austrian labour market. Based on information gathered during the initial interview phase of the project, our expert panel was asked in Round I to identify and describe the most important forms of IMW prevalent in Austria and to link them to certain notorious sectors and branches (construction, agriculture, catering/tourism, domestic services, and industry). In Round II, the information gathered previously was evaluated by the experts and was supplemented with additional information. All together, the experts described ten “typical” forms of irregular migrant work, which often occur in combination with each other and clearly show the complexity of the concept of IMW, which is increasingly characterized by the blurring of legal boundaries.

1. *Working without a work and/or residence permit:* According to current immigration and employment laws⁶ all employed non-nationals, except EU citizens of the EU 15 plus Cyprus and Malta, have to get a work permit, and in the case of Third Country Nationals also a residence permit, before being able to get a regular job in Austria. Working without the required work permit generally also implies the migrants’ non- registration at social insurance and tax institutions (see below), while the same is not necessarily true the other way around.

According to most experts this form of irregular migrant work is especially dominant in private households (both in cleaning and care-giving), where traditional household structures have led to a widespread public attitude according to which housework as such is perceived as „*traditionally unpaid work*“. Accordingly, the outsourcing of household duties (to cleaning ladies, for child care or old-age care) to unregistered irregular migrant workers is perceived as almost normal or in any case only a minor irregularity. Moreover, the special protection of the private sphere of households (with no work-site inspections) renders this particular form of IMW relatively „risk-free“ for both employers and employees. In addition to work in private households this form of IMW was also seen as important in construction and industry but not so much in agriculture and in catering/tourism.

2. *Non- registration at social insurance institutions:* The registration of the employee at one of the social insurance institutions is the duty of the employer, except for self-employed persons. Interestingly, this registration at a social insurance institution is decoupled from the possession of a work permit. That means that even persons who are irregularly employed in terms of not having a work permit, theoretically have the right to social insurance payments by their employers (and can theoretically even claim this right *post factum* in front of labour courts, something that is almost utopical for people without a secure residence or employment status and almost never happens in practice).

⁶ Mainly Foreign Employment Law (*Ausländerbeschäftigungsgesetz – AuslBG*) and the Aliens’ Act (*Fremdengesetz – FrG*), which includes the Residence and Settlement Act (*Niederlassungs- und Aufenthaltsgesetz – NAG*).

As mentioned above, this form of IMW is seen by our experts as closely related to the first form (not having a work and/or residence permit), therefore the same sectors and branches were considered as important in this context. In addition, it was argued that non-registration at social insurance institutions often occurs in „*short seasonal jobs*“ in agriculture, where employers may simply not bother to overcome the few „*bureaucratic hurdles*“ for registration.

3. *Non- registration at tax institutions:* Registration for tax purposes is also the duty of the employer, who has to shoulder part of the non-wage labour costs, except for self-employed persons. However, registration with tax authorities requires a valid work permit for all foreigners not exempt from this obligation.

This form of IMW will occur mostly in combination with other forms of IMW, usually with non-registration at social insurance institutions. For persons working without a valid work permit but who would require one, the combination occurs automatically. On the other hand, even persons who have a valid work permit will often not be registered for tax purposes. Consequently, our experts have rated this form of IMW as relatively common in all branches except tourism and industry, where the dominant form is seen to be underregistration of the hours worked (rather than a complete non-registration). The reason for this apparent difference could be in the relative risk of detection faced in each sector: migrants working irregularly in service provision in bars, restaurants or hotels are presumably more exposed to this risk than migrants working in occupations that do not involve direct contacts with customers.

4. *Violation of workers' rights:* Although it can be argued that a violation of workers' rights lies in the nature of *all* irregular work, we have chosen to include it as a separate form of IMW when the systematic occurrence of such violations is an inherent characteristic of the migrants' work. Thus, even if a specific job of a migrant is „regular“ in all other aspects of residence and employment laws (including registration with residence and work permit), a systematic violation of workers' rights (labour law) can still justify its classification as irregular.

From the statements of our expert panel it emerges that such systematic violations are particularly widespread in temporary and seasonal work in the catering and tourism sector. Examples are extremely long working hours, unpaid overtime, no or unpaid holidays, payment below minimum wages, excessive deductions for board and lodging and the like. While such violations were also attributed to other sectors (agriculture, construction and partly industry), it is interesting to note that they were hardly mentioned for work in the private sphere (cleaning, care-giving). Apparently our experts already assumed that labour standards are generally not enforceable (and thus of little relevance) when it comes to work in private households.

5. *Insufficient registration of employment contract:* In these cases, the migrant worker may be officially registered as only part-time or minimally employed (and will thus be able to produce official documents during inspections) but in fact

work much longer hours than the official time frame of the contract. In many such cases, a regular work permit exists but social insurance contributions and taxes are paid only for part of the total income (the difference in income is paid out informally in cash).

Our experts judge this specific form of IMW to be far more common in the catering and tourism sector than in other sectors, again indicating the apparent use of a legal cover for the irregular employment of migrant workers in this sector. As a special case within this form of IMW, foreign students were mentioned. These are exempted from foreign employment law if their work is only part-time, not interfering with their normal course of studies and not their main source of subsistence. Using these special provisions, many foreign students are apparently registered as part-time employees, but are in fact working full-time.

6. *Irregular extension of a regular work permit:* Our experts mentioned this as specific form of IMW, whereby the time limits of temporary work permits for foreign employees are exceeded after their expiration. In the case of Third Country Nationals this often affects not only the legality of employment, but also of their residence status which is usually tied to legal employment.

This form of IMW has been mentioned most often for seasonal employment in agriculture but also in catering and tourism. For these sectors, work permits for seasonal workers are issued for a maximum period of 6 months and several experts indicated that such periods of regular employment are often followed by periods of irregular work, at least until the next (temporary) work permit again legalizes the employment relationship. A special case is provided by short-term seasonal workers in agriculture (harvesters), who are provided work permits for a maximum of 6 weeks only during the harvesting season.

7. *“Pseudo- self-employed“ (“Scheinselbstständigkeit”):* This form of IMW constitutes an irregular evasion of foreign employment law but also implies the non-payment of social security contributions by employers. It makes use of the fact that self-employed foreigners are generally not subject to foreign employment laws (no quota restrictions) and can relatively freely exercise their trade by obtaining a trade licence for certain (restricted) occupations. However, in many cases, such work constitutes no genuine self-employment but a disguised form of employment characterised by a dependent relationship to an employer. The latter then orders the work to be done, provides the necessary material inputs and „buys“ the services of the „self-employed“ subcontractor. While this constitutes a breach of (foreign) employment legislation, such disguised forms of dependent employment can be hard to prove in legal proceedings.

Besides circumventing foreign employment law and other labour standards, this form of IMW is very advantageous for employers, who additionally save on the employer’s share of social security contributions. Our experts particularly mentioned this relatively new phenomenon in relation to the EU enlargement in May 2004, which has since been

followed by the registration of several thousand newly „self-employed“ citizens of the new EU-8 Member States in Austria, mostly in certain construction-related activities. The fact that (dubious) sub-contractors are most often used in the construction sector (see also below) makes this form of IMW particularly notorious in the construction sector. However, according to several experts, this form of IMW becomes increasingly common in certain branches of trade and industry as well as in other areas.

8. *Violation of trade regulations:* The fact that genuine self-employment by foreigners outside foreign employment law (that is without a work permit) is permitted in certain trades but not in others (such as mainstream construction work) can also give rise to another form of IMW. In this case, the foreigner is a genuine self-employed person with a trade license for one of the permitted trades, but works in another (restricted) trade and thus violates trade regulations (or the foreigner may work as a self-employed without any trade licence at all).

There was again widespread agreement among our experts that this form of IMW is mainly present in construction and construction-related areas and became more frequent after the latest round of EU enlargement.

9. *“Pseudo-companies“ (“Scheinunternehmen”):* This category actually refers to a specific form of organisation of irregular work, where irregular migrant work is often involved. Pseudo-companies are companies that are specifically set up with the intention of committing tax and social security payment fraud. Such companies often officially register and employ migrant workers but very quickly (within a few months) declare bankruptcy and disappear before ever paying regular wages and non-wage labour costs. In such cases, the migrant workers may or may not be implicated in this fraudulent scheme and often fall victim to the withholding of promised wages.

According to several experts and official enforcement data, „pseudo-companies“ appear almost exclusively in the construction sector. This sector is characterised by complicated sub-contracting and sub-sub-contracting arrangements for the fulfillment of larger building projects, making it difficult to trace and apportion the responsibilities for irregularities and fraud when the company „disappears“.⁷ Legal matters can become even more complicated when „pseudo-companies“ themselves subcontract work to “pseudo-self-employed” migrants as sub-contractors.

10. *Organisation in membership associations:* This form of IMW has been designed to shift completely irregular employment situations (no work permit, no registration, etc.) in the private sector to a less obvious „grey area“, where the employment relationship is disguised as social work within charitable associations. The very moderate payments for long working hours are designated

⁷ To increase the chances of successfully prosecuting such cases, organized tax and social security fraud has been made a criminal offence (rather than an administrative offence with fewer powers of investigation) by the new Social Security Fraud Act of 2005 (*Sozialbetrugsgesetz 2005*).

as „pocket money“ and there is no official registration nor tax or social security contributions.

According to our experts, this form of IMW has been specifically “invented” to link supply and demand for irregular care services in private households. Irregular care personnel and patients are registered as members in (usually transnational) membership associations with branches in the countries of origin and in Austria. Officially such associations claim to provide a simple referral mechanism for “neighbourhood help”, but the fact that both the migrant workers (usually qualified female nurses from Austria’s neighbouring countries) and the patients (usually elderly handicapped persons who receive special financial assistance for their needs from the state) have to pay significant fees to these associations suggests a predominant profit motive of the organizers.

To summarize, our experts have listed and described a number of different forms and manifestations of IMW and have also provided us with their assessments of sector-specific patterns and structures. The various forms of IMW are reflected here as 10 „ideal types“ for the purpose of clarity but in reality they are likely to occur in various combinations and with considerable overlaps. In fact, the findings of our Delphi survey suggest that IMW today occurs in greater heterogeneity than only a few years ago, that both irregular migrant workers and their employers are constantly looking for ways of circumventing existing laws and regulations by using available loopholes and that, consequently, the „grey area“ between regular and irregular migrant work has become larger and more blurred.

