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**CITIZENS AND GOVERNANCE IN A  
KNOWLEDGE-BASED SOCIETY**

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Counting the Uncountable. Data and Trends  
Across Europe**

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# **CLANDESTINO PROJECT**

## **FINAL REPORT**

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Project Coordinator: Anna Triandafyllidou

Coordinating Organisation: Hellenic Foundation for European and Foreign Policy (ELIAMEP), Vas. Sofias avenue 49, Athens 10676, Greece, tel. 0030 210 7257111, fax 0030 210 7257114



# **CLANDESTINO**

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# EXECUTIVE SUMMARY

## GENERAL INTRODUCTION

The CLANDESTINO Project is a response to the need for supporting policy makers in designing and implementing appropriate policies regarding undocumented migration.

### The project has aimed to:

- (a) provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries,
- (b) analyse the data compiled comparatively,
- (c) discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use,
- (d) propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU.

The project will address these aims in selected EU countries (Greece, Italy, France and Spain in Southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia in Central Eastern Europe).

It also looked at transit migration in countries/regions used as key ‘stepping stones’ by undocumented migrants en route to the EU, notably Turkey, Ukraine and one Maghreb country. Where relevant, the project considered factors affecting the shift between legal and undocumented status among migrant populations.

**This Executive Summary presents the overall findings of the project in a very concise way, providing references and links** to project reports, project policy briefs, and other project working papers and forthcoming publications.

### The CLANDESTINO Project has concentrated on the following main areas:

- 1) Discussing and assessing the different **methods** used to estimate irregular migrant populations in Europe (see: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>).
- 2) Critically discussing and making recommendations regarding the **ethical aspects** of research on irregular migrant populations. (see <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/> )
- 3) Constructing a **database on irregular migration in Europe** (<http://irregular-migration.hwvi.net>)

The database is supported by

- a. **Twelve country reports** on 12 EU member states (Austria, Czech Republic, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain, UK). The reports outline the size and main demographic features of the irregular migrant population in each country, discuss the main flows into and out of irregular status, assess how the policies in force in each country effect irregular migration, and seek to make policy recommendations at the national and EU level.

See: <http://clandestino.eliamep.gr/category/clandestino-database-on-irregular-migration/>

And: <http://clandestino.eliamep.gr/category/irregular-migration-in-the-eu/>

- b. **Twelve policy briefs**, one for each country studied, so that the findings of the project are made available to a wider user community. Each of the 12 policy briefs has been prepared in English and in the national language of the country that it refers to. (See: <http://clandestino.eliamep.gr/policy-briefs/>)
- 4) The project has also studied the dynamics and mechanisms that affect irregular transit migration in Europe focusing in particular on three EU neighboring countries: Morocco, Turkey and Ukraine. The project has produced **three Project Reports and three Policy Briefs** for these countries, as well as a **Comparative Analysis of the dynamics of transit irregular migration** in and around the EU. (See: <http://clandestino.eliamep.gr/category/irregular-migration-transit-countries/>)
- 5) **Comparative analysis:** The analysis concentrated on six dimensions: an estimation of the size of irregular migration in the EU27; a comparative analysis of methods used in different countries to produce data and estimates on irregular migration; a comparative analysis of flows into and out of irregular status; a comparative analysis of irregular migration definitions and of the ways in which policies construct ‘illegality’; a critical comparative assessment of irregular migration control policies; an analysis of the political discourses surrounding policy making on irregular migration; and last but not least, a comparative analysis of the links between irregular migration and informal work in Central Eastern and Southern EU member states. The six research papers produced (one for each of these dimensions) constitute part of a Special Issue on Irregular Migration currently under submission to the journal “*International Migration.*”
  - a. **Three of these papers**, notably the paper on the size of the irregular migrant population in the EU 27, the paper on policies constructing irregular migration, and the paper on the political discourses that construct the framework of irregular migration policy-making have been summarized into **three Comparative Policy Briefs.**

**Regarding the academic dissemination of the work carried out,**

- 1) A volume has been prepared on *Irregular Migration in Europe: Myths and Realities*, to be published by Ashgate, Aldershot – currently in production, to be available in bookstores in April 2010. The table of contents of the book is given in Annex I at the end of this report.
- 2) A Special Issue on *Irregular Migration in Europe: A Comparative Perspective on Data, Policies and Discourses* (provisional title) has been completed and submitted in November 2009 to the journal “*International Migration.*” The final publication will be subject to peer-review. The table of contents of the Special Issue is given in Annex I at the end of this report.

**In order to disseminate the work to a wider user community including NGOs, policy makers, journalists and think tanks the following activities took place:**

- 1) **12 field-visits were realised, one in each of the countries studied.** During these field-visits, at least two CLANDESTINO Project members (one partner or national expert, and the project officer of PICUM, our NGO partner responsible for dissemination) have met with NGO representatives, policy makers and journalists, and have presented the preliminary findings of the project to them, with regards to the size of irregular migration in each country, its features, and the policies that seek to address

the issue of irregular migration. These discussions and the relevant feedback have been presented in our field-visit reports available at the project web site (see: <http://clandestino.eliamep.gr/category/clandestino-field-visits/>).

- 2) Two **Regional Workshops have been organized**, one in **London in March 2009** focusing on Northern and Western European countries (for more information see: <http://clandestino.eliamep.gr/london-workshop-27-march-2009/>), and one in **Athens in April 2009**, focusing on Southern and Central Eastern Europe, for more see: <http://clandestino.eliamep.gr/clandestino-workshop-in-athens-27-28-april-2009/>.
- 3) A Meeting with Policy Makers was organized on 13 November 2009 in Brussels by Ms. Giulia Amaducci, the CLANDESTINO Project Officer within the European Commission. The meeting was attended by 25 policy makers from shared and discussed with various members of the DGs of the European Commission (namely, DG JLS, DG Employment, DG RELEX, DG AIDCO, DG RTD, BEPA), and members of the EU Council, the European Socio-Economic Council, FRONTEX, EUROPOL and the Fundamental Rights Agency. A short report on the workshop and the power point presentations can be found at <http://clandestino.eliamep.gr>.
- 4) Each partner has made numerous interventions in the press, has written blog articles and has met with policy makers, or organized closed discussions with academics, politicians and journalists on irregular migration in their country and in Europe. These are presented in detail in the separate presentation of each partner's work during Year 2 (section 2 below).
- 5) The visitor statistics on the main CLANDESTINO web site show a total number 4,672 users (approximately 700 visitors per month or 22 visits per day) between 1 March 2009 and 30 September 2009, with an average time spent on the site of approximately 3 minutes, viewing at least 3 different web pages. Between 50% and 60% of the users are new each month.
- 6) The visitor statistics of the Database on Irregular Migration show a total number of 5,076 different users (or about 725 visitors monthly) who visited the website from its launch in February 2009 to the project end in August 2009.

## **FINDINGS**

**This Executive Summary briefly presents the main findings of the project organized in seven main areas:**

- 1) Methodological problems and solutions in studying irregular migration in Europe
- 2) Ethical questions in research of irregular migration
- 3) Estimates of the size of the irregular migrant population in the European Union
- 4) A brief assessment of EU policies on irregular migration
- 5) A critical review of the policies on irregular migration in selected EU countries
- 6) A critical analysis of discourses on irregular migration in the EU
- 7) An analysis of irregular transit migration in three EU neighboring countries

Findings on each country studied are presented in the body of this Final Report.

### **1. Methodological Problems and Solutions in Studying Irregular Migration in Europe**

A press statement by the European Commission claims that ‘precise figures’ on the size of irregular migration are “difficult to obtain, but recent estimates of illegal migrants in the EU range between 4.5 million and 8 million, with an estimated increase of 350,000 to 500,000 per year” (cit. in IP/07/678 of 16 May 2007). Following the long quotation chain behind these numbers, it becomes clear that the Commission does not really rely on recent estimates. In fact, one of the statistics is just a quotation from an old newspaper article that was quoted and re-quoted until it was called a “recent estimate.”

This inaccuracy is typical for the current situation with regard to estimates about irregular migration at the EU level, and there is no doubt that the situation could be improved. Social scientists *can* do much better than just recounting a statistic, although estimates of the size of irregular populations may never reach the degree of accuracy that estimates of the size of regular populations achieve. There are a *variety of methods* for the estimation of the size and structures of irregular migration. Based on the existing body of literature on the subject, a generic classification scheme can be developed that divides existing estimation procedures into the subcategories: approaches, methods and estimation techniques.

While reviewing literature on quality criteria in social research, it became evident that the general criteria of transparent documentation, validity and reliability are not applicable to the question of estimating the size of irregular migrant populations, and must therefore be adjusted. Very few studies fulfill usual academic standards. The following categorization into quality classes seeks to capture the key differences between estimates of different quality, that are described in more detail in the methodological report:

- *high quality estimates* are serious, comprehensive and consistent scientific studies
- *medium quality estimates* are well-documented, comprehensive and empirically founded efforts, even if relying on poor data and/ or not fully adequate methods;
- *low quality estimates* circulate numbers without source and explanation; or estimates in which quantitatively relevant information on empirical foundations is missing; or are estimates based on clearly inadequate methods or method applications.
- *low quality estimates/serious doubts* are problematic because the numbers are likely to be misleading.

This classification can be applied to estimates of the full size of irregular migrant or irregular working populations, as well as to subgroups, particularly concerning gender, age, nationality, economic sector composition.

#### *References:*

Vogel D., Jandl M. (2008). Introduction to the Methodological Problem, chapter 1, in: Methodological report for CLANDESTINO, final version, November 2008;

Jandl, M. (2008) Methods for Estimating Stocks and Flows of Irregular Migrants, chapter 2, in: Methodological report for CLANDESTINO, final version, November 2008;

Vogel D. (2008). Classifying the Quality of Estimates, chapter 4, in: Methodological report for CLANDESTINO, final version, November 2008

Available at: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Vogel D., Kovacheva V. (2008). Classification Report: Quality Assessment of Estimates on Stocks of Irregular Migrants, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.1., [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)

## 2. Main Findings Regarding the Ethical Issues at Stake When Studying Irregular Migration

To date there are no specialized codes of practice or research ethics for those who study irregular migration. The CLANDESTINO project therefore aspired to identify the ethical issues in the qualitative and quantitative research of irregular migration and provide ethical guidelines.

Various methods have been used to research irregular migration, including: face to face in-depth interviews; anonymous questionnaires; analysis of secondary data including quantitative enforcement agencies' records or police or court interrogation records; and qualitative interviews with experts or others possessing vast knowledge on the subject. In general, qualitative interviews and participant observation usually produces highly personal and confidential data, including data on travelling, living and working patterns of irregular migrants. Police data and interrogation records contain personalised data, and expert interviews which may produce detailed quantitative or qualitative data or they may simply reveal migrants' general perceptions and beliefs. Each of these approaches presents its own range of ethical challenges.

The main ethical issue to consider at the outset of any research is the selection of appropriate methods to ensure that research is transparent, accountable and produces data of the highest quality. This implies that qualitative and quantitative data should be double-checked and verified by researchers for accuracy, validity and reliability and that researchers must respect professionalism and quality standards.

In the CLANDESTINO report on **Ethical Issues in Irregular Migration Research**, we have discussed the different types of ethical questions that may arise for irregular migration research. In particular:

- the implications for the individual participants of research and their entire social group;
- the implications and risks for the researcher;
- the relationship between researcher and subject(s) of research;
- the possibly conflicting interests and priorities;
- the relationship between the researcher and her/his funding agency or society at large;
- the ethical choices involved in the use of quantitative and qualitative data and methodologies;
- and the important ethical issues arising from the use of research results and their overall dissemination.

This last issue has received special attention as CLANDESTINO is particularly interested to produce data and estimates on irregular migration, indeed a type of research output that is vulnerable to misuse and misinterpretation by the media and politicians.

Irregular migration is sensitive in nature and the research subjects vulnerable. Both characteristics are crucial for understanding and addressing the ethical questions in research on irregular migration. Sensitivity generally refers to the area of research and studies in which there are potential consequences or implications, either directly for the research subjects or for the research group as a whole (meso-level). While vulnerability is a feature mainly of the research subjects (micro-level) referring to people who are stigmatized, have low social status, very little power or control over their lives, and who live under damaging legal, social or institutional regimes.



The bottom line of our analysis is that research on irregular migration must be conducted and disseminated in a way that prevents enforcement agencies from identifying the whereabouts of individual or collectives of irregular immigrants. Research must also avoid disclosing information that facilitates enforcement agencies' planning and operations. A useful practice may be to cross-check findings by involving both irregular immigrants and enforcement agencies in the research to verify what is already known. Information which is already known to enforcement agencies can often be disclosed without violating research ethics but the release of new data must go through an ethical review, assessing the potential to harm versus the benefit that these findings will bring.

Research ethics is not free of political bias. Research always has a political dimension and researchers touching on such sensitive issues as irregular migration should openly acknowledge this possibility of having a potential bias. They should be as explicit and as aware as possible of their own views, preferences and awareness that the bias will inevitably seep into their research and openly discuss it. Also researchers need to always discuss the ethical implications of their research methods, strategies, questions and findings and properly justify their choices.

What our report shows is that often answers are not clear-cut and there can be no blanket ethical standard applied to all studies or empirical research projects. Researchers must apply their critical spirit and use (or develop) ethical codes to assess the ethical questions involved in their work and take informed decisions safeguarding their subjects' well being (psychological, physical and social), their own integrity, taking into account the priorities and interests of their funding organizations (ethical implications need to be examined prior to approval of a project by a specific funding organization). Detailed explanations and justification of ethical issues are not necessary in standard reports or scientific journal articles but should certainly be included in the overall documentation of a research project (and/or in a book length publication) and of course should also find their way into the academic literature that focuses on research methods and ethics.

#### *References:*

Düvell, Franck, Triandafyllidou, Anna and Vollmer, Bastian (2008), Ethical Issues in Irregular Migration Research, Project Report, CLANDESTINO, available at: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Düvell, Franck, Triandafyllidou, Anna and Vollmer, Bastian (2008), Policy Brief on Ethics in Irregular Migration Research, also available in <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Also:

Düvell, Franck, Triandafyllidou, Anna and Vollmer, Bastian, forthcoming 2010, 'The Ethics of Researching Irregular Migration', *Population, Place and Space* (forthcoming).

### **3. The Size of the Irregular Migrant Population in the European Union**

Irregular migration is a top priority in the European Union. Due to security and financial concerns, an increasing amount of resources are devoted to preventing people from entering without authorization, and to enforcing the return of non-EU citizens who are not (or are no

longer) authorized to stay. At the same time, NGOs point to the serious humanitarian side effects of this restrictive policy approach. Despite the political relevance of the phenomenon, assessments of the size of the irregular migrant population are often vague and of unclear origin. There are few serious attempts to estimate the size of the irregular migrant population in the European Union. Until recently, wide ranging estimates from 2 million to 8 million people were quoted in policy documents. The origin of these numbers is not entirely clear, but they are most likely to have been calculated as shares of the EU25 population in 2005. However, more accurate and credible better estimates that could be of relevance to policy-making, can be found in a number of resources such as law enforcement, provision of fundamental human rights to irregular migrants and implementation of regularisation programmes.

Easy access to well-documented and structured information is a necessary first step for creating more transparency concerning the size of irregular migration. The database on irregular migration developed in CLANDESTINO is an important step in this direction. In this database, estimates for 12 EU countries were collected and classified according to their quality. Comprehensive aggregate European estimates (on the EU27) were calculated, based on the information about the 12 countries and additional scholarly literature about the 15 member states not included among the countries studied in the project.

***Database on Irregular Migration***  
(<http://irregular-migration.hwwi.net> )

The database on irregular migration aims to increase **transparency** concerning the size and development of irregular migration, both for researchers and for stakeholders in civil society. The database seeks to pool knowledge from the whole European Union, document it transparently and improve it **continuously and interactively**.

*Database*

Currently, the database provides an inventory and a critical appraisal of data and estimates in the European Union and in the 12 member states covered in the CLANDESTINO project: Austria, the Czech Republic, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain and the United Kingdom.

In each country profile, there is a table designed to give users the best possible overview of estimates in the countries, in a simplified form. The quality of estimates is classified according to scientific quality criteria in high, medium and low quality estimates. Indicators of the composition of the irregular resident population with regard to gender, age, nationality and sector of economic activity are also provided, where available.

With regard to trends in flows of irregular migration, the data situation proved to be even more problematic than with regard to stocks so that efforts to present them along similar lines failed. The team started preparing summaries of results distinguishing between demographic, geographic and status-related flows for the time frame from 2000 to 2008 without however providing eventually tables with incoming and outgoing flows of irregular migrants as initially planned.

Included is a profile of the European Union which gives an overview of the phenomenon on the EU level. A stock table summarizes and classifies existing estimates. Furthermore, this

section acts as a platform for documentation and presentation of new EU estimates obtained in the frame of the CLANDESTINO project for 2002, 2005 and 2008.

### *Database explanations*

Database explanations are provided online that aim at making the rationale and procedure as open as possible. Particularly in a field with limited and dispersed knowledge, scientific communication may lead to improvements. Researchers all over the European Union are invited to critically comment the estimations and suggest improvements. The option to *contribute to scientific debate* (through a special ‘button’) is available from all sub-pages of the website.

### *Background information*

The quantitative information on irregular migration is accompanied by substantial background materials. This section provides easy access to background materials on irregular migration which are useful for scientific, journalistic and political work on irregular migration.

The *Working Paper Series* focuses on publishing papers supporting the aim of increasing transparency in the field of irregular migration. Particularly, it provides a platform for documentation of new estimates which are not suitable for journal publication. For more see: [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)

The section *Country Reports* ([http://irregular-migration.hwwi.net/Country\\_reports.6114.0.html](http://irregular-migration.hwwi.net/Country_reports.6114.0.html)) includes references to the CLANDESTINO reports and other reports on irregular migration produced in the framework of different projects and time periods. In addition, there is a *library of internet links*, (see: [http://irregular-migration.hwwi.net/Link\\_library.6132.0.html](http://irregular-migration.hwwi.net/Link_library.6132.0.html)) which includes a collection of online documents for both the EU and each member state, and international literature on the subject.

Furthermore, there are references to *organizations* that have repeatedly addressed irregular migration and *projects* that solely focused on the issue or closely related topics. These sections are not yet comprehensive and users are invited to increase its coverage by sending additional links. For more information see: [http://irregular-migration.hwwi.net/Organisations\\_and\\_pr.6116.0.html](http://irregular-migration.hwwi.net/Organisations_and_pr.6116.0.html))

### *The Size and Features of the Irregular Foreign Resident Population in the EU 2002, 2005 and 2008*

The CLANDESTINO Project focus has been on irregular foreign residents (IFR) which for the scope of the project have been defined as *foreign nationals without any legal residence status in the country they are residing in, and persons violating the terms of their status so that their stay may be terminated, which basically concerns ‘irregularly working tourists’ from third countries*. Asylum seekers and similar groups as well as regular residents working in the shadow economy are explicitly excluded from this definition.

Aggregate country estimates have been produced for three years: 2002, 2005 and 2008. They show a clear decline in the stocks of irregular resident populations, both when keeping the geographical or the political region constant. In 2002, an estimated 3.1 to 5.3 million irregular foreign residents lived in the European Union. In the same region of the EU15, the aggregation for 2008 results in only 1.8 to 3.3 million irregular foreign residents. The estimate

for the European Union of 2008 with its 27 member states is only slightly higher: 1.9 to 3.8 million, as most of the irregular resident population is estimated to live in the old member states.

**Table 3.1: Dynamic aggregate estimate of the irregular foreign resident population in 2002, 2005 and 2008 (last update 30 Sept 2009)**

Year	Absolute population numbers in millions		As percentage of population		As percentage of foreign population	
	minimum	maximum	minimum	maximum	minimum	maximum
<i>EU 15</i>						
2002	3.1	5.3	0.8%	1.4%	14%	25%
2005	2.2	4.8	0.58%	1.23%	8%	18%
2008	1.8	3.3	0.46%	0.83%	7%	12%
<i>EU27</i>						
2008	1.9	3.8	0.39%	0.77%	7%	13%

Source: Compilation and adjustment of individual country estimates from different sources, Vogel and Kovacheva (2009).

It cannot be excluded that a part of the decline reflects methodological changes, but this is unlikely to dominate the result. The European tendency also applies to individual member states. A declining or relatively stable irregular resident population is estimated for most member states with the notable exception of the UK where clearing backlogs of asylum applications lead to substantial inflows of persons into irregular status.

To understand the development, it is necessary to look at inflows into and outflows from the irregular foreign resident population. The public perception of flows is dominated by one particular flow – the irregular inflow over land or sea borders. Therefore, it is of primary importance to be aware of the full picture of migrant flows.

### **Differentiation Between Demographic, Geographic and Status-Related Flows**

*Demographic flows* concern the birth and death in an irregular residence status. We hardly know anything about the quantitative importance of these incidents. While their quantitative relevance seems to be low, they are causing considerable human rights concerns given the risks and often poor living conditions that irregular migrants and their families face.

*Geographic flows* are the most visible flows: Boat people try to reach the Southern shores of the European Union, and land borders are used by groups on foot and persons hidden in trucks. Border guard apprehensions may indicate the changing relevance of this input.

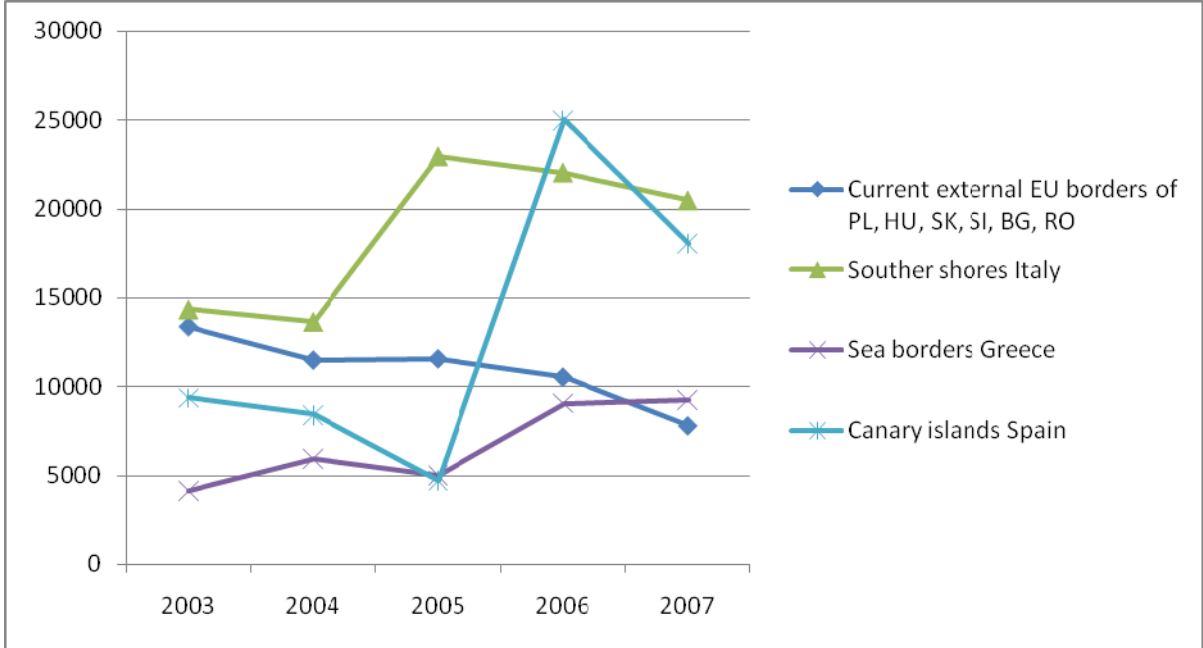
Data collection according to EU-wide standards may improve the quality of published data in the future, but so far not all country experts had a sufficient basis for a differentiated presentation of indicators of flows. Published data as for example in the *Third Annual Report on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders, and the Return of Illegal Residents (SEC(2009) 320 final)* make it seem as if there is comparability where actually the numbers quoted for different countries refer to different populations.

There is even less information on geographical outflows compared to inflows. The lack of awareness of the relevance of outflows of irregular migrants may lead to an overestimation of

the relevance of irregular migration. The best we can say is that geographical inflows and outflows seem to have declined steadily in the new millennium in many states, with many fluctuations, however. In particular, we do not see a clear downward trend in Southern European states (see figure 3.1).

*Status-related flows* are the third largest category of flows: people do not move over borders, they move between legal and irregular status within the territory of a European Union state. Review of the relevant studies and the empirical research conducted within the CLANDESTINO project in 12 EU countries shows that status-related outflows have been far higher than status-related inflows in the new millennium.

**Figure 3.1: Apprehensions at Selected European Borders**



Source: Compilation of border police data from different sources in Vogel and Kovacheva (2009), see references below.

Particularly, the EU accession of new member states legalized the residence status of large numbers of formerly irregular migrants in the older member states. It should be noted that EU citizens were often not regularized with respect to their work status. In addition to EU enlargement, the first decade of this millennium saw large regularization programmes being implemented in Spain, Italy and Greece leading to substantial outflows into legality. Part of the legalized third-country national population still has the risk to fall (or may have already fallen) back into illegality.

In many states, visa overstaying is the most relevant inflow into irregular residence. In some states, there are indications that overstaying visas has actually decreased. It is important to note that increasing or decreasing stocks of irregular migrants reflect *net changes* in flows. Fast rising numbers are often problematic and attract a lot of media attention, but may hide overall trends that are less problematic.