V. An assessment of the impact of irregular migrant work

One of the questions we asked our experts in the Delphi survey concerned the overall impact of irregular migrant work. In particular, we asked about the likely impact of IMW on the national economy and on national finances. Furthermore, they should assess the effects of IMW on employers and regular employees. The options given ranged from 'strongly positive' and 'positive' over 'neutral' to 'negative' and 'strongly negative'.

Not surprisingly, the analysis of the answers shows that there are both winners and losers of irregular migrant work. According to some comments received, IMW leads to replacement processes, which have a negative impact on national workers, migrants already integrated on the labour market and especially those who are low-skilled. Additionally, the social financial system is said to be hollowed out by diminishing the tax base for the provision of public infrastructure such as public education, health care, security and means of transport. This, in turn, reduces the public demand for these goods and the possibility of future investments. Thus, most experts agreed that there are strongly negative effects of irregular migrant work on national economic development.

However, some experts also saw some positive impacts of irregular migrant work on the national economy. Here, experts stressed economic growth, investments of the 'saved' capital, a higher aggregate value added in Austria and a more cost-effective production. A common argument made was that irregular migrant work plays a significant role for the national economy as some of sectors could simply not exist without it. Others have pointed out that such perceived positive effects are overestimated and, in most cases, would accrue only to employers.

Concerning the impact of irregular migrant work on public finances, experts assessed it as strongly negative or negative (26 out of 37 experts). Several respondents pointed out that this concerns also irregularly employed Austrians. The most important effects were seen in the defrauding on income taxes, value-added taxes, and social insurance dues.

In regard to the effects of irregular migrant work on employers, a relative majority of experts (16 out of 37) agreed on its positive impact. The following advantages for employers were particularly stressed: high profits without taxes, a high dependency of irregular employees on their employers, who do not enjoy any legal protection. Lower wages were just mentioned as one further advantage. However, it was also mentioned that for all honest employers, the distortion of normal trade conditions has negative effects for their businesses (e.g. when they cannot win a tender due to their higher prices).

When it comes to the impact of IMW on regular employees, a large majority of respondents (29 out of 37) agreed that it is negative or strongly negative. They referred mostly to wage-dumping on the level of unskilled workers and displacement competition. In the view of several experts, the cheaper labour supply by irregular migrant workers generally depresses the level of wages and the competitiveness of regular workers.

In the second round of our Delphi survey, our experts were confronted with a reformulation of the above theses. The new statement to be evaluated now read: *“The general impact of irregular migrant work is negative, especially for economic development, public finances and for regular employees in Austria”*.

The overwhelming majority of experts agreed with this statement. From the additional comments provided, we may conclude that our respondents mainly saw the distortion of fair competition, the defrauding of taxes and social security payments and wage dumping as the main problems. However, it was also stated that these general negative effects should not be overestimated, as there are also many actors who profit from irregular migrant work. These are not only enterprises, but also private households, for example those in need of elderly care and home health care. As one of the experts claims:

“The competition [there] is not distorted, as some occupations are simply not offered on the regular market in a sufficient volume, as for example, in the care sector.”

As this is an important question, we will next look in more detail at the question of (unfair) competition through irregular migrant workers.

Competition on the labour market

In the first round of our Delphi survey experts were asked about their assessments of four theses concerning competition on the labour market through irregular migrant work. In the second round, these theses were reformulated and again submitted to the experts for a re-evaluation of their responses. The first thesis concerned the assertion that migrants already integrated on the labour market are pushed into the irregular sphere by the arrival of new EU-8 citizens. The evaluation of the first round of questionnaires showed disagreement on this point among experts. A narrow majority agreed with this thesis, among them most representatives of trade unions and NGOs. The opinion of experts oscillated between two positions. On the one hand new EU-8 citizens were not perceived as competitive as they would not yet enjoy automatic access to the Austrian labour market because of the transitional rules. They would first have to muddle through the long and complicated system to get a work permission. On the other hand, they were seen as favoured due to the ‘community preference’ principle and because they enjoy freedom of residence (and, additionally, because they often have a better education). Some experts thus thought that they could be at least potentially competitive. However, they also noted that there was no significant displacement within the foreign labour force, with the exception of specific sectors, where there was a demand for unqualified and cheaper labour and where the aim was to avoid official labour standards, taxes and social insurance contributions. Significantly, the second Delphi round yielded a similar result. ‘Displacement’ was portrayed as a continuous process that happens within the irregular labour market. The transitional rules also provided some exceptions for the new EU-8 citizens. Thus, it was argued that both groups (established third country nationals and new EU-8 migrants) sometimes covered similar labour market segments and would thus be in direct competition to each other. For example, the seasonal contingents for catering and tourism prior to 2004 were covered mostly by third country nationals, while since

EU-enlargement migrant workers from the new EU Member States have received preferential access to seasonal work permits. In 2006 no new seasonal work permits were issued to first-time seasonal workers from third countries and the number of regularly returning third country seasonal workers (“core workers”) was cut by 50%.

The second thesis, that the supply of cheap, irregular foreign workers makes the job placement of unemployed persons more difficult, was supported by 19 of 37 experts (among them many representatives of NGOs, public administration and representatives of employees). 11 experts rejected this assumption. The main argument presented was that only part of the tasks of irregular migrant workers could be occupied by unemployed persons, as they are not as motivated and flexible as the former. In addition, the very ‘advantage’ of irregular employment was seen in the resulting irregularity, whereas a regular job placement would lead to regular employment. It was also noted that in the most notorious sectors (such as in catering) employers would hardly be willing to pay higher wages and offer better working conditions to make them more attractive for the unemployed. In practice, some of the unattractive professions are almost never filled through the official Labour Market Service (AMS), as there is the experience that it is extremely difficult to motivate unemployed persons to take them. To test this thesis in the second round of the Delphi survey, our experts were confronted with a new formulation of the above thesis. We now asked whether some specific unattractive professions are not offered to unemployed persons due to their lack of motivation and flexibility. In their reactions, some experts argued that this situation is attributable not to the lack of motivation or flexibility of unemployed persons *per se*, but to the specific characteristics of the unemployed (often over 50 year old persons with health problems) and to the nature of the unattractive jobs.

The third thesis, that long-term employees who already make higher demands to their employers are replaced in certain branches through newly arriving EU-8 citizens, was approved by a large majority of experts in both Delphi rounds. This was seen to be especially valid for low-skilled migrants from the new EU countries. Some experts related this to a general trend of ‘outsourcing’ tasks previously performed by employees to borrowed staff from personnel companies (who often subcontract) and to self-employed migrants. At the same time, doubts were raised by migration and labour market researchers. They were of the opinion that the thesis was not valid in those branches where long-term employees already possessed specific valuable knowledge, skills and experience, making it less likely to be easily replaced by new workers.

With regard to the fourth thesis – that employers favour irregularly employed Austrians over irregularly employed migrants – almost half of our experts did not take a position. Especially representatives of NGOs, migration- and labour market researchers were skeptical about it, with the partial exception for branches and occupations where German language skills are of importance. Generally, it was argued that the weaker position of migrants and their higher dependency rate seems to favour irregular migrant employment rather than that of Austrians. The second round of the survey found a significant majority of experts (77 %) agreeing to this position. Moreover, it was argued that it depends more on the capacity, motivation and the personal reputation of reliable workers.

VI. Reasons and motivations for employers to hire irregular migrants

In the first round of the Delphi survey, our experts were asked about their assessments and comments in regard to the reasons for the employment of irregular migrant workers. The analysis of the results shows a clear consensus among experts. The consensus view is that the main motive behind employing irregular migrants is the saving in additional wage costs (taxes, social security contributions and other dues) and, to some degree, also generally lower wages. However, some experts stressed that the ‘cost argument’ is not the only one relevant. According to them, it is more an interplay of many different motives, such as ‘*a flight from labour legislation*’ and a general non-compliance with employees’ rights.

There was furthermore wide agreement among our respondents that for persons in need of 24-hours home care there is at the moment no other option than to employ an irregular migrant worker. Thus, experts demanded a restructured official framework for those in need of health and elderly care (see also Section XI below).

Further, experts were asked if the large number of foreign workers available influences the decision of employers to hire irregular migrants. The analysis shows that the easy availability of foreign manpower is seen as a main precondition for irregular migrant work, as the irregular labour market is shaped by both demand and supply. As far as the role of ethnic businesses in urban centres and their influence on the size of irregular employment is concerned, a majority of experts agreed that there is a connection. It was pointed out that just as native businesses, also ethnic businesses often use the helping hands of their family members (sometimes irregularly), but that for foreign business owners the restrictive regulations on labour migration often lead to a breach of immigration legislation.

There was more disagreement among experts when it comes to the arguments of flexible working conditions and administrative barriers, which are often said to influence the decision of employers to hire irregularly. Some experts mentioned the missing job security of irregular migrant workers as a central motive, giving employers a free hand in employing someone without any obligatory contractual obligations in hiring and firing. However, it was also pointed out that some flexibility is also in the interest of irregularly employed migrants, as it gives them the possibility to earn more money and furthermore, to flexibly plan their travels to their country of origin.

As far as the administrative obstacles are concerned there was no agreement among experts about their influence on the motivations of irregular employers. Generally, representatives of NGOs were of the opinion that in general administrative obstacles further irregular migrant work. On the contrary, representatives of trade unions were of the opinion that there are enough possibilities for the regular employment for migrants and moreover, that a greater part of them actually had official access to the Austrian labour market, if only they would use it.

We also wanted to know, whether a general labour scarcity in specific sectors may lead employers to hire migrants irregularly, as had been argued in the preceding round of oral interviews by several experts. Such labour scarcities may be rooted in the unattractiveness and low prestige of certain occupations, in inconvenient working hours, hard working conditions and other factors. However, several experts argued that it were mainly the low wages in certain occupations that were to blame and that, moreover, these wages would have to rise in the absence of irregular migrant workers: *“When the payment is good and the working conditions fair, also hard and ‘dirty’ jobs are attractive.”*

In the second round of the Delphi Survey we asked our experts for a refinement of their positions by attaching the mentioned motives to specific labour market sectors. According to the respondents, the main motive in the construction sector, which is particularly characterised by high competition, is clearly the saving of labour costs. In the catering and tourism sector as well as in agriculture an additional motive seems to be the avoidance of labour market regulations and a higher flexibility of irregular workers willing to work long hours, especially for smaller enterprises. For private households (care and cleaning) it was argued that, apart from the cost saving, it is the easy availability of migrant manpower, which induces employers to hire irregular migrant workers. In this area, a high and rising private demand (due to demographic and socio-economic developments) was said to be met by an ample supply of irregular migrant workers.