## References

For more see:

Vogel, D. et al. (2009) Policy Brief on the Size and Development of Irregular Migration to the European Union. Available at: <http://clandestino.eliamep.gr/policy-briefs/>

Database Working Paper Series:

[http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)

In particular:

HWWI (2009): 12 country tables with assessed stock estimates, <http://irregular-migration.hwwi.net>

Vogel, D., and Kovacheva, V. (2009): The Size of the Irregular Foreign Resident Population in the European Union in 2002, 2005 and 2008: A Dynamic Aggregate Country Estimate, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.4, [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)

Vogel, D., Kovacheva, V. and Prescott, H. (2009): How Many Irregular Migrants are Living in the European Union - Counting the Uncountable, Comparing the Incomparable, Manuscript prepared for journal submission

## 4. EU Policies on Irregular Migration

The global approach to migration adopted by the European Union (EU) includes, as one of its main aims, the fight against irregular migration. In other words, policies targeting irregular migration are closely related to policies concerning legal flows and migrant integration. The issue of irregular migration is interlinked with a range of other issues, both internal to EU member states, such as the shadow economy and the informal labour market, and external to them, such as relations with transit and source countries and development cooperation.

The Community employs both external measures (border management, cooperation with third countries, use of technology, carrier's sanctions) and internal ones (employer sanctions) in its fight against irregular migration. We can therefore state that the approach adopted by the EU since the early 2000's is truly global and comprehensive. While increasing attention is paid to the management of borders and the externalization of border controls, the measures taken raise important political and ethical questions, and have yet to prove their effectiveness. This is particularly relevant for the Southern European borders, which are disproportionately effected by those fleeing poverty and political conflict in Asia and Africa. Measures targeting the internal dimension of irregular migration, notably employment in the shadow economy, appear by contrast less controversial, although again their effectiveness has yet to be proven.

Overall, it is reasonable to argue that today we have EU policy on irregular migration that addresses most aspects of the phenomenon and attempts to harmonize national policies and practices. The CLANDESTINO country reports and the related chapters in the book *Irregular Migration in Europe: Myths and Realities* discuss national situations and policies, as well as the relationship between these and policies at the EU level, showing the interdependence of member states in this regard. The country-by-country analysis, however, also shows that while EU policies make a useful addition to the national migration control mechanisms and are sometimes more efficient and fair, they often fail to recognize local realities or regional needs and interests, and may present important variance and contradictions at the national and local level of implementation.

*References:*

Triandafyllidou, A and Ilies, M. (2010) EU Irregular Migration Policies in Triandafyllidou, A. (ed) *Irregular Migration in Europe: Myths and Realities*, Aldershot: Ashgate: in press.

## **5. National Policies on Irregular Migration: A Critical Assessment**

Definitions and laws as well as politics and policies on irregular migration differ widely across the European Union member states. These variations have wider implications for EU integration theory and comparative law. The cases studied here demonstrate that Gessner's (1994: 136) claim of a Europe with a "great variety of legal cultural characteristics" still holds true. Different cultures and policies offer different conditions and opportunities to irregular immigrants and contribute to a higher or lesser extent to the emergence of irregular migration.

Several scholars link irregular migration to (a) the lack of legal migration channels (Spain, Italy, Czech Republic, Poland), (b) to overcomplicated, bureaucratic, time-consuming and inefficient procedures in applying for immigration (Greece, Spain), (c) to constantly changing and difficult to follow regulations (France, UK), (d) strict conditions placed on work permits (UK, Czech Republic), (e) to different types of legal status requesting a myriad of conditions that are prone to be overstepped (UK, Germany), and (f) to organisational cultures in the bureaucracies that put more emphasis on protecting the country from 'illegitimate immigrants' than serving newcomers as customers (Spain, Greece).

It is evident that such policies succeed in limiting regular immigration, access to regular employment, public services and regular housing. Furthermore, it seems plausible to assume that a lack of legal migration channels will prevent an unknown number of would-be migrants from coming. But continuous inflow of irregular entrants as well as overstaying of those who are already in the country suggest that such policies to some extent fail in preventing or reducing irregular migration. Instead, a significant (unintended) effect of limiting immigration and restricting employment seems to be that migration is driven into informal, shadow and niche activities.

These findings show that despite the political intention of preventing and reducing irregular migration various legislations instead contribute to its emergence. Thus, a considerable discrepancy can be identified between policy goals and policy outcome; which can be attributed to five mechanisms.

- a. Regulations that intend to limit migration but instead contribute to irregular migration instead must be considered as having un-intended negative and often inevitable side-effects (Engbersen 2001). Regulations that fail to produce the intended results point to a policy gap (Hollifield 1992, Cornelius et al. 1994).
- b. Certain international legal norms effectively limit the states' capacity to enforce what is politically wanted and legally determined, e.g. removal of (refused) asylum seekers or family members, conceptualised as a liberal dilemma (Hollifield 1992). Lack of implementation and enforcement are sometimes the result of complex relations and tug-of-wars between the major actors: states who aim to enforce the law, employer associations who refute augmented regularisation and inspections, and civil society which defends the

rights of their (often marginalised) client group e.g. through anti-deportation campaigns (Freeman 2000, Düvell 2007).

- c. Indeed, policy goals often seem to have a discursive meaning (cf CLANDESTINO Policy Brief on Discourses on Irregular Migration in the EU), they are meant to demonstrate to the public that the government has migration under control whilst in fact few efforts are made to produce positive policy outcomes. For migrants these mechanisms mean that on the one hand, policy gaps emerge and certain migrants literally fall into the gap between policy goal (expiry or withdrawal of status and return) and aspired policy outcome (e.g. return); instead they become and stay irregularly (e.g. due to inadequate regulation or lack of enforcement). On the other hand, withdrawal of status in case of unemployment which aims at the migrant to return instead sometimes results in migrants overstaying; such cases demonstrate that regulations can have the opposite rather than the intended effect and bring about unintended effects. In both cases, the outcome of irregular migration, can be understood as some kind of policy failure, either in the design or the implementation and enforcement of policies.

A comparative analysis of national policies on irregular migration demonstrates that irregular migration is constructed politically and legally as a condition. This in turn means that if certain policy deficiencies are rectified, a part of the people who are today irregular immigrants can avoid irregularity and obtain or indeed recover their legal status.. The analysis shows that first, some irregularity in migration is inevitable, and second, that in some cases it is politics and law but not the immigrants that must be held responsible for irregular migration. It thus becomes evident that there is scope for improvement in policy, law and implementation so that at least some irregularisation could be avoided by addressing the shortcomings, inefficiencies, or irrationalities in migration regulations.

**Table 5.1: Proposed Classification of National Approaches Towards Legal and Irregular Migration**

Category I Tolerant to regular migration Tolerant to irregular migration Tolerant to irregular work	Category II Tolerant to regular migration Intolerant to irregular migration Tolerant to irregular work	Category III Tolerant to regular migration Intolerant to irregular migration Intolerant to irregular work
Category IV Intolerant to regular migration Tolerant to irregular migration Tolerant to irregular work	Category V Intolerant to regular migration Intolerant to irregular migration Tolerant to irregular work	Category VI Intolerant to regular migration Intolerant to irregular migration Intolerant to irregular work

**Table 5.2: Classification of EU Countries According to Their Approach Towards Legal and Irregular Migration**

Category I	Category II	Category III	Category IV	Category V	Category VI
Italy Spain	UK (until 2004) NL	Germany UK (since 2004) Austria	Poland Czech Republic Slovakia Greece	n/a	Norway Denmark Sweden



*References:*

Duvell, F. (2009) *Policies and Pathways of Irregular Migration*, CLANDESTINO Policy Brief, available at: <http://clandestino.eliamep.gr/policy-briefs/>

Duvell, F. (2010) Paths Into Irregularity. The Legal and Political Construction of Irregular Migration, in *International Migration*, Special Issue, under review.

## **6. Political Discourses on Irregular Migration in the EU**

The discourse of irregular migration is highly politicised. Changes regarding the notion of irregular migration and its implications on control measures and mechanisms have been driven partially by the discursive role of ‘numbers’. Figures tend to be downplayed or exaggerated, so the actual number of irregular immigrants entering and staying in the European Union is largely unknown.

Common European themes addressing the scope of irregular migration include: 1) number games, 2) threat and criminalization, 3) marginalisation and vulnerability. The combination of numbers with a sense of ‘threat’ contributes to the justification and mobilisation of a commonly accepted restrictionist policy paradigm that has developed during the past decade across the EU.

The crisis of increasing numbers and an increasing sense of threat is resolved (in discourse) by the demonstration of ‘effective governance’. Effective governance focuses on the numbers of arrests, deportations, sums spent, border guards hired. It shifts the debate on irregular migration into the sphere of criminal activity such as human smuggling and human trafficking. This policy shift has increasingly stigmatised as well as criminalised the population group of irregular migrants.

The third main theme, notably ‘marginalization and vulnerability’ of irregular migrants became more prominent over time. The need for protection and respect of human and basic social rights’ standards in national and EU policies became increasingly important to political stakeholders.

A realistic assessment of the size and structure of irregular migrant populations is particularly relevant for policies aiming at the inclusion of irregular migrants. Political actors and NGO’s who lobby for the effective inclusion of undocumented migrants in basic social systems such as health care, schooling or legal assistance are confronted with the question how many persons are concerned, since this has major implications with regard to costs and organisation. Even more so, when new regularisation policies are introduced, it is important to have a realistic assessment how many people may apply and may be eligible, both in order to administer the regularisation adequately and to get an indication of the impact on labour markets and social systems. For control and enforcement policies seeking to prevent irregular entries such as border control and visa policies, a realistic assessment of the size of the undocumented migrant populations is much less important, as the target of these policies are those who plan to come rather than those who are already in.

More specifically:

### ***‘Number Games’***

- ‘Number games’ illustrate the significance and the role of numbers in political discourses. State authorities, governments (and occasionally other stakeholders such as NGOs, think tanks etc.) use and interpret figures depending on their own strategic interests. ‘Number games’ are characterised by a simple logic: numbers represent ‘factual truth,’ hence, they provide a solid basis for policy development. With regards to irregular migration policy, it logically follows (according to the discursive ‘number games’) that higher numbers of irregular migrants in a country justify the government’s adoption and implementation of stricter legislation and tougher enforcement. Lower numbers, by contrast, suggest that ‘pressure’ is decreasing and hence migration control measures can also tentatively relax.
- ‘Number games’ on irregular migration are characterised by an absence of scientific estimates. Nonetheless, the repeated citation of ‘guesstimates’ (unreliable estimates based on a person’s presumably informed assumption) often leads to its conversion to a valid number cited in official policy documents.
- Closely related to an alleged ‘official number’ of irregular migrants is the contested issue of regularization programs (offering a legal status to irregular migrants). In the UK for instance, new numbers emerge in the discourse and these numbers are often used by political actors (state authorities and political stakeholders) with the intention of supporting or opposing the idea of implementing a regularization programme. Thus the policy process of regularisation programmes and the emergence of ‘numbers’ mutually influence each other. The dynamics of this special relationship developed into ‘politicised number games’ or amount to ‘political games’.
- Raw numbers or estimates are generally refuted by stakeholders in civil society (e.g. NGOs working with migrants). Most NGOs have a highly suspicious attitude towards numbers and politics, but concurrently NGOs underline the need for scientific estimates or actual numbers which note the size of the irregular migrant population (or the number of entries into the country) so as to have a clearer picture of the reality on the ground, the needs of these people, the need for capacity building to properly address the problem. In addition, some NGOs suggest that collecting data and producing numbers enhances the visibility of irregular migrants and the related humanitarian issues, thus raising public awareness as to the plight of these people.

### ***Threat and Criminalization***

- The issue of threat reflects the development of a European security zone. As a result, issues of immigration policy were moved gradually into the policy domain of national security. An inherent threat perception of this gradual development has three dimensions: a threat to the national welfare system, a threat to the ‘national culture’ and a threat to national security. Variations apply among national policy regimes in the EU.
- In practice, the policy domain of irregular migration is increasingly being dealt with in policy items that can be found focusing on criminal activities such as smuggling or ‘trafficking’. This policy shift has fostered the stigmatisation and criminalisation of the population group of irregular migrants. For instance in France, this shift amounts progressively to an ‘institutionalisation of “threat.”’ The enforcement sector underwent substantial changes and updates with new technologies that allowed for ever more sophisticated systems of migration control and surveillance.

### ***Vulnerability and Marginalization***

- Irregular migrants face the greatest risks of poverty and social exclusion, and therefore, they are vulnerable and often marginalised from society. This situation is fostered by

the restricted access to basic social services (e.g. health care, education, housing) that they usually face.

- ‘Modern form of slavery’ is a label that is attributed to the vulnerable group of irregular migrants, which refers to the exploitive situations in which a large share of irregular migrants find themselves. For instance, exploitive employment conditions occur due to an asymmetric power relation between the employee (irregular migrant) and the employer. If irregular migrants stay unprotected (due to insufficient rights) and marginalised, this asymmetric power relationship will remain.
- The impact of the financial crisis is an additional caveat. In most Southern European countries such as Greece and Italy, irregular migrants remain a substantial group in the countries’ workforce upon which the economies rely (in sectors such as construction, tourism, agriculture and domestic services). Evidence confirms that the financial crisis has worsened living conditions of irregular migrants, which makes them even more vulnerable to exploitive employers.