Overall, the results of the first Delphi round were confirmed in the second round. Thus, according to our expert panel the main motives for employers to hire migrants irregularly are:

1. The saving of costs through lower hourly wages, and the non-payment of payroll taxes and social insurance premiums (85% agreement in the first round and 82% in the second round).
2. The easy availability of irregular migrant workers (68% agreement in the first round, 64% in the second round)
3. And the higher flexibility, lower social protection and greater dependency of irregular migrant workers compared to regular employees.

On the other hand, restrictive labour immigration policies and administrative obstacles were not seen as a main motive for employers to hire irregularly (49% agreement in the first round and only 30% agreement in the second round).

Apart from these general motives and reasons for employing irregular migrant workers, we also wanted to learn more about the impact of broader developments on the labour market on IMW. The results are summarised in the next paragraphs.

Deregulation, flexibilization, liberalization and globalization

As our economies, societies and labour markets are undergoing profound changes, some of these developments are likely to have significant effects on the structure and extent of irregular labour markets as well. To gain insights into the impact of such changes, we presented our expert panel with a number of hypotheses and asked them to answer and comment on them. One such thesis, which found almost universal approval in the first Delphi round (89%), was the claim that deregulation and outsourcing to sub-enterprises promote and enable more irregular migrant work. Similarly, the thesis that a flexibilisation of employment relationships facilitates IMW was approved by a growing majority of respondents (54% in Delphi I and 73% in Delphi II). A third thesis, namely that the ongoing liberalization of the labour market increases the extent of IMW, was also agreed to by a growing majority of respondents (57% in Delphi I and 64% in Delphi II), while the thesis that globalization (in the form of higher competition) pressures employers into hiring more irregular migrants was met with a high but decreasing share of positive answers (67% in Delphi I and 50% in Delphi II).

Against these four theses that found significant approval among our expert panel are several other theses that found little consensus, many abstentions or even sharply opposing viewpoints. For example, there was little agreement on the impact of general demographic developments (aging, population decline, labour scarcities, etc.) on IMW, on the influence of growing incomes and wealth, on the relationship to the business cycle or the level of unemployment in Austria. Our respondents put forward a range of arguments in favour or against these propositions but the overall picture remains inclusive.⁸

⁸ For example, a common argument made with regard to demographic developments (aging and more need for old-age care) and socio-economic developments (higher employment rates of women and more need for child-care) is vigorously opposed by those arguing that the relative need for these services (currently often supplied by irregular migrant workers) should be satisfied by accommodating social policies (more child care facilities, retirement homes, etc.). Demographic developments will also lead to scarcities on the labour market, which can either be filled by more regular or more irregular workers. And so on.

VII. Recruitment and social networks

In order to get a better understanding of recruitment processes and the functioning of social networks, experts were asked to evaluate different search strategies of migrants when looking for irregular work. By far the most important strategy mentioned here, was *referral by family and colleagues* (also called „word of mouth” in popular jargon). Our experts drew attention to this form of search strategy especially for private households and personal services (home nursing, home health and elderly care, baby-sitting, cleaning) as well as in agriculture. However, it was also suggested to play a significant role in the construction and catering sectors.

In a ranking of the most frequently named search strategies, already the second place is taken by *recruitment agencies*. Our experts pointed out that these play an important role especially when looking for a job in the care sector. In addition, this search strategy was also seen to be increasingly prevalent in the construction sector, but less so when it comes to agriculture and seasonal jobs.

Contacts from previous employment in Austria were seen by our experts as the third most important strategy when looking for a job. This form of direct access to irregular jobs was considered particularly valid for the tourism sector and for job-seekers from the new EU-8 countries.

The fourth important form of recruitment mentioned by experts were *subcontractors*. This should be true especially for IMW in construction and related industries.

The fifth place in the ranking takes the *ethnic community*. One respondent adds that several empirical studies have already proven that networks play a central role when looking for a job. However, as another expert points out, ethnic communities are often limited to specific regions and urban centers, where such structures could develop.

Most respondents assigned only a minor role to *digital and print media* in the countries of origin, when looking for irregular work in Austria. According to one expert, today only a minority makes use of this strategy, as jobs found through newspaper ads later often turn out to be non-existent. Others pointed out that it could still be a popular strategy of recruitment for personal services (au pair), and in tourism and agriculture.

Finally, other search and recruitment strategies have been assigned only limited roles by our expert panel. This concerns both the *street market* ("Arbeiterstrich") for irregular migrant workers that used to be an almost ubiquitous phenomenon in the early 1990s but is reportedly less frequented these days and the strategy of 'going from door to door' (anecdotal evidence shows that the latter sometimes still occurs in agriculture, catering and construction but is limited geographically or to specific groups such as asylum-seekers). Finally, finding a job through offering their services in *advertisements* in newspapers is seen to be of little relevance, mainly because other options are available.

To sum up, on the basis of our expert assessments we can distinguish three major recruitment strategies, namely contacts through social and family networks (as the core), professional contacts and recruitment, and searching for work on one's own initiative or advertisements in the media.

Particular search and recruitment strategies of irregular migrant workers have an obvious and logical relationship to the observed presence of specific nationalities in particular segments of the irregular labour market. Therefore, our experts were asked to relate this phenomenon with either the professionally organised recruitment or with informal networks of irregular migrant workers.

The majority of our experts shared the opinion that the „clustering“ of specific migrant groups in specific segments of irregular labour markets is clearly connected to the existence and functioning of informal networks. Experts pointed to the well-known phenomenon of „chain migration“ through contacts with long established migrants in Austria, who are themselves employed in specific sectors of the labour market. Others referred to the role of language within informal migrant networks. A significant deviation from this view is noticeable in the answers from representatives of public control bodies, who supposed that the clustering phenomenon is mostly connected to professionally organised recruitment in the country of origin, particularly for irregular work in construction, agriculture and care work. Overall, the arguments brought forward indicate that there is often no clear difference between organised recruitment and recruitment through informal networks, as both exist close to each other and often intersect and overlap.

Finally, the majority of respondents argued that especially the so-called „ethnic businesses“ (as present, for example, in the catering and service sectors) draw upon existing ethnic networks (specific groups mentioned were migrants from Turkey, the former Yugoslavia, China and Asia in general). In the next section, we will take a more detailed look at the social characteristics of irregular migrant workers in Austria.

VIII. Social Characteristics of Irregular Migrant Workers in Austria

Important points in the discussion of irregular migrant workers in Austria are often their gender ratios, qualification- and work profiles and their countries of origin. We will look at each of these in turn.

Gender ratios

In regard to the sex ratio, the results of our Delphi survey indicate that this is seen as highly sector-specific and, moreover, that the situation in the most important sectors is not much different than that in regular employment. Generally, experts pointed out that the labour market is divided along gender lines and used labels such as ‘*classical role images*’, ‘*traditional educational domains*’ or simply “*sexual discrimination*”, which would lead to gender segregation on the labour market. One expert mentioned the historical development of migration to Austria, which was traditionally dominated by men and was related to the dominance of the male workers in specific sectors. This would be especially true for the traditional countries of origin of the guest-workers and asylum seekers in Austria and sectors such as construction and industry, which are dominated by a high proportion of migrants from Ex-Yugoslavia and Turkey. On the contrary, the care sector is dominated mainly by care-givers from Slovakia, the Czech Republic, Poland and Hungary, where 97 % of respondents judged this sector to be female dominated. A similar situation is assumed for the cleaning sector with a high proportion of women from the successor states of the former Yugoslavia.

According to another view, however, the prevailing gender ratio is related more to the traditional role images for certain occupations than the history of labour migration to Austria. It was also mentioned that the various ethnic groups have different images of the gender role and tasks and that the connection between gender and country of origin in irregular migrant work would therefore be only indirect.

On the whole, more than 70% of experts assessed the gender ratio for all sectors together as balanced, while 28% judged it to be male dominated. There was no one who evaluated the overall gender balance as female dominated. At the same time, our experts tended to the following sector-specific assessments:

- Construction: explicitly dominated by men
- Care: explicitly dominated by women
- Cleaning: explicitly dominated by women
- Trade and industry: balanced with a tendency to male dominance
- Agriculture: balanced with a tendency to male dominance
- Catering and tourism: balanced with a tendency to female dominance

These tendencies are furthermore accentuated or qualified depending on the region and the various activities within specific sectors.

Qualifications and work profiles

Another important question on the social characteristics of irregular migrant workers concerns their qualifications and their work profiles.

In the first round experts were asked to present their assessments of the qualification profiles of irregular migrant workers and to compare these to their work profiles. Questions asked were „*Is the education level of the irregular migrant workers in ... [the particular sector] low, middle or higher?*” and “*Is the nature of their work skilled or unskilled?*” Additionally, experts were asked to differentiate between EU-8 citizens and other migrants.

In regard to the qualification profile of irregular migrant workers, our experts assessed these to be generally higher than the nature of the work done by irregular migrants (their work profiles) in all sectors apart from private home care. The strongest contrasts in this relationship were assigned to agriculture, household/cleaning and catering/tourism, where the nature of the work performed was almost universally judged to be “unskilled”, yet many experts assessed the qualification level of workers in these sectors to be at least “middle” or “higher”, suggesting a strong “de-qualification effect” when migrants accept irregular work. The only exception was seen to occur in private home care, where qualified care personnel (trained nurses) perform skilled work even when their employment relationship is irregular.

Moreover, irregular migrant workers from the EU-8 countries were generally seen to be more qualified than other irregular migrant workers across all sectors. At the same time the nature of their work tasks were also seen to require a higher skill level in all sectors except household/cleaning, which suggests the same type of “de-qualification effect” albeit at a higher level.

Responding to several questions and arguments in both the first and second Delphi rounds, our experts came up with several explanations for this apparent “de-qualification effect”: One argument links this effect to labour migration in general, irrespective of whether it is regular or irregular – for example, language difficulties or the non-recognition of foreign education and diplomas may compel migrants to accept jobs below their qualification levels. Another argument relates to the nature of irregular jobs on offer: mostly unskilled, hard, unpleasant and manual tasks (the so-called 3D jobs: dirty, difficult and dangerous). A third line points to current immigration regulations, which provide only limited options for very highly qualified (non EU-15) workers (so-called “key-employees”) to come to Austria for work purposes. Thus, even middle-qualified workers would have no other options but to accept any irregular work options on offer. Finally, it was pointed out that accepting work below one’s educational level is often pursued as a necessary entry-level strategy by irregular migrant workers. Over time, when migrants learn the language and the ways and means of the country, they would gradually move up the skill ladder through a change in occupation - either within the same sector or by moving to a different sector.

Countries of origin

Asked about the major countries of origin of irregular migrant workers in Austria, our experts listed (in order of frequency of their mentioning) citizens of Poland, Ex-Yugoslavia⁹, Slovakia, Hungary, Turkey and Romania as the most numerous. This overall ranking was further differentiated according to specific sectors:

In the construction sector Poland and Ex-Yugoslavia were mentioned as the two most important countries of origin by far. Next came Turkey, Slovakia and Hungary and, with far fewer listings, the Czech Republic, the CIS countries, Romania and Bulgaria (The latter two countries were tipped to assume an increasingly important role in IMW over the coming years). Some regional specificities were also distinguished. For Vienna and Tyrol workers from Ex-Yugoslavia and in Burgenland workers from neighbouring Hungary were mentioned relatively more often.

In agriculture, too, Poles were mentioned most often, followed by workers from Hungary, Slovakia, and Romania. Catering and tourism are in the view of our experts dominated by workers from Ex-Yugoslavia, Slovakia and Hungary. Irregular workers from Poland, the Czech Republic, Romania and Turkey received far fewer listings. In ethnic businesses persons from China and Egypt as well as Germany were also mentioned. In the case of workers from Germany this could, however, be a simple reflection of recent developments in that sector (a large inflow of seasonal workers from eastern Germany to seasonal jobs in catering and tourism). Moreover, for bars and night clubs women from the CIS countries, Hungary, Romania and Bulgaria were mentioned.

For household/cleaning, our experts listed Poland, Ex-Yugoslavia and Slovakia as the most important countries of origin followed (by a large margin) by Hungary, the Czech Republic and Romania.

An interesting case is provided by the household/care sector, which according to our experts should be mostly covered by persons from EU-8 countries, mainly Slovakia and the Czech Republic (in the north, center and west of Austria), Poland and Hungary (in the eastern part of Austria). With far fewer listings, Romania and the Philippines were also mentioned.

Finally, our experts were quite unsure concerning the main countries of origin in trade and industry. Against many abstentions, the number of listings indicate that irregular workers from Ex-Yugoslavia play an important role, followed by workers from Poland, Turkey, Hungary, Slovakia, Czech Republic and Romania. The higher proportions of Ex-Yugoslavians and Turks were sometimes justified with the importance of ethnic businesses and food shops, where family members of foreign owners may find easy, if unofficial and irregular, employment.

⁹ The designation "Ex-Yugoslavia" was generally used by our respondents when referring to the successor states of the former Yugoslavia. Even if no longer a "state" or "country" we kept this term as a regional designation.

IX. Quantitative Developments

Assessments of trends over time

To gain insights into what our expert panel thought about recent changes in the extent of irregular migrant work (IMW), we asked them to provide their assessments of recent quantitative developments of IMW.¹⁰ In Delphi I, the experts were asked whether they thought that IMW has “strongly increased, increased, stagnated (stayed about the same), decreased or strongly decreased” in each five-year period since 1990. In addition, they were asked to answer the same question about the shorter time period since EU enlargement in May 2004. The cumulative results are reflected in Table 2:

**Table 2: The development of irregular migrant work in Austria over time
– Expert assessments (Delphi I)**

Period / Assessment	Strongly increased	Increased	Stagnated (stayed about the same)	Decreased	Strongly decreased	Don't know	Total
1990 - 1995	6	12	4	1	2	12	37
1995 - 2000	2	12	8	1	1	13	37
2000 - 2005	2	13	13	1	0	8	37
Since May 2004	3	17	9	2	0	6	37

Generally, most of our experts were of the opinion that IMW has increased across all five-year periods since 1990 – though with important qualifications and in various intensities. A large majority thought that IMW has increased or strongly increased between 1990 and 1995 (after the fall of the Iron Curtain to the east of Austria) and again since EU enlargement in 2004 and only a small minority thought that it has actually decreased or strongly decreased during these periods.¹¹ A smaller majority also thought that IMW has increased or strongly increased in the period 1995-2000. There was less consensus on the period 2000-2005, where as many experts said it has increased as stated that it has stayed the same.

It is interesting to compare the opinions and the supporting argumentation of our experts by their institutional affiliation. Experts from public administration and control bodies argued that the assumed increase in IMW since 2004 is mainly due to the decreased risk for new EU citizens to live and stay in Austria while at the same time working irregularly. These experts also pointed to a recent increase in irregular employment relationships designed to circumvent existing regulations and in particular the transitional

¹⁰ In addition, for all assessments of quantitative developments, we also asked our experts to justify their statements with qualitative arguments. These arguments formed an important part of the feedback we provided to the respondents of the first Delphi round and which led experts in many cases to reconsider their earlier assessments in the second Delphi round. For clarity, and to avoid duplication, such qualitative arguments have been integrated in other sections of this report and will not be repeated here.

¹¹ An interesting justification of the latter opinion is provided by the observation that the one-time legalisation campaign of some 30,000 irregular migrants in 1990 has led to a momentary decrease in the number of illegally employed foreigners.

rules on the labour market. The group of migration researchers largely concurred with this assessment, however, as an additional argument several respondents from this group emphasized the importance of a generally higher demand for IMW. Respondents from NGOs showed a surprising amount of variation in their answers. In contrast, respondents from special interest groups displayed more familiar patterns of argumentation: While our experts from trade unions saw alarming increases in IMW, those affiliated with employer interests saw decreases or stagnation in irregular dependent employment, but a noticeable increase in irregular self-employment.

Quantitative assessments of trends by economic sectors and branches

To gauge recent quantitative developments of irregular migrant work in certain sectors and branches, we asked our expert panel to assess whether they thought IMW had increased, decreased or stayed about the same in selected economic branches over the past 5 years. The selection of sectors and branches was based on the previous round of expert interviews, where our respondents indicated the most notorious branches for IMW.

The first round yielded 132 substantive answers (all answers without “don’t know” answers from 37 returned questionnaires) out of 222 possible answers to our questions (59%). Out of these, 74 answers (56%) indicated increases, while 34 answers (29%) indicated stagnation (no change) and only 20 answers (15%) indicated sector-specific decreases. While these trends are clearly influenced by the selection of branches, on the whole they support the general assessments on the development of IMW in the period 2000-2005 reflected in the previous section. The aggregated answers by sectors and branches of Delphi I are summarized in Table 3.

Table 3: The development of irregular migrant work in Austria over the last 5 years - Branch specific expert assessments (Delphi I)

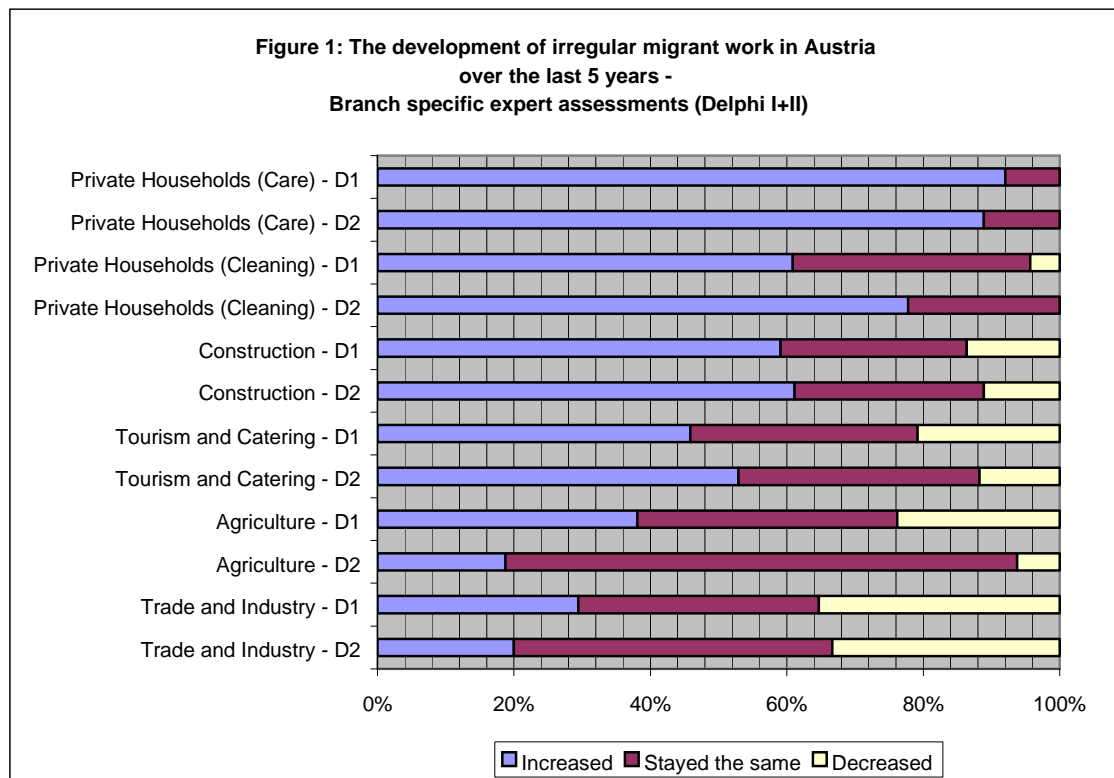
	Increased	Stayed the same	Decreased	Don't know	Totals
Private Households (Care)	23	2	0	12	37
Private Households (Cleaning)	14	8	1	14	37
Construction	13	6	3	15	37
Catering and Tourism	11	8	5	13	37
Agriculture	8	8	5	16	37
Trade and Industry	5	6	6	20	37

The aggregate results and the supporting argumentation of the first Delphi round were summarized and the experts were asked in the second round to reassess their statements in light of the arguments of their colleagues. The second round yielded relatively more substantive answers than the first round (102 substantive answers from 22 returned questionnaires out of 132 possible answers or 77%). Out of these, 56 answers (55%) indicated increases, while 36 answers (35%) indicated stagnation (no change) and only 10 answers (10%) indicated sector-specific decreases. The results are summarized in Table 4.