*Reference:*

Vollmer, B. (2009) Political Discourses on Irregular Migration in the EU, CLANDESTINO Policy Brief, available at: <http://clandestino.eliamep.gr/policy-briefs/>

## **7. Irregular Transit Migration in Three Selected EU Neighboring Countries**

The CLANDESTINO Project studies also three non-EU countries in the neighbourhood of the European Union, notably Ukraine (Pylynskyi 2008), Turkey (Kaya 2008) and Morocco (Lahlou 2008, for more see: <http://clandestino.eliamep.gr/category/irregular-migration-transit-countries/>). It concentrates on *irregular migration in these countries, from these countries and irregular transit migration of citizens from third countries that enter the EU zone*. The European Union and its member states are acutely aware of irregular migration across its external borders in the South and East and makes significant and increasing efforts to address this issue. Border controls are implemented by national forces and increasingly coordinated by the EU’s border agency Frontex; stretching well beyond EU territory and expanding far into non-EU countries. *This focus on the external borders comes despite the fact that irregular migrants overwhelmingly enter EU territory legally and then overstay or work in breach of employment regulations.*

Various obstacles impede research of irregular transit migration: data in non-EU countries is scarce, sometimes of poor quality and not usually comparable across countries; no clear distinction is made between irregular border crossings of neighboring countries’ citizens and citizens from distant countries; flows are mixed and little distinction is made between those in need of international protection (refugees, minors) and other (economic) migrants; there is no internationally agreed upon definition of transit migration; and finally the discourse suffers from biases and is highly politicized.

### ***Irregular Migration in Non-EU Countries***

*Almost all European non-EU and non-European countries in the neighbourhood of the European Union are known for hosting immigrants of various types, notably Russia, Ukraine,*

Turkey, Lebanon, Israel, Egypt, Libya, Tunisia, Algeria and Morocco as well as more distant countries like Kazakhstan, Azerbaijan, Yemen, Mauretania and Niger. Indeed most countries are integrated into well-established regional and international migration systems. *From all these countries, considerable levels of irregular movements are reported.* Hence, irregular migration is not only a phenomenon in high income countries but is equally recorded in medium and low income countries (see Düvell 2006a).

The current numbers of irregular migration reported from Russia were around 9 million; this decreased to about 5-6 million in 2008 after a major de-facto regularization. In Turkey, irregular immigrants are estimated to be 500,000 to one million, in Egypt there could be around 500,000 to 3 million; and in Morocco around 15,000. Irregular migration appears to have grown over the past years. This has been the result of employment opportunities related to economic growth in various non-EU countries, but is also related to certain protectionist measures by the EU. Analysis of the structural factors (such as demographic and macroeconomic developments) in non-EU countries demonstrates that certain sectors of the national labour markets require immigrant including irregular labour, notably in construction, agriculture and domestic work just as in the EU countries.

Other countries, such as Egypt, receive large numbers of refugees because of their proximity to major conflicts. Unfortunately, the case is usually that these receiving countries are ill-prepared to deal with and unwilling to accept immigrants and refugees. Therefore, migrants and refugees are frequently refused adequate procedures and status and remain irregular. The considerable size of the irregular immigrant population in EU neighboring countries demonstrates that the EU can by no means be considered the only and maybe not even the prevalent destination for irregular migrants.

### ***Quantifying Irregular Transit Migration***

*For epistemological reasons, the scope of transit migration is difficult and problematic to establish.* For instance, to identify who is a transit migrant; the kind and quality of data sources available; and the kind and quality of data collection. We have defined four available data sources: experts' estimates; asylum applications in the EU countries on the fringes of the EU; figures on apprehension of irregular immigrants in the neighboring, and in the EU country of arrival. Thus, almost all data is based on enforcement activities rather than on methods for quantifying populations.

Border apprehension data in transit countries is characterized by many problems which are also relevant for the interpretation of apprehension data of European Union states. From a European Union perspective, there is the additional problem that apprehension figures frequently do not disclose nationality thus *it is impossible to clarify who is an irregular immigrant from a neighboring country and who is a transit migrant from a distant country.*

Also, reporting practices change from time to time, for instance Ukraine, in earlier years did not report CIS citizens trying to cross into an EU country irregularly because they were legally staying in Ukraine. Another example of the fluctuation in data is that figures of various agencies in one and the same country often differ, thus rendering exact quantifications practically impossible.

### ***Regular and Irregular (Transit) Migration in Ukraine, Turkey and Morocco***

*Turkey, Ukraine and Morocco by and large implement restrictionist immigration policies based as much on national interests as on EU expectations. Control mechanisms, however, differ, whilst Ukraine and Morocco are geared towards internal controls Turkey's emphasis lies on external controls. Exit controls of irregular migrants seem to be stricter in Ukraine and Morocco than in Turkey. Finally, in all countries irregular migration in general and human smuggling in particular is criminalised. Law enforcement is undermined by common tolerance of irregular practices of all kinds and corruption, especially in Ukraine.*

The number of (irregular) transit migrants in proportion to overall migration flows were assessed as very high in Ukraine. The main source of data is the 'State Department of Citizenship, Immigration and Registration' at the Ministry of Interior and the State Border Guard service of Ukraine.

Icdygu (2005) estimated that the number of *irregular immigrants in Turkey may be between 500,000 and 1 million*, whereas Kirisci (2008) stated a number between 150,000 and million. According to İcdygu and Yukseker (2008) the true picture may be at least two or three times the number of migrants apprehended by the authorities.

The latest estimates of the number of migrants in transit and/or residing in Morocco is 10,000 to 15,000 people (see Lahlou 2008). In 2002, *irregular transit migration in the Maghreb, including Morocco, was estimated at 15,000 to 20,000* (Barros et al. 2002). Apprehension data sets jointly collected by Moroccan and Spanish authorities points to a significant decrease in irregular transit migration, down from 36,000 in 2003 to 13,000 in 2007.

Figures from these three countries show that *irregular (transit) migration peaked around 2000 (Turkey), 2003 (Morocco) and 2007 (Ukraine) but has significantly decreased,*

Irregular immigration and transit migration are interrelated but distinctly different forms of migration. Irregular immigrants to low or medium income countries in the neighbourhood of the European Union cannot *per se* be labelled as "in transit," instead, they are often refugees or labour migrants to these countries. Not all transit migrants are irregular in the countries they aim to transit but hold permission to stay in that country. Finally, it has been observed that immigrants to non-EU countries at some point in their life decide to move on to an EU country whilst others who initially aimed to transit such countries instead stay and become immigrants.

One can conclude that migrants switch between both categories and a single label such as 'transit migrants' is inappropriate. Because migration processes are dynamic, the categories irregular and transit migration are fluid, the phenomena is complex in nature and definitions are blurred. It should be noted that countries in the neighbourhood of the EU simultaneously accommodate immigrants, irregular immigrants and are used as transit zones. The constant movement poses substantial problems in categorizing or quantifying these migrant groups.

### *References*

For more information see:

CLANDESTINO Transit Country Reports, and

Duvell, F. and Vollmer, B. (2009) CLANDESTINO Comparative Report on Transit Irregular Migration in and from the Neighbourhood of the EU

available at: <http://clandestino.eliamep.gr/category/irregular-migration-transit-countries/>

## **PART 1 - INTRODUCTION**

### **1. Introduction – objectives of the project**

This proposal responds to the need for more reliable and systematic data on undocumented migration in the European Union. The project addresses a number of aspects of the undocumented migration phenomenon and the relative lack of scientific knowledge on its various dimensions and consequences.

The project contributes towards the creation of a **database on irregular migration** that can be a useful tool for policy makers and non governmental agencies alike. The project takes into consideration, highlights and discusses the **ethical implications of collecting data on undocumented migrants as well as the methodological problems** inherent to the study of such a phenomenon, which are by definition elusive and not-registered. Equally, the project investigates the different dimensions of illegality (related to entry, residence and work) and their different combinations (distinguishing between different types of undocumented migration).

The CLANDESTINO Project consortium has discussed these issues with social and political actors working in the field of undocumented migration (including immigrant associations, NGOs, local authorities, regional authorities, policy makers and related agencies) to gain a better understanding of how different legal status categories take shape and become concrete social realities on the ground. Through a series of field visits (12 in total) to the EU countries studied, the consortium has sought not only to present and disseminate the project findings but also to obtain feedback from policy and non governmental actors as well as media professionals with a view to refining and deepening our understanding of irregular migration as a phenomenon.

The CLANDESTINO consortium considers that an improved knowledge, both in quantitative and in qualitative terms, of the undocumented migration phenomenon, its character, its dimensions and the factors that influence it, is of crucial importance for two reasons. First, to tackle undocumented migration pressures and thus reinforce the management of regular migration. Second, to guarantee the basic rights of undocumented immigrants often trapped in situations of extreme vulnerability and isolation.

Although the laws and practices of the EU and its Member States should not favour irregular migration, at the same time, they should address the problem and ensure all necessary provisions so as not to expose irregular migrants to degrading treatment, unnecessary or excessive hardship, or violation of their human rights. Such laws should also, to the extent possible, facilitate the return of migrants and their repatriation in their home countries. When, in exceptional circumstances, national policies allow for the integration of undocumented migrants in the host country (when an ‘amnesty’ is proclaimed with a view to regularizing the status of an undocumented migrant population or when state laws aim at assisting and protecting victims of trafficking in human beings), such measures should be based on well-founded research. This is essential in order to ensure that these initiatives/policies do not have unintended, or even counter-productive effects on current or future undocumented migration flows.

Moreover, a thorough knowledge of the undocumented migration phenomenon is necessary for theoretical and analytical purposes too. As Düvell (2006: 29) points out, the concept of

‘illegal migration’ is a construct of the twentieth century that has gained prominence only during the last three decades.

‘It is a blurred concept; it is loaded with ideological import; it is highly politicised; (...) While legal systems and most public discourses usually adopt the concept of illegality in referring to this phenomenon, employing such terms as ‘illegal immigrants’ or, in shorter form, ‘illegals’, the social sciences prefer to refer to ‘undocumented’ or ‘irregular’ immigrants. This is done to avoid any discriminatory connotation, to prevent further criminalisation, and to emphasise that it is not the immigrants as a human being who is illegal, but his or her mode of entry and stay or work.’ (Düvell, 2006: 29).

The different terms (illegal, irregular, undocumented) used to describe the phenomenon of undocumented migration cover a variety of forms and types of undocumented status or illegal behaviour including the entry, stay and employment of immigrants that do not possess the necessary legal documents/status, the entry to a country without proper documents and/or using illegal means, or the abuse of one’s documents and status (e.g. the taking up of paid work where one is only entitled to reside in a country).

More specifically, Sciortino (2004: 17) points to the legal distinction between irregular and illegal immigrants and the fact that this difference is not reflected in any meaningful way in immigration policies:

‘In legal terms, there is a common distinction between “irregular” and “illegal” migrants, contingent upon the ways in which states evaluate violations of the norms on the entry and abode of foreign citizens. Some states do consider it a criminal act, while others formalise them as a statutory offence. Such distinction is surely significant within the legal system. I have, however, not identified until now any structural difference in the treatment of irregular migrants that may be imputed directly to such distinction. Norms of expulsions and detention of migrants are not necessarily different in practice among states that define such behavior as illegal or irregular, (cf. Bruno Nascimbene (ed.), *Expulsion and Detention of Aliens in the European Union*, Milan 2002). I will, consequently, talk of irregular migration referring to both categories.’

In line with the above discussion, and for the sake of conceptual clarity for this project, we have adopted the terms **undocumented or irregular migration**, although we shall examine all the different types and forms of illegality that can be related to an immigrant’s entry, stay and employment in the receiving country

In order to respond to the need for better and more reliable data on undocumented migration through a sustained period of time, the CLANDESTINO Project analysed critically existing methods of data collection and calculations of estimates on the phenomenon. Most importantly, we **created a system of evaluation of existing data/estimates, classifying them into three categories in accordance with their reliability.**

Before proceeding to the project aims, it is pertinent to note that the project does not specifically focus on the shift between legal and illegal status. However, the consortium considers that we need further scientific knowledge on the factors that affect the shift between legal and irregular status and the conditions under which this happens. Thus, **the shifts between legal and undocumented status have been reflected** or referred to insofar as these

have been used to estimate the total numbers of undocumented migrants, the inflows into and the outflows from undocumented into legal status. It is equally important to note here that this aspect is of differing importance and relevance depending on the specific circumstances of the countries studied.

CLANDESTINO does not specifically address asylum seeking populations rather, we have included data and estimates on these populations in our reports and discussions insofar as asylum seekers influence the size and nature of irregular migration stocks and flows in specific countries and/or in the EU as a whole.

**The project's main aims have been:**

- i) to provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia in Central Eastern Europe),
- ii) to analyse these data comparatively,
- iii) to discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates, and their subsequent use in designing relevant policies,
- iv) to design a system for data/estimate evaluation and classification regarding undocumented migration in the EU,
- v) to discuss with the policy and user communities in several EU countries the ethical and methodological questions around the nature of data/estimates and the ethical questions involved in their collection and use.