Table 4: The development of irregular migrant work in Austria over the last 5 years - Branch specific expert assessments (Delphi II)

	Increased	Stayed the same	Decreased	Don't know	Totals
Private Households (Care)	16	2	0	4	22
Private Households (Cleaning)	14	4	0	4	22
Construction	11	5	2	4	22
Catering and Tourism	9	6	2	5	22
Agriculture	3	12	1	6	22
Trade and Industry	3	7	5	7	22

The overall assessment of our expert panel on quantitative developments of IMW in selected sectors and branches can thus be summarized as follows (see also Figure 1 below): An overwhelming majority of (substantive) answers indicated an increase in IMW in private households/care (89% in Delphi II against 92% in Delphi I) and in private households/cleaning (78% in Delphi II against 62% in Delphi I). An absolute majority also stated an increase in construction (61% in Delphi II against 59% in Delphi I) and in catering/tourism (53% in Delphi II against 46% in Delphi I). In the remaining two sectors there were significant shifts in the relative answer patterns between Delphi I and II: Reacting to the arguments of their colleagues, in Delphi II only 19% of respondents saw an increase of IMW in agriculture, while 75% saw no changes and 6% saw decreases (Delphi I: 38%; 38%; 24%). For trade and industry, only 20% now saw increases, while 47% saw no changes and a substantial 33% share even saw decreases (against 29%; 35% and 35% in Delphi I).



The intuitive impression gained from a simple comparison of the results of Delphi I and Delphi II is that of a much clearer picture on sector-specific quantitative developments as seen by our experts. This intuition is confirmed by a statistical analysis of the answer patterns in Delphi I and II. Standardizing the answers “increased”, “stayed the same” and “decreased” with the numerical values +1, 0 and –1 and multiplying the frequency of the respective answers with these values, the statements for most sectors become on average more pronounced.¹² At the same time, the standard deviation of the aggregate answers thus quantified decreases for all sectors and branches except private households/care where it increases slightly but remains at the lowest level of all sectors and branches.¹³ There is thus more consensus and less heterogeneity on the subject among the experts. Moreover, as noted above, there were relatively more substantive answers given and fewer abstentions from among the respondents.

Expert estimations on the extent of irregular migrant work

Given the difficulties of producing qualified estimates on the extent of IMW in various sectors and branches, experts are usually quite hesitant to come forward with their own estimates. To collect a broad sample of opinions, insights and relevant statistical indicators, we asked our experts in the first Delphi round to give their opinions on a predefined set of estimates on the extent of IMW in various sectors and branches (these were based on estimates gleaned from the literature and our preceding expert interviews) and to justify their judgements in free text answers. While around half of all respondents abstained from any substantive answers to these questions, there were also a number of relevant opinions and insights that were then analysed and provided as feed-back in the second round. In addition, we asked our respondents in Delphi II to provide numerical estimations on the extent of IMW (as a percentage of total employment) in selected sectors and branches.

Table 5: Estimated share of irregular migrant work in total employment by branches - expert estimations (Delphi II)

	Minimum	Average	Maximum	Number of estimates	No estimates	Total respondents
Construction	10	15,4	30	13	9	22
Catering and Tourism	10	15,0	30	13	9	22
Agriculture	3	13,3	20	10	12	22
Trade and Industry	5	5,2	7	10	12	22
Whole Economy	2,5	5,0	7	10	12	22

Note: If a range was given, the average of the range was taken

¹² The resulting average values for Delphi II (Delphi I) are: For private households/care 0,89 (0,92), for private household/cleaning 0,78 (0,57), for construction 0,50 (0,45), for tourism/catering 0,41 (0,25), for agriculture 0,13 (0,14) and for trade and industry –0,13 (–0,06).

¹³ Using the above listed numerical values for the three answer categories, the standard deviation for the aggregate answers in Delphi I and Delphi II decreases for private households/care from 0.59 to 0.43; for construction from 0.74 to 0.71; for tourism/catering from 0.79 to 0.71; for agriculture from 0.79 to 0.50; and for trade and industry from 0.83 to 0.74. For private households/care it increases from a low 0.28 to a still low 0.32.

As can be seen from Table 5, only about half of the respondents provided their own detailed estimates in round two of the Delphi Study.¹⁴ On average, our expert panel estimated the extent of IMW as a percentage of total employment to be highest in construction and in catering/tourism (around 15%, in both cases with a large range from 10–30%). Next comes agriculture (13%) with a range from 3–20%. The average estimate for trade and industry was substantially lower (5.2%), while the range of estimates for this sector was surprisingly narrow (5–7%). Finally, the estimated share of IMW in total employment in Austria comes out at 5% with a large range from 2.5–7%.¹⁵

Besides the arguments reviewed elsewhere in this paper on the forms and developments in IMW in Austria, some experts put forward new justifications for estimations strongly deviating from the average. For example, one relatively high (25%) estimate for IMW in construction was justified by the plausible argument that there is a great amount of irregular construction activity in private homes (renovation work, gardens and parks, swimming pools), especially in the sprawling suburbs of Vienna and other cities and that this would be indicated by the booming business of home improvement stores (home depots, do-it-yourself stores, etc.). Another interesting observation relates to the large variability in the estimations for agriculture and catering/tourism: As these sectors have high seasonal variations, much of IMW is likely to be of a seasonal nature (e.g. during tourist seasons or at harvest time), followed by periods with less IMW.

In addition to the above quantitative estimates, our experts were asked to provide estimates on the absolute numbers of irregularly employed foreigners in care and cleaning in private households. Within a broad range of 15–50,000, the average estimate of IMW in the care sector in private households was around 29,000 and, in a more narrow range of 20–40,000, for cleaning in private households it was around 24,000. Around half of all respondents in Delphi II abstained from giving any estimates (Table 6).

Table 6: Estimated number of irregular migrant workers in private households (Delphi II)

	Minimum	Average	Maximum of estimates	Number of estimates	No respondents	Total
Private households/care	15.000	28.636	50.000	11	11	22
Private households/cleaning	20.000	24.444	40.000	9	13	22

Note: If a range was given, the average of the range was taken

Many experts again provided elaborate justifications for their estimations. These are especially interesting for widely deviating estimates. For the household sector, for example, estimates on the high end were backed up with evidence from surveys on household expenditures, which allegedly indicate some 60,000 illegally employed

¹⁴ Out of 154 possible estimates from 22 respondents in 7 sectors/branches, 78 numerical estimates were made. Experts from NGOs and from public administration abstained relatively more often than others.

¹⁵ One expert pointed out that a share of 5% in total employment would amount to some 150,000 migrants in irregular employment in Austria and that this would thus be certainly too high. However, no justification as to why this would be too high was given. Another expert, providing a relatively high estimate, argued that IMW takes place also in many other sectors and branches than those listed in the questionnaire and that 5% could thus be substantially too low. Again, no further justification was provided.

household helpers (cleaners, cooks, etc.). However, these totals cannot be broken down by nationality and many irregular workers in private households would be nationals and non-migrants.¹⁶ For IMW in private home care many estimates were based on the number of persons receiving special disability and care allowance from the state: This comes in the form of cash benefits, with the amount varying on the extent of the disability and care needs (divided in 7 steps). The number of beneficiaries in steps 5, 6 and 7 (basically those in need of intensive care around the clock) amounts already to over 30,000 persons, most of whom would employ irregular foreign care workers. Added to these should be a substantial part of beneficiaries at step 4 (42,000 persons) and below. Another indication comes from evidence on the so-called membership associations that link care-workers and their patients. One expert stated that there are currently 50–70,000 irregular care workers “parked” in these associations.

To conclude this section, a few final observations are in order. First, rather than accepting or rejecting any of the quantitative assessments made by our experts *a priori*, it is instructive to view them in their totality and to describe them objectively in statistical terms as a range of estimates with a certain mean value. There is no inherent reason why that calculated mean estimate should be closer to the “real” value of the unknown quantity other than the fact that it reflects not one particular point of view but the whole range of opinions by our panel of experts. The mean thus reduces the weight of the more “extreme” estimates on the high and low end. Second, such “extreme” estimates may still be valid estimates, but due to their deviation from the consensus view are likely to be in particular need of argumentation of how they came about. Third, such justifications provided by our experts often indicated their reasoning or “estimation methods” and sometimes brought forward new data on which certain estimates were based. In many cases insights on the methods of estimation are at least as interesting as the estimates themselves, particularly when they lead to results that strongly deviate from the mean.

Finally, we may ask ourselves, how the numerical results of our (mean) expert estimations place themselves against other figures put forward in the literature. As indicated above, there are only two quantitative estimates given in the recent relevant literature that are serious enough to provide their estimation methods with them. Biffl (2001) estimated 35,000 and Schneider (2006) estimated 98,000 full-time equivalent foreign workers working illegally in Austria.¹⁷ While we may note that our mean estimate for the share of IMW in Austria would be considerably higher than either of these estimates (5% of total employment would be equal to some 150,000 irregular migrant workers), we should be aware that we employed a particularly broad definition of IMW that goes well beyond those used by Biffl (2001) and may also be broader than that of Schneider (2006). At the same time, we consider this broad definition to be particularly valid under current circumstances as explained above.

¹⁶ The comment pointed out that there are some 3.2 million households in Austria, many of whom employ household helpers. At the same time, regularly employed cleaners and gardeners are still the exception rather than the norm.

¹⁷ Both authors point out that the actual (non-full-time) number of illegal foreign workers is likely to be considerably higher than these figures.

X. Controls at the workplace

As all of our experts have many years of experience in the area of migration or irregular work, we asked them to provide us with their assessments on the effectiveness of repressive measures – in particular on enforcement measures through border controls and controls at the workplace. In Delphi I we asked for an evaluation of a list of predefined statements regarding controls. The aggregate responses can be grouped into three relevant types: The first group contains statements where a strong majority either accepted or rejected the statement and across the supporting arguments a certain “consensus view” emerged. The second group concerns two statements that received widely diverging or unclear answers. These were reformulated and – together with additional feedback – included in Delphi II for clarification. The statements and answers in these two groups are briefly described in this section. The third group concerns statements where the answers lead to much more comprehensive strategies and options against IMW than only repressive control measures. These options were further explored in the second Delphi round and are recounted in the next section on political measures against IMW.

First, there was wide consensus that *“the effectiveness of controls (at the workplace) is limited by the fact that controls are selective”* (18 agree against 7 disagree and 12 abstentions). However, it was also pointed out that comprehensive (100% sample) controls are neither feasible nor desirable and that the efficiency of current control measures is largely sufficient (in view of their cost).

Second, the statement that the *“effectiveness of controls is limited by the fact that fines for irregular employment are too low in comparison to the level of payroll taxes and social security payments for regular employment”* was overwhelmingly approved by our experts (21 agree against 8 disagree and 8 abstentions). At the same time, one disapproving expert pointed to the deterrent effect of non-monetary sanctions for employers (e.g. exclusion from public tenders).

Third, the statement that *“the effectiveness of controls is limited by the fact that certain criminal entrepreneurs will always employ irregularly”* was approved by an overwhelming majority of respondents (20 agree against 5 disagree and 12 abstentions). It was also pointed out that such criminal employers are often short-lived (and then dissolve and disappear) or work in transnational legal arrangements, which further limits the effectiveness of sanctions.

Fourth, the statement that *“the effectiveness of controls is limited by the fact that economic interests (e.g. home improvement stores) prevent a sufficiently high density of controls”* was agreed to by a majority of respondents (13 agree against 8 disagree). At the same time, this statement drew the largest number of abstentions (16 out of 37 returned questionnaires) and strongly opposed comments. While some experts pointed to the economic interests of many employers in irregular migrant work others emphasized that it is precisely in the interest of firms to have rigid controls to prevent unfair competition from irregular employers.

Fifth, the statement that “*the effectiveness of controls is limited by the fact that border controls have no influence on the irregular employment of migrants*” was largely approved by our respondents (22 (or 59%) agree against 8 (22%) disagree and 7 (19%) abstentions). Several experts pointed to the effects of EU enlargement in 2004: since then new EU-citizens have freedom of travel and residence and cannot be rejected at the borders any longer while still facing restrictions in their access to the labour market under transitional rules. However others pointed to the deterrent effect of border controls for non-EU-citizens that would effectively limit irregular migration and therefore also the potential pool of irregular migrant workers. To clarify the issue, we asked the same question again in Delphi II and provided the comments made in round one. As a result, an even greater percentage of respondents agreed on the limitation of border controls for the suppression of IMW: 16 (73%) agree against 5 (23% disagree) and only one (4%) abstention.

Sixth, the statement that “*the effectiveness of controls is limited by the fact that the KIAB (control unit for illegal employment) has no access to private homes*” was answered affirmatively by a large majority of respondents (18 agree against 6 disagree and 12 abstain). Finally, seventh, the parallel statement that “*the effectiveness of controls is limited by the fact that there are certain areas that are for political reasons “off-limit” for control measures*” received the highest degree of approval (26 agree against 1 disagree and 10 abstain). Despite the high level of approval to both questions, the comments indicated that experts disagreed on whether or not this represented a satisfying situation or not and what should be done about it. While some saw the dawn of a new age of “*private servants*” and advocated stronger controls, others were concerned about the protection of privacy and felt that the possible extent of misbehaviour against the law by employing irregularly in private homes would not justify a erosion of that principle. To learn more about what our expert panel actually thought about such opposing views, we followed up in Delphi II (after providing feedback on the comments from other experts) with the following direct statement: “*The private area should be more controlled*”. In line with their previous reactions to the statements concerning the private area, our respondents overwhelmingly rejected that statement (17 disagree against 4 agree and 1 abstention). Interestingly, however, there was a shift in the argumentation brought forward to justify these opinions. Rather than the protection of the private sphere, several experts now questioned the very feasibility of efficiently controlling the private sector and, given limited resources, called for prioritizing controls of business employers.

To shortly summarize our discussion of control measures, there was a widespread tendency among our experts to argue that, for a variety of reasons, sheer control measures have only a limited impact on irregular migrant work in Austria. Moreover, among our expert panel the opinion predominated that effective solutions for addressing IMW cannot be found in more controls and a higher control density alone, but that other, more comprehensive political measures must be found. The options and limits of such wider measures are the subject of our next section.

XI. Political Measures against Irregular Migrant Work

In the first Delphi round we asked experts to evaluate four measures that were recently introduced or were already decided upon by political authorities with the aim of reducing irregular migrant work in Austria. The results brought few surprises but a number of interesting comments that were integrated into the questionnaire of the second Delphi round. Thus, between two-third and three-quarter of all respondents in Delphi I agreed that the following four measures were “sensible” or “highly sensible” instruments for reducing IMW in Austria: 1) further increasing the staff of the KIAB (control unit for illegal employment) by 200 persons; 2) enlarging the scope of current trainee programmes with Austria’s neighbouring countries¹⁸; 3) strengthening the controls of the so-called “pseudo-self-employed” (see above); and 4) increasing the maximum penalties for the employers of irregular migrant workers.

While any single of these recently established measures found broad support among our expert panel in Delphi I, many respondents voiced their doubts and concerns in additional comments. Several saw the overall impact of these measures as fairly limited or, in the words of one respondent, as a “cure of the symptoms” rather than a comprehensive strategy. Many experts followed our request and outlined their own suggestions for dealing with irregular migrant work.

Out of these ideas, demands and suggestions, we compiled a list of 24 possible measures that go beyond simple short-term control measures but have a wider scope and time-frame that requires discussions and decisions at the political level (e.g. through the passing of new laws or ministerial ordinances). These political options were then put to the vote by our expert panel in the second Delphi round. Following a well established procedure in past applications of the so-called Policy-Delphi (see the section on methodology above), we asked our experts whether they judged any particular measure to be “desirable” (yes/no/don’t know) and “feasible” (yes/no/don’t know).¹⁹ Of the 22 respondents in Delphi II, most have answered at least some of the questions on political options for dealing with IMW and many have added further verbal comments. Below, we will provide a short overview and description of the results. A summary table of the expert evaluations is provided in Table A1 in the annex.

¹⁸ Such trainee programmes are currently agreed with Hungary and the Czech Republic in form of trainee- and border commuter agreements only and comprise several thousand persons per year. For 2007, the quota for Hungary was fixed at 1,800 trainees and 2,350 border commuters. For the Czech Republic the quota for 2007 (the first year in which the agreement is applied) was set at 300 trainees and 500 border commuters (Source: BMWA 2006).

¹⁹ The following definitions were provided: “Feasibility means the high probability that this measure can be politically implemented” and “Desirability is taken to reflect your personal evaluation of whether this measure should be implemented in order to reduce irregular migrant work, taking into account all positive and negative effects this measure could have (effectiveness and costs of measure, ethic criteria and effects on higher-level goals).

Opening of the labour market

1) The **opening of the labour market for certain occupations for which there is a particularly high labour demand** was seen by our experts predominantly as desirable (15) and even more so as feasible (16). Nevertheless, dissenting opinions point to certain areas (e.g. private care) where existing problems could not be solved by a simple opening to foreign labour.

2) An even higher level of consensus found the suggested option of **opening the labour market for certain groups of third country citizens, who already have a long-term residence permit** in Austria but face restrictions in their access to the labour market (e.g. family members of established foreign residents, students).²⁰ 21 respondents saw this option as feasible and 16 as desirable.

3) While a majority of respondents judged a **regionally limited opening of the labour market for certain branches and occupations** as feasible (14 yes against 6 no), there was wide disagreement on the desirability of this option (10 yes against 11 no). Experts noted that much would depend on how such a policy would be designed and implemented concretely and that there would be the danger of an unreflected opening of the labour market with many negative effects.

4) There was a particularly high level of disagreement in the evaluation of a possible **early phasing out of the transitional rules on the access to the labour market for EU-8 citizens**. 9 respondents judged this option as politically feasible but 12 did not. Similarly, 10 experts welcomed this step as desirable, while 12 found it not desirable. Those in favour of an early abolition pointed to *inter alia* the experiences with the EU accession of Spain and Portugal, while those renouncing it argued, for example, that the “*labour supply shock*” would come too early.

Labour standards and foreign employment law

5) A clear majority of 14 respondents thinks that a **liberalisation of current labour standards (e.g. facilitating the hiring and firing of employees, more flexibility in work-hours, etc.)** is feasible and some point to recent examples in other countries (Netherlands, France). At the same time, such a policy would be highly unpopular among our expert panel with 17 respondents judging the option as undesirable (and only 5 as desirable).

²⁰ It was also pointed out that this issue has largely already been addressed by recent changes in foreign employment law required by existing EU-regulations. However, some groups with residence rights still face certain restrictions in the access to the labour market.

6) Even more than the previous suggestion, the option of **adjusting the current levels of minimum wages downwards** is met by unanimous opposition by our expert panel. Out of the 22 respondents 20 find this option undesirable (with 2 abstentions) and a majority also thinks that it is not feasible (13 not feasible against 6 feasible).

7) Similar to option 2, but going beyond it in its scope, a **general merging of the right to reside and the right to work in Austria**²¹ is predominantly seen as desirable (16 yes against 4 no) and also as feasible by our experts (18 yes against 4 no). While some comments added that this should not automatically be the case for short-term residents, others explicitly included asylum seekers in their considerations (by granting access to the labour market after a certain period of stay, e.g. one year).

Measures for addressing irregular private home care

8) In view of the current debate on irregular care work in private households²², our expert panel largely agreed that a **considerable increase of the state-funded disability and care allowances (to enable the regular financing of 24 hour/day care services for patients)** would be desirable (17 yes against 3 no). At the same time (reflecting the current dilemma of policy in this area), a clear majority of 14 respondents judged this option as not feasible (against 7 feasible).

9) On the other hand, the chances to realize an alternative option for private home care were seen to be more favourable: to **establish a legal right for persons receiving public care allowances to receive certain services in-kind rather than in cash (e.g. short-term care services, care substitutes)** was seen as a feasible option by a clear majority (14 yes against 7 no). Moreover, this idea was almost universally welcomed by our expert panel as desirable (20 yes against 2 no).

10) To remedy current labour shortages in the care sector, there was also a clear vote for **providing access to the labour market for foreign household helpers in households with persons in need of care (following the German example 38.5 hours/week)**. This option was seen as desirable by 17 respondents (1 against and 4 abstentions) and also as feasible by 14 experts (3 against and 5 abstentions).

²¹ Currently, these two rights are not fully aligned, as can be seen in the existence of two separate permits for residence and work purposes. A full merging of these rights would abolish all work permits needed under foreign employment law and grant the right to work to anyone with a residence permit, thus going beyond recent approximations in the two sets of rights.

²² At the time of carrying out this study, the issue of irregular migrant workers in private home care became a hotly debated political topic, especially in the run-up to the elections in October 2006. With few realistic solutions for establishing affordable home care in sight, it was eventually decided in a typical political move to establish a commission that would study the issue and suggest solutions. To allow time for this a general amnesty until 30 June 2007 for irregular care workers and their employers (that is the patients) was announced by the Minister for the Economy and Labour. However, after months of bitter negotiations and political bickering no politically acceptable solution was in sight that would allow both upholding labour standards and regularizing irregular care workers and so in mid June 2007 the government extended the amnesty until the end of 2007.