**These general aims are further specified into the following set of measurable and verifiable objectives:**

- 1) To provide an inventory and a critical appraisal of existing empirical data/estimates on undocumented migration stocks and flows in the selected member states where undocumented migration is an important phenomenon (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia in Central Eastern Europe).
- 2) To investigate the nature and character of the undocumented migration phenomenon in these countries and in the EU in general, distinguishing between three types of illegality (related to entry, stay and work) and their varied combinations.
- 3) To investigate the relevance of gender in undocumented migration stocks and flows across the EU.
- 4) To draft reports providing for a comprehensive overview of the undocumented migration situation in these member states.
- 5) To investigate the flows of undocumented migration in three EU neighboring countries that act as important 'stepping stones' in the road of undocumented migrants to the EU (Ukraine, Turkey and Morocco).
- 6) To comparatively analyse these reports in order to assess the state of scientific knowledge in the EU.
- 7) To build a new method for evaluating and classifying undocumented migration data/estimates.
- 8) To provide for a sustainable database on undocumented migration data across the EU.
- 9) To discuss with and raise the awareness of policy makers and social partners concerning the methodological and ethical issues involved in the collection and use of data/estimates on undocumented migration.



- 10) To provide for policy recommendations on the ethical standards to be guaranteed in scientific and policy work involving undocumented migrants in the EU.
- 11) To disseminate our findings among local and national policy communities of several EU countries and to receive feedback from them regarding the type of data/estimates needed for addressing the question of undocumented migration and the ethical implications of generating and using such data since undocumented migrants are particularly vulnerable subjects.
- 12) To draft concrete guidelines for an ethical policy for mapping the undocumented migration phenomenon in Europe.

## 1.2 Research Design, Methodological and Ethical Issues

**To achieve its aims and objectives the project is organized into three concentric circles of partners-collaborators:**

It involves a **core partnership** of four academic institutions, one policy institute and one non-governmental organisation:

- The Hellenic Foundation for European and Foreign Policy (ELIAMEP) in Athens, Greece
- The Centre for International Relations (CIR), in Warsaw, Poland
- Hamburgisches WeltWirtschaftsinstitut gGmbH (Hamburg Institute of International Economics) – HWWI, Hamburg, Germany
- The Centre for the Study of Migration Policy and Society (COMPAS), at Oxford, UK
- The International Centre for Migration Policy Development (ICMPD), in Vienna, Austria
- The Platform for Cooperation on Undocumented Migrants (PICUM), in Brussels, Belgium

The CLANDESTINO Project also includes a **wider network of auxiliary partners:**

- **Seven European country experts** (Francesco Fasani/Italy, Carmen Gonzalez Enriquez/Spain, Dusan Drbohlav and Lenka Medova/Czech Republic, Boris Divinsky/Slovakia, Henri Courau/France, Joan van der Leun and Maria Ilies/The Netherlands, Peter Futo/Hungary) and **three experts** on the transit countries (Ibrahim Kaya/Turkey, Yaroslav Pilinsky/Ukraine, Mehdi Lalou/Morocco) that were selected to work in cooperation with the main partners, drafting reports on their country of expertise.

As regards its dissemination activities the project has involved:

- **The PICUM network**, with 60 affiliated members and 143 ordinary members in twenty-one (21) countries, have been actively involved in the organization of local/national and regional dissemination events in the countries studied
- **Several policy makers and media professionals** who were involved in the project's dissemination activities through the field visits organized by PICUM in cooperation with national partners and/or experts (for more see section on Regional Workshops and other dissemination activities below).

The CLANDESTINO study involved **three consecutive phases**. During the first phase, we reviewed the main methodological and ethical issues arising when studying irregular migration.

During the second phase the consortium prepared a common set of guidelines regarding the structure and content of each national report. Thus, each partner team or national expert prepared a research report on their country of expertise which was organized into three main parts. Table 1.2.1 and 1.2.2 below present the main research questions asked and answered by each report. The structure of these reports is important because they provide for the background of the estimates and data included in the database.

**Table 1.2.1: Structure of EU Country Reports (irregular migration destination countries)**

**Part I: Setting the frame (3,000-5,000 words)**

- Regular migration framework (max. 1,000-3,000 words)
- Irregular migration discourses and policies

Particularly, address the following questions:

- How is irregular migration discussed in your country?
- How is it defined, and what are the main grey zones, e.g. with regard to tolerance or illegal work? Are current EU nationals discussed in this connection?
- Which types of irregularity raise public or scientific concerns?
- What are the main pathways into irregularity and out of irregularity?
- What are the main policy responses, particularly in enforcement and regularisation?

**Part II: Estimates, data and assessment of total size and composition of irregular migrant population (5,000-10,000 words)**

Part II is a collection of *recent* (2000-to date) estimates of the size of the irregular migrant population, based on publications, data and expert assessments. They will be inserted into tables of *classified, commented estimates*.

1. Most relevant studies
2. Estimates, data and expert assessments on stocks
  - 2.1 Total stocks
  - 2.2 Gender composition
  - 2.3 Age composition (children, working age, aged)
  - 2.4 Nationality composition (most relevant groups)
  - 2.5 Economic sector composition (most relevant sectors)
  - 2.6 Former asylum seekers and refugee related groups
  - 2.7 Other groups raising specific concern
3. Estimates, data and expert assessments on flows
  - 3.1 Demographic flows (Birth and death in illegality)
  - 3.2 Border related flows (entry and exit over ports of entry and green/ blue border)
  - 3.3 Status-related flows (regular to irregular, irregular to regular)

**Part III: Discussion and policy implications (3000-5000 words)**

- What is the role of estimates and data in public debates?
- Do you observe changes over time?
- What is the role of estimates in policy-making (e.g. sizing the population that might profit from regularization, or dramatizing number in order to increase support for enforcement)?
- Why are there certain estimates and not others?
- Are estimates used as a measure for the effectiveness of policies, and should they be?

**Concluding remarks**

References

Total length: 12,000-20,000 words excluding references and tables

**Table 1.2.2: Structure of Non EU Transit Country Reports**

**Part I: Setting the frame (3,000-5,000 words)**

Give all necessary background information for understanding the role of irregular migration in your country and for understanding the estimates of size and composition of irregular migration in Part II.

- The regular migration framework (max. 1,000-3,000 words)
- Irregular migration discourses and policies

Particularly, address the following questions:

- How is irregular migration discussed in your country? How are EU policy suggestions over irregular migration perceived and discussed?
- How is it defined, and what are the main grey zones, e.g. with regard to tolerance or illegal work? Are current EU nationals discussed in this connection?
- Which types of irregularity raise public or scientific concerns?
- What are the main pathways into irregularity and out of irregularity?
- Does corruption play a role in explaining irregular migration?
- What are the main policy responses, particularly in enforcement and regularisation?
- Are there policies between your country and the ‘final destination countries’, i.e. bilateral arrangements such as readmission agreements of irregular migrants that play a role in policies and discourse?

**Part II: Estimates, data and assessment of total size and composition of irregular migrant population (5,000-10,000 words)**

Part II is a collection of *recent* (2000-to date) estimates of the size of the irregular migrant population, based on publications, data and expert assessments. They will be inserted into tables of *classified, commented estimates*.

4. Most relevant studies

In many countries, there are studies and data sources that can be used to address several of the topics below. Describe them first before going into detail.

5. Estimates, data and expert assessments on stocks

- 2.1 Total stocks
- 2.2 Gender composition
- 2.3 Age composition (children, working age, aged)
- 2.4 Nationality composition (most relevant groups)
- 2.5 Economic sector composition (most relevant sectors)
- 2.6 Former asylum seekers and refugee related groups
- 2.7 Other groups raising specific concern

6. Estimates, data and expert assessments on flows

- 3.1 Demographic flows (Birth and death in illegality)
- 3.2 Border related flows (entry and exit over ports of entry and green/ blue border)
- 3.3 Status-related flows (regular to irregular, irregular to regular)
  - Comment on the problem of ‘overlapping’ data sets, i.e. a possible overlapping or bias of double-counting regarding figures of apprehensions, detention and asylum applications
  - If cases of apprehension instead of individuals (with names) are recorded, comment on the degree of double counting for instance in the case of circular migration or if one and the same individual is apprehended repeatedly for illegally trying to cross a border.
  - How accurate is the distinction between third country nationals/foreigners and citizen being documented in the data of apprehensions in your country? Are there distinctions according to the legal status or current nationality of individuals? For example, how are CIS and Moldavian citizens in the Ukraine registered, which have permission to stay in the territory but who violate the border?
  - Does data on border violations/immigration violation distinguish between cases at the border or on the territory/entry or exit and between nationals and foreigners? How many of the border violation cases involve its own citizens/foreigners? Are there different

practices by border guards and police?

**Part III: Discussion and policy implications (3000-5000 words)**

- What is the role of estimates and data in public debates?
- Do you observe changes over time?
- What is the role of estimates in policy-making (e.g. sizing the population that might profit from regularization, or dramatizing number in order to increase support for enforcement)?
- Why are there certain estimates and not others?
- Are estimates used as a measure for the effectiveness of policies, and should they?

**Concluding remarks**

References

Total length: 12,000-20,000 words excluding references and tables

For all countries, studied, the Research Report was complemented by a Policy Brief, notably a short 4-page presentation of the main findings of the Research Report and of key messages addressed to policy makers. Thus, the CLANDESTINO Project produced 12 country reports (and an equal number of Policy Briefs) on EU countries that are important irregular migrant destinations, 3 non EU transit country reports (and same number of Policy Briefs). On the basis of the research reports, the database (presented further below) on irregular migration in Europe was constructed.

**The third phase** of the project concentrated on the comparative analysis of the findings in the country reports. The dimensions for comparison had been deliberately left undefined at the outset. Eventually we worked on seven comparative dimensions that in our view are important both for academic and policy reasons:

1. Methods, Approaches and Data Sources for Estimating Stocks of Irregular Migrants (Michael Jandl, ICMPD).
2. How Many Irregular Migrants are Living in the European Union – Counting the Uncountable, Comparing the Incomparable? (Dita Vogel, Vesela Kovacheva, HWWI and Hannah Prescott, COMPAS, Oxford)
3. Irregular Migration Flows: ever increasing numbers? (Albert Kraler and David Reichel, ICMPD)
4. Paths into Irregularity. The Legal and Political Construction of Irregular Migration (Franck Duvell, COMPAS, Oxford)
5. Comparing Political Discourses on Irregular Migration in Europe (Bastian Vollmer, COMPAS, Oxford).
6. Managing Irregular Migration in Europe: Fencing or Gatekeeping (Anna Triandafyllidou, ELIAMEP, Greece)
7. Irregular Migration and the Shadow Economy in Southern and Central Eastern Europe, Krystyna Iglicka and Katarzyna Gmaj, CIR, Warsaw and Thanos Maroukis, ELIAMEP, Athens.

On three of these dimensions, notably

- the size of irregular migration stocks,
- the legal and political construction of irregular migration, and
- the political discourses on irregular migration,

we have also produced Policy Briefs. The size of the irregular migrant population in Europe was also appropriately documented and updated in the database.

In the sections that follow we shall first present a brief overview of the methods most commonly used to estimate irregular migration populations, we shall then present the operational definition of ‘irregular migrants’ adopted in this project and the main steps taken towards constructing a database on irregular migration in Europe as well as the problems we have encountered and the solutions we have adopted.

### **1.2.1 Methodological Issues in Studying Irregular Migration**

Researching irregular migration from a quantitative point of view is a complex task that should be embedded in a comprehensive methodological framework. In the absence of statistics on irregular migration, estimates are the main way of gaining more insights into the size of the phenomenon. For measurement purposes, the differentiation between *stocks and flows* of irregular migration is of great importance. Stocks refer to irregular migrants at a point in time and flows over a certain period of time. If we estimate stocks, we would like to know how many irregular residents are present in a territory at a certain point in time. If we estimate flows, we want to know how many persons became irregular residents over a certain period of time, for example by overstaying their tourist visa or entering illegally.

There is a *variety of methods* for the estimation of the size and structures of irregular migration. Based on the existing body of literature on the subject, a generic classification scheme has been developed that divides existing estimation procedures into such subcategories as approaches, methods and estimation techniques (Jandl 2008). Methods are mainly divided into direct and indirect approaches (see table 1). While the former are based on data that “capture” the subject of research (irregular migrants) directly, the latter rely on other types of data from which the presence and/or employment of irregular migrants can be inferred but which do not refer directly to the subjects of the research. Moreover, methods differ in comprehensiveness, sophistication and awareness of problems on diverse issues. The applicability of any given method depends on the migration and enforcement context, the available data, the available resources and time frame. Some are more suitable in a particular context than others and some may not be applicable at all due to the lack of data or other considerations.

After analysis of the country reports and stock tables with existing estimates for 12 EU member states, one can see that the scope of methods which are actually used to estimate the size of irregular migrant populations is more limited than the scope of possible methods outlined in the CLANDESTINO methodological report.

Multiplier methods are the most frequently used, methods which take extrapolations from the share of irregular migrants in an observed sample group to the total population (Austria, Germany, Greece). Residual methods compare regular migration data with more all-encompassing data sources (Spain and UK). Survey-based methods make particular trust-building efforts to include irregular migrants and to achieve adequate weights for gaining representativeness (centre sampling approach in Italy). Capture-recapture methods adjust techniques of population biology to estimate the size of a population from repeated identification of individuals (applied to police data in the Netherlands).

These methods use *different data sources*. Main data sets used are immigration enforcement data (e.g. apprehended irregular residents), administrative records (e.g. data on regularization of unauthorized residents) and survey data (e.g. irregular residents identified through snowball sampling techniques). Each dataset is characterized by particularities and biases which have

to be addressed in efforts to estimate the size of irregular resident populations (Vogel 2008). The CLANDESTINO Project has taken some steps towards defining the particularities of researching irregular residents.

**Table 1.2.1.1 Direct and indirect methods for stock estimates**

Approach	Data Sources	Method	Estimation Technique	Main Premise of Calculation
Direct approaches	Immigration enforcement data; registers of residents or migrants including records of irregular residents	Multiplier methods	Simple Multiplier	Estimation of total with a simple multiplier based on derived or estimated ratio of “dark figure” vs. “clear figure”
			Capture-recapture/ Repeated capture	Estimation based on probabilistic function derived from multiple recaptures of individuals in sample
			Matching of registers	Estimation based on implied non-registrations in two or more individually matched registers
			Random effect mixed modelling approach	Estimation using statistical regression model assuming comparable apprehension rates of legal/ irregular residents with statistical adjustment for random effects
	Administrative data of regularizations; residence permit data	Methods of self-identification	Evidence based on regularisation data	Inferences on the size and composition of irregular migrant stocks prior to regularization from data on applications for and grants of regularization
			Using data on status adjustments over time	Inferences derived from data on changes in residence status after a period of irregular residence
	Sample surveys of migrants	Survey methods	Centre sampling technique	Reconstruction of a “random sample” of regular and irregular migrants through a re-weighting of the probability of contacts
			Surveys using the random response technique	Eliciting information about the share of respondents employing irregular migrants through a non-threatening survey design
			3 cards method	Inferences about the share of irregular migrants in sample survey using non-threatening survey design combined with residual estimation results
			Snowball sampling techniques	Estimation using chain referral methods to obtain a sample of persons not registered vs. persons registered
Respondent driven sampling			Recruitment of interviewees through peers and an incentive system leads to equilibrium sample of respondents after several recruitment waves which is independent from original sample and can be analysed statistically	

**Table 1.2.1.1 Direct and indirect methods for stock estimates (continued)**

<b>Approach</b>	<b>Data Sources</b>	<b>Method</b>	<b>Estimation Technique</b>	<b>Main Premise of Calculation</b>
Indirect approaches	Census data; administrative registers or sample surveys of immigrants	Residual methods	Differences between census results and legal immigration data	Indirect estimation based on the calculated difference between census data and data on legal immigrants
			Simple comparison of various registers	Indirect estimation based on a comparison of two or more registers with data on the same target population
		Demographic methods	Use of birth/death rates	Inferences on demographic subgroups based on the comparison of real and expected birth or death rates
	Census data; admin. registers; demographic data	Expected population methods	Comparison of census/emigration data and immigration statistics	Indirect estimation of irregular resident population from comparison of emigration estimates with data on legally resident immigrants at destination
	Administrative data	Flow-stock methods	Calculating the stock through flow figures	Using estimated inflow- and duration of stay indicators to estimate a steady-state stock of irregular residents
	Various complementary data sources (economic data, health data, etc.)	Indirect inferences	Using information on correlated phenomena as basis of calculation	Making inferences on subgroups of irregular migrants on the basis of indirectly related phenomena and estimates such as irregular work, sector-specific demand for irregular services, school attendance or health services (e.g. inference of share and size of irregular foreign workers from econometric estimates on the shadow economy)
	Surveys of “key informants” (experts, employers, etc.)	Subjective Estimations/ Indicator Methods	Expert surveys	Survey of key informants on their assessments of sizes, ratios and characteristics of target population
Delphi surveys			Anonymous multiple round survey of key informants mediated by researcher to attain a convergence of opinions	

Source: Jandl (2008)



### ***Definition of Irregular Migration adopted in the CLANDESTINO Project***

There are a number of terms and expressions used for persons who enter a country illegally, overstay their terms of legal residence, live in a country without a residence permit, and/ or break immigration rules in a way that makes them liable to expulsion. The adjectives irregular, illegal, undocumented, unauthorized or clandestine are combined with the nouns migrants, immigrants, aliens or foreign nationals, and there are expressions like *sans-papiers*, *clandestinos*, shadow persons used to define such persons.

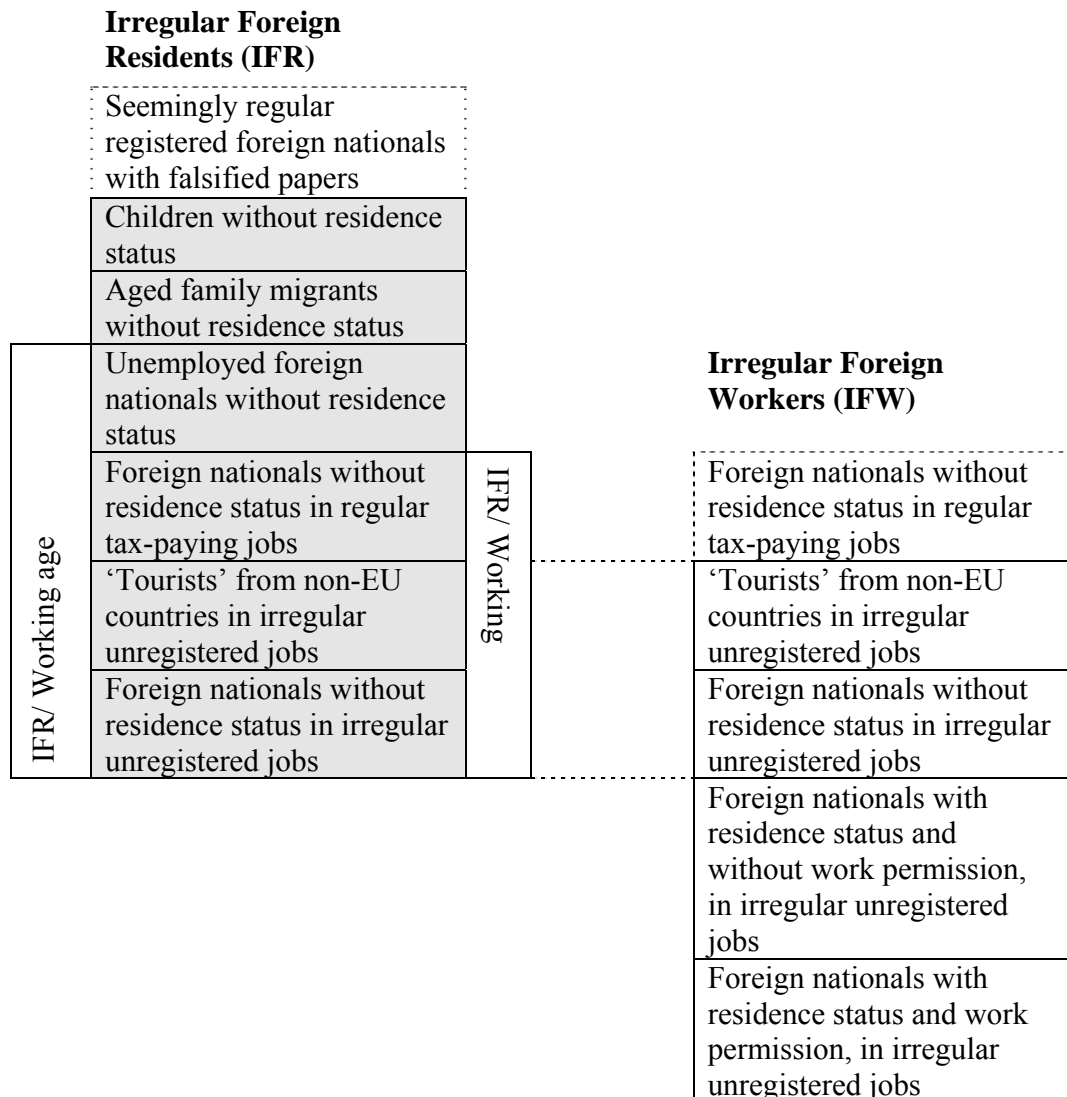
Being aware that the same terms are often used with various meanings in the literature, it is most important that one is always clear about what type or sub-type of irregular migration a particular author, what particular method or what particular estimate is being referred to. For instance, some estimates do not include children, some only refer to workers, or most estimates do not include seemingly regular registered residents with falsified papers. As a result, it is not always possible to achieve full comparability between estimates in different states as they may use different definitions. Therefore, two broad and partly overlapping definitions are proposed: irregular foreign residents and irregular foreign workers (Vogel and Kovacheva 2008).

#### ***Table 1.2.1.2 Definitions***

- *Irregular foreign residents (IFR)* are defined as foreign nationals without any legal residence status in the country they are residing in, and persons violating the terms of their status so that their stay may be terminated, which basically concerns ‘irregularly working tourists’ from third countries (see subgroups in grey in figure 1). Asylum seekers and similar groups as well as regular residents working in the shadow economy are explicitly excluded from this definition.
- *Irregular foreign workers (IFW)* are foreign nationals who work in the shadow economy. They may lack a residence status, have a residence status but no right to work, or have both a residence status and the right to work. This definition excludes economically inactive irregular residents such as children, while it includes persons who are protected from expulsion and deportation such as asylum seekers and EU citizens.

The different subgroups of irregular migrants included these two definitions are formed with regard to their relevance for estimation efforts, see figure 1 below.

**Figure 1.2.1.1 Subgroups of Irregular Foreign Residents and Irregular Foreign Workers**



Source: Database on Irregular Migration, section on Database Explanations/Definition, <http://irregular-migration.hwwi.net/Definitions.6154.0.html>

**Handling Biased Data**

One of the key problems in measuring irregular migrant populations lies in the fact that data is always biased in one way or the other (Vogel 2008; Vogel and Kovacheva 2008). Therefore, it is of great importance to be aware of data particularities (i.e. the probable biased source) in order to achieve a reliable assessment of the size and the features of the irregular migrant populations. One adequate way of handling a data bias is to make different assumptions about data bias and to present different calculations based on these assumptions. Statistical or discrete adjustments to calculations can be made in order to

minimise the impact of the bias. Italy for example, used a centre-sampling approach. Trust-based interviews are conducted at centres where immigrants meet. In addition to substantial information, the questionnaire also asks how often ‘centres’ are attended. This information is used for eliminating the bias of the survey.

The CLANDESTINO Project proposes another often overlooked method of dealing with a bias. Biased data afford minimum and maximum estimations, provided that samples can be identified in which irregular migrants are clearly overrepresented or underrepresented. The minimum and maximum estimates give a value below or above what the true unknown value is unlikely to be. If there is a clear and *uni-directional bias* in a data source, the information can be used to estimate the minimum or maximum size of a group or its composition (Vogel and Kovacheva 2008). By applying the logic of under- and overrepresentation of irregular migrants in police criminal statistics (from police data in Austria by Jandl (2009) and Germany by Vogel (2009)), multiplier estimation techniques have been improved in the course of the CLANDESTINO Project.

A uni-directional bias can also be used to estimate the *composition* of the irregular migrant population. For instance, there are credible reasons to presume that internal police and health care data is age and gender biased (Vogel & Kovacheva 2008). Women, children and the elderly tend to be underrepresented in internal police data and overrepresented in health care data, while men and working age individuals are overrepresented in the former data set and underrepresented in the later. Therefore, for a more reliable picture of the demographic features of the irregular population residing in Europe, one must take into account more than one indicator.

While examining available indicators, some tentative conclusions about their suitability for assessment of migrants’ subgroups were drawn. For instance, if regularization programmes have general criteria like length of stay and are open for a wide range of irregular migrants without targeting specific groups, it can be assumed that the data is not strongly biased with regards to age or gender (Kovacheva 2009). However, if an amnesty targets special groups of migrants, it may impact on their likelihood of participation and lead to a data bias. For example, the 2002 amnesty in Italy primarily targeted undocumented household workers, thus allowing us to assume an overrepresentation of women existed in the regularization data.

### ***Quality Assessment of Estimates***

Estimates of the size of the irregular migrant population are often quoted and misquoted. Several groups manipulate numbers for their gain. For example, journalists are keen to substantiate their articles with numbers, public authorities use numbers to support claims to increase their budgets, or to implement more restrictive migration control policies, and human advocacy groups keen to underline the need for activism. Estimates of the size of irregular migrant populations are important in discussions about regularization and in discussions about the inclusion of irregular migrants in public services. In spite of the relevance of the phenomenon for various actors, there are few serious attempts to estimate its size.