Incentive systems, sanctions and support mechanisms

11) There was little agreement among our panel on the **establishment of special incentive models for the creation of regular low-wage jobs (combination wage that would partly be subsidised by the state)**. While a clear majority of respondents considered such a model as principally feasible (15 yes against 4 no), only 8 assessed it also as desirable while 11 thought it was not desirable. Against familiar arguments that low-wage jobs should not be supported, proponents of the scheme stated that it would allow at least the transformation of irregular to regular jobs.

12) There was a clear vote on the suggestion of **introducing sanctions or fines against irregular migrant workers**.²³ While a clear majority of 16 respondents deemed this measure as feasible (16 yes against 4 no), an equally clear majority considered such an option as not desirable (16 no against 5 yes).

13) On the other hand, an overwhelming majority of respondents saw the **strengthening of legal support services for irregular migrant workers in court cases against their employers** as a desirable measure (18 yes against 3 no). Almost as many (16 yes against 5 no) considered this option also as a feasible one.

14) In a similar vein, **the creation of specialized advisory services for irregular workers (e.g. a „service hotline“)** was strongly favoured by 18 experts as desirable (2 said not desirable) and also as feasible (18 yes against 3 no). One commentator pointed out that this would especially be a task for the trade unions.

15) The majority of respondents (15 desirable against 6 not desirable) would further welcome **a mandatory representation of the Chamber of Labour or the Austrian Confederation of Trade Unions in legal proceedings**. However, regarding the feasibility of this option, only around half of the respondents were optimistic (11 yes against 10 no).

16) Another suggestion that has recently drawn some attention was equally viewed skeptically by our expert panel. The **“skimming off” of profits** (by employers) gained through employing irregular workers is on the one hand seen as desirable by a large majority of our experts (17 yes against 3 no) but on the other hand, the chances for implementing this policy are doubted by many (12 not feasible against 9 feasible). One commentator pointed out that *“in theory irregularly gained profits should already now be skimmed off”* in the form of back-payments of taxes and social security contributions but that in many cases such payroll taxes and duties turn out to be irretrievable in practice.

²³ Under current legislation, only the employers of irregular migrant workers are subject to sanctions and fines but not the irregular workers themselves. However, for third country citizens, the fact of being apprehended for irregular work will in most cases lead to expulsion from Austria.

17) The suggestion to **make more use of sanctions in the form of excluding perpetrators from public tenders and public work contracts rather than levying fines** was seen as both desirable and feasible by the majority of respondents (in both cases 14 yes against 4 no). However, a number of commentators qualified their approval by noting that such exclusionary sanctions should be used in addition rather than in lieu of fines. A combination of both sanctioning instruments would be necessary especially *“for those irregular employers who never receive (or tender for) public contracts”*.

EU-wide regulations

18) The overwhelming majority of respondents found a **common legal EU-framework for the cooperation of institutions tasked with the combating of irregular work** desirable (16 yes against 3 no), but only a smaller majority deemed the implementation of such a framework also feasible (12 yes against 6 no). One expert noted critically that *“the discussion for many years on the EU Service Directive shows clearly the complexity of establishing such an EU-wide legal framework”*.

19) Our experts were even more hesitant in the evaluation of a possible **EU-wide approximation of economic framework conditions** (e.g. for taxes, social security contributions etc.). While such approximation was seen as desirable by a large majority (14 yes against 6 no), among other reasons to *“prevent wage dumping”*, opponents warned that this could lead to a *“significant worsening of Austrian living standards”*. In any case, only around half of the respondents judged an EU-wide regulation in this area to be feasible (10 yes against 9 no).

Other political measures

20) **Measures designed to raise the awareness of irregular employers to change their behaviour** are seen as desirable by a large majority of our panel (16 yes against 3 no). At the same time, only 11 respondents thought awareness-raising a feasible strategy (against 7 who did not), indicating widespread doubts about the effectiveness of such measures.

21) Also assessed as feasible by a relative majority of respondents were **measures to strengthen control systems through the use of modern technologies such as the use of biometric data** (12 yes against 7 no). However, an overwhelmingly large majority of 18 respondents judged such measures as not desirable (against 3 who deemed them desirable).

22) A large majority of our experts advocated a **faster and less bureaucratic recognition or nostrification of foreign training certificates and diplomas** (16 yes

against 5 no). An even larger share of respondents regarded such measures as feasible (18 yes against 2 no).

23) The suggested option of using **legalisation of irregular migrant workers as a policy measure to reduce irregular migrant work** in Austria produced some contradicting statements by our experts. While on the whole such measures were viewed as both feasible (14 yes against 7 no) and desirable (14 yes against 6 no), both advocates and opponents of such schemes pointed to the additional pull-effects created by collective regularizations and noted that legalizations would be only desirable when certain criteria are met (e.g. discretionary case by case regularizations).

24) Finally, the list of policy options evaluated by our experts is completed with a proposal that found broad consensus among respondents. A **better networking and information exchange among responsible labour market institutions** (social security institutions, labour market service and others) was mostly seen as feasible (18 yes against 1 no) as well as desirable (18 yes against 2 no). One commentator added that this should concern mainly the linking up of existing databases, rather than the creation of new control systems.

EU Enlargement and the end of transition periods on the labour market

As noted above, our experts were divided when it came to the foreseeable end of the transition periods for access to the Austrian labour market for new EU citizens (for the EU-8 in 2009 or 2011 plus later Bulgaria and Romania). In Delphi I only a small majority of respondents (52%) were in favour of ending the transition periods before 2011. Some of these proponents justified their position with a rising demand for additional migrant workers over the coming decade and the resulting chance for migrants already working irregularly in Austria to move to a regular job. Others supported only a gradual opening of the labour market as a preparation to the free movement of workers later on. On the other hand, opponents argued that over the coming years, the high wage differentials between Austria and her neighbouring countries will continue to exist, leading to extreme pressure on the labour market with substantial substitution processes, especially in low-skilled occupations.

To learn more about the likely impact of the end of transition periods (which will come sooner or later, irrespective of the political will in Austria), we asked our expert panel whether they think that the extent of irregular migrant work will increase after the end of the transitional regulations or not. It is interesting to note that when confronted with the above arguments made by their colleagues in response to that question in Delphi I, relatively more experts thought that this would be the case: the rate of agreement rose from 44% in Delphi I to 60% in Delphi II. Some of the experts justified their change in position by arguing that the migration-supporting factors – at least in the short run – would prevail. The demographic and development factors would only become important in the longer run (after 2020). A detailed look at possible future scenarios of irregular migrant work in Austria is provided in the next section.

XII. Prognoses and scenarios on the future development of irregular migrant work

Sector-specific prognoses of irregular migrant work

Prompted for a prognosis about the future development of IMW in the most notorious sectors and branches over the next 10 years, our expert panel made the following predictions: An overwhelming majority projected a further growth of IMW in the private care sector, and a majority also foresaw further growth of IMW in cleaning in private households and (relatively fewer) in catering/tourism. Interestingly, IMW in construction and agriculture was largely predicted to remain stagnant (albeit at a high level). Finally, IMW in trade and industry was forecast to remain stagnant or even declining. Generally, IMW as a share of total employment in Austria was predicted to grow further by a substantial majority (9 out of 15) of respondents (Table 7).

Table 7: Will the extent of irregular migrant work in Austria increase, stay the same or decrease over the coming 10 years in the following branches?

Branch-specific expert prognoses in Delphi II (in absolute numbers)

	increase	stay the same	decrease	Subtotal	don't know	Total
Private households/care	14	0	1	15	7	22
Private households/cleaning	9	6	0	15	7	22
Catering and Tourism	7	5	2	14	8	22
Construction	5	9	1	15	7	22
Agriculture	4	10	1	15	7	22
Trade and Industry	1	9	4	14	8	22
Total Employment	9	5	1	15	7	22

It is interesting to review some of the arguments made by our respondents to justify their branch- and sector specific prognoses. For both care and cleaning tasks in private households, several experts pointed to a continuously rising demand due to demographic developments (more old people in need of care and a higher labour force participation of women, who “outsource” household tasks to irregular migrants). On the other hand, the predicted stagnation of IMW in both construction and in trade and industry was related to a generally lower employment dynamic in these sectors, due to the possibilities to mechanize and rationalize low skilled tasks and to relocate labour intensive production processes to low-wage countries abroad.²⁴ The same argument was repeatedly made also for agricultural production; however, several experts argued that mechanization in this sector would be limited by the need for manual work in the production of high-quality food products.

As indicated by this brief discussion, our experts based their sector-specific prognoses of IMW in Austria generally on considerations of demand-side factors and their future

²⁴ However, a counter-argument fielded by some experts was that in the medium term higher competition in international product markets would lead to more cost pressures in certain industries and thus more demand for irregular (low-cost) migrant workers. This argument was sometimes also related to irregular migrant work in so-called „ethnic businesses“ (e.g. family members of migrant entrepreneurs). For construction, a common counter-argument against a future decrease in demand for irregular migrant workers was a perceived boom in construction and renovation activities in private households.

development. Among these, demographic and technological factors figured most prominently.

Future scenarios of irregular migrant work

At the end of the questionnaire in Delphi II, our expert panel was asked to briefly sketch the one scenario that in their opinion reflects the most likely development of irregular migrant work in Austria over the coming decade. 17 out of 22 respondents outlined such a scenario, formulated in free text. While the very openness of the question invited a broad range of possible forecasts, there were several key predictions that were shared across several experts.

First of all, it is interesting to notice that, contrary to the sector-specific prognoses summarized above, the general focus of the outlined scenarios was on the supply side of irregular labour markets. The following prospects were the most important factors in the deliberations on future developments:

- The projected end of current transition periods on the Austrian labour market for EU-8 citizens (2009 or 2011) and the resulting “supply shock” on the regular labour market.
- The timing and duration of transition periods for Bulgarians and Romanians on the Austrian labour market
- The possible lifting of entry- and residence restrictions for citizens of other EU-candidate countries (especially Southeastern European countries and Turkey)
- The economic development (projected income convergence and job creation) of Central-, Eastern- and Southeastern European countries over the coming decade
- “Crowding-out” processes of various groups of labour migrants from different origins on the regular and irregular labour market in Austria
- The possible return of irregular migrant workers from Austria to their newly prosperous countries of origin

Various combinations of the strength and possible effects of each of these factors on irregular migrant work, then, resulted in diverging scenarios on the future of IMW in Austria.

The following quote is typical for those forecasting strong disturbances from a labour supply shock:

The end of the transition periods will lead to more competition between workers, an effect that will be exacerbated by the lifting of residence restrictions for citizens of the Western Balkan states and possibly Turkey. The resulting over-supply of labour will lead to wage pressures and a higher willingness of workers to enter into and to accept irregular employment opportunities (e.g. part time jobs with unpaid overtime, etc.).

On the other hand, the following scenario illustrates the position of those projecting a decrease of supply pressures due to a rapid economic convergence process of new EU member and candidate countries:

The end of transition periods [...] will surely create new incentives for workers from neighbouring countries to search employment in Austria and other European countries. However, with favourable economic growth across Europe, the labour market will be able to absorb additional workers; especially in the new EU member states themselves, with growth rates of 5% to 6% per year, new jobs will become available.

However, such optimistic prognoses are regularly followed up with comments on a suggested “crowding-out” effect by new groups of labour migrants, as in the following quotes:

There will be a shift of irregular employment to [citizens of] Bulgaria and Romania, and additionally to Moldova and Ukraine resulting in a crowding out of current irregular migrant workers, who will return to Poland.

For [citizens of] the new EU member states there will be opportunities to change from illegal to legal employment. On their behalf [citizens of] Romania and Bulgaria will press after, as they will face long transition periods. In the new EU member states, there is a large segment of illegal work carried out by Russians, Belarussians and Ukrainians. The lifting of border controls could then result in a movement of these irregular workers to the “old” EU Member States.

The extent of irregular migrant work will remain about the same, if Turkey does not accede [to the EU]: The mobility of workers from Central- and Eastern Europe will decline due to demographic shifts but irregular migration from the rest of the world will keep the share [of IMW] about stable. However, if Turkey accedes [to the EU], there will be a migration wave that can no longer be socially integrated.

Generally, then, we can conclude that the supply-side arguments show a strong tendency towards predicting a continuously high pressure on the Austrian labour market, accompanied by a shift to irregular workers from ever more remote countries of origin, with clear consequences for irregular migrant work in Austria.

On the demand side, on the other hand, there are two opposing views that can be attributed to differences in the experts’ position on the underlying reasons of IMW. The first, optimistic, forecast is illustrated by the following quote:

With the end of transition periods many migrant workers will leave their status of illegality. Demographic changes will lead to labour scarcities and hence an increase in regular employment.

This optimistic scenario runs counter to several forecasts that base their assessments on the underlying structural reasons of IMW:

Irregular migrant work will continue to increase slowly. Efforts of legalisation will be able to transform only some irregular employment relationships into regular ones, while the additional costs related to regular employment will still favour irregular employment on the whole.

The liberalisation of labour laws and standards (for example in regard to part-time or ‘minor’ employment) has created the basis for irregular employment. Therefore, irregular employment will by no means decline over the coming 10 years. Those migrants, who [then] have the opportunity to access regular work and who are economically integrated, will follow the model of many native workers – a combination of [unemployment] benefits and irregular work [...].

[There will be] few changes, except that for citizens of certain [EU member] states there will be no more need for work permits under foreign employment laws; but this will only make it easier for dubious employers (especially from abroad) to pay wages below the minimum standards; there will be a strong expansion of the “grey area”! Consequences: wage levels will fall, legitimate firms (small and medium-sized enterprises) will not be able to compete and will find it difficult to survive.

And the World Goes Round ...

On balance, then, the suggested scenarios of our expert panel, give us little confidence to predict a general decrease in irregular migrant work in Austria. However, the prognoses of several experts point to significant shifts in the countries of origin of irregular migrant workers, coupled with a “crowding-out” between migrant groups at the lower ends of the labour market. At the end of this section, we would therefore like to quote one elaborate scenario that pointedly combines many of the above-mentioned elements:

Following its long-term trend, irregular employment will continue to increase, parallel to the shadow economy as a share of GDP. The end of transition periods for citizens of the EU-8 will bring a supply shock on the labour market that will stimulate growth but at the same time increase unemployment of both native and foreign workers [...]. The labour market will become even more segmented according to qualifications and ethnic/religious background. One way out will be an increase in self-employment (basar capitalism). With the end of the transition periods migrant workers from the EU-8 will shift from the irregular to the regular labour market and workers from the new EU accession countries will take their places as irregulars. And the world goes round...

XIII. Concluding remarks

As this study demonstrates, research on difficult issues (such as irregular migrant work) can clearly gain through the use of the Delphi method. Experts from various backgrounds and institutional affiliations often possess a lot of insights and information that would otherwise be unavailable to the researcher and can offer a wealth of knowledge for further analysis. At the same time, the very divergence of expert opinions points to the main shortcomings of the method: experts may have only partial insights into a complex and multi-faceted phenomenon and may mistakenly base general conclusions on partial or invalid indicators. The Delphi method is designed to overcome some of these problems by involving a larger number of independent experts in an interactive process of exchange through the use of written questionnaires. By fostering convergence and consensus, the method should result in an overall picture of a hidden phenomenon that is a better reflection of reality than simply the sum of the individual opinions.

Against this background and keeping in mind the strengths and weaknesses of the research method employed, our Delphi-Survey has produced a number of interesting results on the most important aspects of irregular migrant work. Our experts provided their assessments on the most important forms of IMW; the effects on various parts of the economy; the main motives of employers to engage irregular migrant workers; search and recruitment strategies; countries of origin, gender and educational levels of workers; the most notorious branches and their developments with regard to IMW; the extent of IMW; a scenario forecasting of future developments; an evaluation of control strategies and political measures against IMW; and much else. As the analysis of these issues is laid out in detail in the preceding sections and is succinctly summarized at the beginning of this report in the Executive Summary, they will not be repeated here.

Rather, we would like to point to one particular feature of our Delphi Survey, which is likely to be a valid characteristic of expert-based research in general: The great majority of participating experts in our survey are not only “knowledge carriers” for the purposes of this particular research, but are actively involved in shaping or implementing policies and regulations that in turn will have an effect on the research subject as such – as officials in public administration or enforcement bodies, as activists in NGOs, as professionals in special interest organisations, as policy advisors, authors of influential reports or simply as experts asked for special advice on the subject by the government, administration or the media.

It is for this reason that the sections on control strategies and policy measures assume a special weight in this research. And while the effectiveness of controls (at the workplace) and sanctions is predominantly seen as limited, there is much less agreement on which alternative policy measures could or should be taken to address irregular migrant work. By dividing the evaluation of policy measures into two dimensions – what is (politically) *feasible* and what is (generally) *desirable* in the eyes of our experts – we gained a picture of what could and should be done about irregular migrant work that is sometimes clear-cut and in other cases strongly contested. This should not be surprising. Insofar as our experts are opinion leaders and/or attached to institutions that represent certain interests

and positions, their views are likely to reflect the contested standpoints on irregular migrant work currently prevalent in Austrian society. Luckily, this is not the end of the story. By specifying, justifying and revising their views in the course of this Delphi survey, our experts have helped to sharpen a confusing and blurred picture and to clarify the desirability and feasibility of available policy options. This is no mean achievement and we wholeheartedly thank all our participating experts for their contributions.

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Annex

Table A1: Political Measures to reduce irregular migrant work – Expert evaluations in Delphi II					
Policy Option	Feasibility	YES	NO	Don't know	Total
No.	<i>Desirability</i>	<i>YES</i>	<i>NO</i>	<i>Don't know</i>	<i>Total</i>
1	Feasibility	16	4	2	22
Opening of the labour market for certain occupations	<i>Desirability</i>	15	5	2	22
2	Feasibility	21	1	0	22
Opening of the labour market for certain groups	<i>Desirability</i>	16	3	3	22
3	Feasibility	14	6	2	22
Regional opening of LM by branches and occupations	<i>Desirability</i>	10	11	1	22
4	Feasibility	9	12	1	22
Early phase out of transitional rules	<i>Desirability</i>	10	12	0	22
5	Feasibility	14	5	3	22
Liberalisation of current labour standards	<i>Desirability</i>	2	17	3	22
6	Feasibility	6	13	3	22
Adjusting minimum wages downwards	<i>Desirability</i>	0	20	2	22
7	Feasibility	18	4	0	22
Merging of the right to reside and the right to work	<i>Desirability</i>	16	4	2	22
8	Feasibility	7	14	1	22
Increasing state-funded care allowances	<i>Desirability</i>	17	3	2	22
9	Feasibility	14	7	1	22
Switching from cash to in-kind care allowances	<i>Desirability</i>	20	2	0	22
10	Feasibility	14	3	5	22
Providing access to the LM for foreign household helpers	<i>Desirability</i>	17	1	4	22
11	Feasibility	15	4	3	22
Combination wage for low-wage jobs	<i>Desirability</i>	8	11	3	22
12	Feasibility	16	4	2	22
Sanctions or fines against irregular migrant workers	<i>Desirability</i>	5	16	1	22
13	Feasibility	16	5	1	22
Strengthen legal support for irregular migrant workers	<i>Desirability</i>	18	3	1	22
14	Feasibility	18	2	2	22
Creation of specialized advisory services	<i>Desirability</i>	18	3	1	22
15	Feasibility	11	10	1	22
Mandatory role for trade Unions in legal proceedings	<i>Desirability</i>	15	6	1	22
16	Feasibility	8	12	2	22
Skimming off profits	<i>Desirability</i>	17	3	2	22
17	Feasibility	14	4	4	22
Exclude offenders from public public work contracts	<i>Desirability</i>	14	4	4	22
18	Feasibility	12	6	4	22
Common EU-framework for combating irregular work	<i>Desirability</i>	16	3	3	22
19	Feasibility	10	9	3	22
Approximation of economic framework conditions	<i>Desirability</i>	14	6	2	22
20	Feasibility	11	7	4	22
Awareness raising among irregular employers	<i>Desirability</i>	16	3	3	22
21	Feasibility	12	7	3	22
Strengthen control systems through modern technologies	<i>Desirability</i>	3	18	1	22
22	Feasibility	18	2	2	22
Faster recognition of foreign diplomas	<i>Desirability</i>	16	5	1	22
23	Feasibility	14	7	1	22
Legalization of irregular migrant workers	<i>Desirability</i>	14	6	2	22
24	Feasibility	18	1	3	22
Better networking of labour market institutions	<i>Desirability</i>	18	2	2	22

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