An in-depth search of available literature revealed that most estimates on irregular migration on the EU level are based on two rules of thumb:

- A relation of 1 percent of the total population (total population rule), and/or
- A relation of 10 to 20 percent of the total foreign resident population (foreign population rule) (Vogel et al. forthcoming).

The origins of this de facto formula are not completely clear. Some basic estimates seem to be made on a country-by-country basis, but the sources of such estimates – the data on which they were based in the outset – are out of date and often no longer traceable. This is characteristic of the current situation with regard to estimates about irregular migration at the EU level, leaving us no doubt that the situation could be improved. Although estimates of the size of irregular populations may never reach the degree of accuracy that estimates of the size of regular populations achieve, there is room for improvement and one does not need to simply recount a statistic.

The CLANDESTINO Project suggests using a classification scheme which allows for assessing the quality of estimates. Categorising three quality classes between high, medium and low is key to transparent, valid and reliable data accumulation (Vogel 2008). As a rule, a ‘traffic light’ logic has been applied to illustrate the level of the quality: ‘green’ for high, ‘yellow’ for medium, and ‘orange’ for low quality (see table 1.2.1.3 below).

The main differentiation among quality classes follows a ‘*method assessment logic*’ (assessing the quality of the method used to produce the estimate) while the differentiation in the low quality class follows a ‘*size assessment logic*.’ We attach, that is, a plausibility warning to those low quality estimates for which experts indicate that they are likely to be much too high or too low. In-depth analysis of quality criteria and their application to estimates on total stock and individual subgroups of irregular migrants are available in the classification report (Vogel and Kovacheva 2008).

The team of the Hamburg Institute of International Economics (HWWI) dealt critically with existing country estimates for 12 EU member states and assessed their quality according to the criteria developed in the table above. Classification has been applied to estimates of the full size of irregular migrant or irregular working populations, as well as to estimates of subgroups, concerning the gender, age, nationality and economic sector composition.

An overview for each country shows that many of the country estimates are of *low quality*. Often, we do not know which groups of irregular migrants are included in a stock estimate, nor do we know whether a flow estimate is meant to measure net or gross inflows (without subtraction of outflows). Older studies are often quoted in newer studies, so that estimates appear to apply to the present, although they were made some years ago.

**Table 1.2.1.3 Quality Classes**

<b>Quality classes</b>	<b>Definition</b>
<b>High quality estimate</b>	Estimate fulfilling usual academic standards: <i>Documentation:</i> sufficient information on data and methods provided <i>Validity:</i> adequacy of methods and data convincingly demonstrated and method carefully applied, comprehensive and consistent study, only minor insufficiencies <i>Reliability:</i> Study that can be replicated, with limitations quantitatively indicated (e.g. ranges, alternative calculations, characterisation as minimum or maximum estimate).
<b>Medium quality estimate</b>	Careful estimate: <i>Documentation:</i> sufficient information on data and methods provided <i>Validity:</i> methods are not fully adequate and/or not fully adequately applied and/ or underlying data are not fully adequate <i>Reliability:</i> replicable study with reliability indication, although not necessarily in quantitative terms.
<b>Low quality estimate</b>	<i>Documentation:</i> insufficient information (time- and space frame definition, estimation method or empirical basis not specified), and/ or <i>Validity:</i> inadequate method, inadequate method application, lacking or very weak foundation in empirical data, and/ or <i>Reliability</i> assessment is lacking or failing.
<b>Low quality estimate with a credibility warning</b>	Low quality estimate as defined above, plus indications that the estimate is likely to be much too high, too low or misleading.

Source: Vogel and Kovacheva 2008

The need for quality assessment is visible also on the European level also. Our review of efforts to estimate the size of irregular migration on a European level has shown that the numbers are based on very rough estimates for the most part. In particular, the statistics used at the beginning of the CLANDESTINO Project in 2007 were made before the latest EU enlargement and thus surely outdated.

The classification scheme seeks to be a good indicator of the scientific quality of estimates on the size and composition of irregular migration. Moreover, it seeks to be practically implemented, easily understandable and useful for readers outside the field of social sciences. Particularly, the categorised statistics are designed to enable policy makers and journalists to obtain concise information on the quality of available estimates. This does not mean that we want to oversimplify the difficulties in measurement. Our

overview tries to expose discrepancies in accuracy or and seeks to pave the way to more reliable assessments, understanding that these are necessary for administrators and policy makers.

On the basis of the above considerations the CLANDESTINO Project has constructed a database on irregular migrant populations in the European Union. This database is based on the above definitions and classification method and on the data and classifications provided in the CLANDESTINO country reports that are presented further below in this Final Project Report.

#### **1.2.4 Ethical Issues in Irregular Migration Research**

Research on irregular migration raises important ethical concerns. These are

- (1) which research and interview questions to raise,
- (2) which funders or institutes to conduct research for,
- (3) sensitivity of the topic,
- (4) vulnerability of the research subjects,
- (5) susceptibility of the researchers to be biased in favour of irregular migrants,
- (6) matters related to methods, strategies and fieldwork,
- (7) questions of data storage, processing and analysis, and
- (8) issues of timing, terminology and dissemination.

##### ***Ethical Issues 'at Work' During Fieldwork***

In studying irregular migration through fieldwork, researchers must firstly win the trust, of a group member that may act as a gate opener to the group being researched (if applicable) and secondly, win the trust of their interviewees.

Ideally, potential interviewees should be provided with information about the purpose of the research, its procedures, potential risks, benefits and alternatives. They should understand the terms of the interview in advance so that they can make an informed decision about whether or not to participate in the study.

Obtaining informed consent is ethically required for any research. Though in case of irregular migrants any request of written consent will normally be met with suspicion by the interviewee because it potentially undermines anonymity and safety and could deter them from participation.

The researcher should explain that for the purpose of an academic study, no personal data is relevant, thus names, addresses, or specific locations and exact dates should be omitted. Generally, researchers should be cautious as to the type of information asked and should not gather data irrelevant for scientific purposes.

All data must be stored safely, password protected where appropriate and kept separate from any personal data, such as meeting points or mobile numbers to avoid compromising the interviewee.

A dilemma arises from the fact that researchers aim to bring to light aspects that the research subjects try to hide. The question is how researchers will obtain consent from the research subjects. One approach is not to promise anything but anonymity and confidentiality. Another is to promise that research aims at a fair and balanced discourse. The third is to argue that research gives them an opportunity to make their voices heard. And the fourth is to demonstrate that research is clarifying misconceptions, stereotypes and will not add to but rather improve their vulnerable situation.

Some researchers will refrain from getting too close to the research subjects' private lives and will, for instance, avoid meeting at people's homes because their relationship of trust with the interviewees is usually recent and delicate in nature. Other researchers will instead share the research subjects' lives and in some cases the interviewees will show a high level of trust towards the researcher. This raises important issues of responsibility for the researcher on how data is stored and which data to keep or to omit.

Researchers may also find that the research subject has certain expectations of the researcher. This may be based on beliefs of mutual obligation between the researcher and the interviewee. Sometimes, the research will help to improve the situation of the studied social group and thereby the contribution of the research subject will be returned directly at best or indirectly by assisting their plight in general. But the research subject may hold more personal ideas of reciprocity. Researchers should consider in advance as to what kind of reciprocity is ethical in their relationship with informants, and which requests would be unduly, amoral, illegal or disproportionate. For instance, they could refer the informant to an NGO or a lawyer, provide emergency help, report cases of serious human rights violations to the appropriate body, but might not facilitate in finding employment.

Under certain circumstances help might be requested that cannot be denied as this could represent 'denial of assistance,' in these cases researchers may switch roles and become engaged in social/welfare work.

Finally, the safety of the researchers must be considered and precautions taken to ensure that risks (e.g. sexual harassment or threats from criminals) are kept to a minimum. If need be the following measures could be taken: delaying the research, changing staff or location or even termination of the project if this is in the best interest of the researcher.

### ***Ethics, Methods and Data/Estimates***

Selecting an appropriate research method on the basis of informed professional expertise is not only a scientific or methodological but also an ethical question. Research must be accountable and of the highest quality. In other words, all applied methods and data presented ought to be double-checked and triangulated in order to ensure its accurate and unbiased nature.

Irregular migration research presents a special challenge, as it is often very difficult to check the accuracy and validity of quantitative data. The reason being that there is little data of this kind referring to ‘irregular migrants’ as such in EU countries. Because of the potential for misuse or misinterpretation of data or estimates on irregular, researchers must handle quantitative data with great care and responsibility.

If certain findings could harm the research subjects a balance has to be struck between the harm and the benefit that these findings will bring.

Research must also avoid disclosing information that facilitates enforcement agencies’ planning and operations. A useful practice is to cross check findings by involving both irregular immigrants and enforcement agencies in the research. Information which is already known to enforcement agencies can often be disclosed without violating research ethics, but the release of new findings must go through an ethical review which assesses the potential to harm.

### ***Ethical Issues Related to the Dissemination of Findings***

In publications a language/terminology should be chosen that avoids reinforcing exclusion or contributing to stigmatisation or criminalisation of the irregular immigrant. For similar reasons, victimisation should be avoided and a balanced presentation developed wherever possible.

It is the researcher’s responsibility to judge the ethics of the content and timing of any dissemination. A researcher will have to address a number of questions: are all or only some of the results to be published; how will the results be received, discussed and utilised; whether and how to influence the use of data; what is the best timing for publication; what will be the benefits, who benefits and what could be the risks and who would bear these risks from the publication?

Quantitative data in particular is sometimes considered hard and simple facts which the media and politicians may use to support powerful arguments. Abuse or misuse of data refers to a lack of awareness, or carelessness in using quantitative data, or the intentional misinterpretation of numbers with a view to supporting an argument or policy, or spin-doctoring scientific results. Using quantitative data in a careless or neglected fashion might occur when references to quantitative findings fail to reveal methodological pitfalls or an ideology bias that might be inherited into the quantitative study. Misinterpretation may refer to the mis-labeling of quantitative data: i.e. numbers that are approximate estimates to presented as data; or the quality of the estimate is overstated, or to dubious links in data gathering sources, for instance, between unemployment and irregular migration.

Therefore, statisticians should consider the likely consequences of collecting and disseminating various types of data and should guard against foreseeable misinterpretations or misuse. This can be avoided by explaining how numbers were



produced, by whom, for what purpose, and what they actually represent.

Another delicate balance that needs to be taken into consideration is that between the interests of the irregular immigrants, lobby groups, society at large and statutory agencies. Irregular migrants may wish either to maintain their irregular status or they may wish to be regularised; society instead may wish to put an end to irregular immigration by introducing effective enforcement measures, these sometimes opposing goals need to be recognized and dealt with in the course of the research. When the ethical factors are taken into account in the course of the research, this can help emancipate the researcher from such 'false' dilemmas about conflicting group interests.

### ***Concluding Remarks***

The bottom line is that research on irregular migration must be conducted and disseminated in a way that prevents enforcement agencies from identifying the whereabouts of individual or collectives of irregular immigrants. Research must also avoid disclosing information that facilitates enforcement agencies' planning and operations.

Research ethics is not free of political bias. Research always has a political dimension and researchers touching upon sensitive issues such as irregular migration should openly acknowledge this. They should be as conscious and as unambiguous as possible, and aware that preferences and biases will inevitably find their way into the research and openly discuss it.

Also researchers need to always discuss the ethical implications of their research methods, strategies, questions and findings and properly justify their choices.

Dissemination of research should be guided in a morally responsible way, it should abstain from ideological statements, and present results in a balanced and careful manner so as to prevent harming the subjects of research.

Finally, there is no blanket ethical standard. Instead, researchers must use (or develop) ethical codes to assess the ethical questions arising from their work and take informed decisions safeguarding the position primarily of their subjects' and secondly of all other stakeholders.

## **PART 2 – COUNTRY STUDIES**

### **2.1 Irregular Migration in the EU**

The country studies are designed to give a country-by-country view of the irregular migration situation. We have broken-up the countries and presented them in three groups: ‘Old’ immigration hosts in northern and western Europe; ‘recent’ immigration hosts in southern Europe; ‘emerging’ immigration hosts and transit migration countries of the EU.

#### **OLD HOST COUNTRIES IN NORTHERN AND WESTERN EUROPE**

The countries included in this group are Austria, the Netherlands, the United Kingdom, Germany and France. Although these countries differ<sup>1</sup> significantly in their immigration experiences and regimes, they can be grouped together because they all belong to the group of the so-called ‘old hosts’, notably EU countries that started receiving significant numbers of immigrants before 1989.

##### **2.1.1 AUSTRIA**

###### ***Background of the Migration Situation***

Since its accession into the EU in 2004, Austria’s borders are surrounded by EU member states. At the beginning of 2008 the population stood at 8.3 million, 10.3% of the population did not hold Austrian citizenship (approximately 855,000 individuals) and 16.6% were foreign born (approximately 1,385,000).

A recent estimate based on police crime statistics and the multiplier method indicates that the number of persons with an irregular residence status has decreased significantly in the past years from an estimated 78,000 in 2001 to about 36,000 in 2008. The recent waves of EU enlargement in 2004 and 2007 as well as the decrease of irregular inflows (traditionally of asylum-seekers) from third countries to Austria, are the main reasons for this decrease.

###### ***Data Sources Used for Estimating Size & Features of Irregular Migration***

In the Austrian context, the main data sources are administrative records, which provide indirect indications or ‘traces’ of irregular migration. These datasets include (1) enforcement statistics of the aliens police, notably apprehension statistics and statistics on rejections at the border, expulsion orders and deportations (2) asylum statistics, notably statistics on asylum applications, discontinued procedures and negative decisions, and (3) crime statistics of the police.

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<sup>1</sup> For an overview of the migration experiences of the EU24 member states and their grouping into countries with similar features and experiences, see Triandafyllidou and Gropas (2007) (eds) *European Immigration: A Sourcebook*, Aldershot: Ashgate.

All available sources are subject to serious limitations, because of incomparability between different datasets, use of different years in grouping data, multiple counting, and the close relationship of irregular migration data with enforcement practices.

### ***Social and Demographic Features of Irregular Migration***

Apprehension statistics distinguish between persons being smuggled to Austria and persons entering or staying illegally without any help of a smuggler. In 2008 the most common country of citizenship among smuggled persons was the Russian Federation (23%), followed by Afghanistan (10%) and Serbia (8%). Among persons apprehended due to illegal entry or residence in Austria the three most common nationalities were Serbia (12%), India (6%) and Romania (5%). The impact of the EU accession of Romania (and Bulgaria) is clearly reflected in data on apprehensions – apprehensions of persons from Romania dropped from 21,293 in 2006 to 294 in 2007. More than half of the persons apprehended for illegal employment in 2008 were citizens from the ‘young’ EU10 countries.

The majority of persons apprehended were men, in fact, 72% of smuggled persons, and 84% of persons staying/entering illegally in 2008 were males. Almost half of the persons illegally staying/entering and those smuggled in were between 19 and 30 years old (46% and 44% respectively). Although not always determinable, the majority of persons apprehended had entered Austria from Italy.

### ***Main Paths Into and Out of Irregular Status***

In Austria, **five principle pathways into irregularity** can be distinguished: (1) irregular entry (irregular border crossing); (2) overstaying after the expiry of a visa or residence permit; (3) loss of status because of non-renewal of permit for not meeting the residence requirements or breaching conditions of residence; (4) absconding during the asylum procedure or failure to repatriate after a negative decision, and (5) impossibility to enforce a return decision for legal or practical reasons (toleration). The exact quantitative importance of those different ways into irregularity is not known due to a lack of appropriate data or estimates.

**Overstaying** after the expiration of a short-term visa appears to be of comparably minor importance in Austria. Its lack of major importance is due to the relatively strict visa issuing practices/requirements vis-à-vis third-country nationals, the substantial financial guarantees required from sponsors and/or visa applicants themselves as well as the higher level of scrutiny of visa applications in countries with ‘high migration risks’.

With respect to third-country nationals certain **non-compliant forms of migration on a circular basis** occur in Austria (e.g. irregular employment of tourists, under-declaration of seasonal workers, with subsequent return to home country and regular re-entry into Austria). A special case is made for citizens from the ‘young’ EU Member States whose access to the Austrian labour market is still restricted. Those persons lose their right to

remain in the country in case of irregular employment, however, de-facto they hardly have to face any consequences regarding their residence as the possibilities to expel EU citizens are limited.

**‘Loss’ of regular residence status** is another important pathway into irregularity. While there are only very few persons whose status is withdrawn (largely for a criminal offense), a larger but still relatively small number of persons fail to renew their permits because they do not or no longer meet residence requirements. It can be estimated that this affects some 400 to 600 persons annually. In addition, changes to the legal framework can lead to the ‘creation’ of irregularity in the sense that migrants legally staying find that they cannot meet new requirements or, under new regulations, are no longer eligible for a residence permit. As a consequence of the new Settlement and Residence Act 2005 a significant number of persons and their families could not meet the new income requirements and failed to renew their permits. Although expulsion was found inadmissible in most cases, many applicants were left without resident status for some time. In addition, the new law - in force since 2006 - stipulated that persons applying for family reunification need to have entered the country legally. Consequently, the applications of around a thousand persons who applied for family reunification before 2006 but were processed under the new law slipped into an irregular status.

The **failure to return or leave the country** after a negative decision on an asylum application or the **discontinuation of an asylum procedure** presumably is a major pathway into irregularity in Austria, although hard facts are again not available. However, the share of discontinued asylum procedures as well as the share of rejected asylum applications suggests that there is considerable scope for absconding. In 2008, 52% of all asylum procedures (excluding subsidiary protection) resulted in a negative decision and 23.5% were discontinued. Although there is no data on returns or onward movements of rejected asylum seekers, it is safe to assume that not all persons concerned (can) return to their country of origin.

Finally, **non-enforceability of return/ deportation** constitutes another pathway into irregularity. Persons undergoing deportation procedures whose expulsion is found inadmissible or otherwise not enforceable are issued an ‘adjournment of deportation’ for a maximum period of one year, after which the case is re-examined. At the same time, however, an adjournment of deportation is not a legal status and does not change the unlawful nature of the person’s stay in Austria. No data on adjournments of deportation is released by authorities, however.

Austria opposes regularisation as a policy tool on principle grounds and return to the country of origin or to a secure third country is the preferred option. However, there is a limited regularisation mechanism in the form of residence titles issued for humanitarian reasons. With the recent reform of the humanitarian status, humanitarian residence titles can be applied for and at least in theory provide a systematic mechanism to address the situation of irregular migrants who had been staying in Austria for an extended period of time and those who cannot be deported on grounds of Article 8 ECHR (private and family life).

### ***Key Messages for Policy Makers***

The main conclusion from the CLANDESTINO study on Austria – namely that irregular migration is likely to have significantly declined in recent years, both in terms of stocks and flows – seems to support a pragmatic approach. At the same time the complexity of the phenomenon demands a comprehensive approach including a review of the overall framework for legal migration, prevention and control, avoidance of putting persons at risk of falling into irregularity, measures regarding the irregular resident population (return and regularisation), as well as monitoring and analysis.

#### **Measures directed at the overall framework for legal migration**

Although the relationship between legal opportunities for migration and irregular migration is contested, the creation of new opportunities for legal immigration for employment provide legal alternatives in particular for migrants from neighboring countries such as the Western Balkans. In addition, as the quota system – the very core of admission policy in Austria – is now largely obsolete, a new basis for managing migration has to be found.

#### **Avoidance of risks**

Immigration regulations often unwittingly put migrants at risk of falling into irregularity. The following measures could help to avoid these risks: principal labour market access for all persons possessing a regular residence status; strengthening and expanding the principle of long term residence, including automatic acquisition of the status; critical appraisal and evaluation of income requirements regarding its consequences for certain groups.

#### **Measures targeting the irregular resident population**

For a variety of reasons return is often not a viable option over a longer period of time. Such persons need to be given a clearly defined legal status for the duration of their stay in Austria and in certain cases long-term non-enforceability regularisation should be considered as a pragmatic solution.

#### **Monitoring and analysis**

Existing monitoring tools such as apprehension data, statistics on return, asylum data and statistics on persons found illegally employed should be further developed to better understand both patterns of irregular migration and state responses to irregularity, notably to measure the effectiveness of state policies.

## **2.1.2 THE NETHERLANDS**

### ***Background of Migration Situation***

The Netherlands lies in Northwestern Europe, bordering the North Sea in the West and North, Germany in the East and Belgium in the South. According to Bureau of Statistics Netherlands (CBS), in July 2009, the population numbered 16.5 million inhabitants. Of these, a total of 3.2 million or almost 20% (last count June 2009) are either foreign born and/or have at least one foreign-born parent (commonly referred to as being of ethnic origin). The foreign born population amounts to 10% of the Dutch population (1.661.505 individuals). In 2008, for the first time in five years, the Netherlands has had an immigration surplus: a record number of 140.000 immigrants came to live in the Netherlands that year. We have estimated that in 2005, there were 88.116 irregular migrants present in the country, a figure that has been roughly constant since 2000.

### ***Data Sources Used for Estimating Size & Features of Irregular Migration***

There is no official registration of irregular immigrants in the Netherlands, and censuses do not take place in the country. However, the Netherlands has a deep scientific experience in estimating the numbers of illegally residing foreigners, mainly by using data of irregular residence and labour performed by irregular migrants. Statistics regarding the residence and employment of irregular migrants are primarily based on data gathered by the law enforcement authorities, namely police and labour market inspectors. Police data provide information regarding the number of apprehensions of irregular immigrants as well as background information of those apprehended, while labour market inspections furnish data regarding the infringements of alien labour law by undertakings.

The statistics regarding irregular residence are calculated starting from the police data recorded using the *capture-recapture (Poisson) method*. The downsides of such estimations include the quality of the official data, which tends to mirror policy priorities and is inherently selective, and that this method builds on assumptions that do not represent the actual situation of irregular migrants. Furthermore, researchers use fieldwork in ethnic communities and interviews with immigrants and key informants (notably labour recruitment agencies) to gain a better understanding of irregular migration size and features.

### ***Social and Demographic Features of Irregular Migration***

Researchers estimate that irregular immigrants in the Netherlands come from as many as 200 source countries (Leerkes et al. 2007). Traditionally, the largest minorities are Turks, Moroccans and Surinamese, which are chain migrants following the paths of their legally settled co-nationals in the Netherlands. Until joining the European Union in 2004 and 2007 respectively, Poles, Bulgarians and Romanians were singled out as the biggest source of irregular labour (prior to EU accession, these nationals did not require visas in order to travel to the EU as tourists, however they were not allowed to work). They were

circular/seasonal migrants, traveling between the Netherlands and their countries of origin according to the availability of work.

Irregular migrants also come from Sub-Saharan Africa, China, and to a lesser extent, the Middle and Far East as well as the former Soviet Republics. Irregular immigrants increasingly come from many different countries, often with no special ties to the Netherlands. In the last couple of years, Somalia has been the single most popular source country for asylum seekers, followed by Sierra Leone and Sri Lanka.

**Table 2.1.2.1 Main Nationalities of Irregular Immigrants Based on Type of Migration**

<b>Chain Migrations</b>	<b>Europeans</b>	<b>Other Migrations</b>	<b>New source Countries</b>
Turkish	Poles	Chinese	Somalis
Moroccans	Bulgarians	Middle Eastern	Iraqis
Surinamese	Romanians	Far Eastern	Afghans
		Former USSR	

**Table 2.1.2.2 Source Countries/Regions of Irregular Immigrants Apprehended by the Police, 2005-2006**

Bulgaria	Romania	Turkey	North Africa	Africa rest	Suriname	Asia	America
1,013	446	799	816	1,450	120	1,980	338

Although the sex ratio may differ considerably among different ethnic groups, it seems that there are many more men than women residing irregularly in the Netherlands. Women represent almost one quarter of all irregular migrants, even if the share of female immigrants is somewhat higher among Eastern Europeans and those from the former Soviet Republics.

With respect to age, police apprehension data from 2005 and 2006 shows that approximately 80% of those stopped by the police without a valid residence permit were men under 40 years of age.

The Netherlands has no EU/Schengen external border which would be a potential entry point for irregular migration. Its only EU/Schengen external borders are airports and the North Sea which is not a route for irregular immigrants. This last is not a route for irregular migrants. Irregular migrants already in the Schengen area come to the Netherlands through the green borders with Belgium and Germany without being detected by the authorities. Other than this route, irregular migrants coming from a non Schengen country arrive at Schiphol International Airport and usually use forged documents.

**Table 2.1.2.3 Irregular Third Country Nationals Apprehended at Border Regions**

Year	2004	2005	2006	2007
Apprehensions	10,883	10,803	11,634	8,900

***Main Pathways into and out of Irregular Status***

Most irregular immigrants enter the country with a tourist visa or other type of visa and overstay, while others do not succeed in renewing their residence permits.

Another factor that leads to a change in migration status is to be declared an undesirable alien, but numbers involved are significantly low. Between 1997 and 2003, around 5,500 third country nationals were declared undesirable aliens, and an additional 928 lost their residence permits or saw their residence applications refused, as they were deemed a threat to public order.

Failure to depart after exhausting all the asylum-seeking channels is another source of migrant irregularity. Those refused asylum must leave the Netherlands and are responsible for their own return to their country of origin. If they do not leave voluntarily, rejected asylum seekers can be taken by force from their homes or from reception centres. However, in practice, this is not a very common practice, as roughly 50% of those served with a deportation order are actually removed.

The Netherlands applies the *jus sanguinis* citizenship principle, whereby those born to irregular migrant parents are irregulars themselves as well.

Regularisations, were implemented in a few particular situations in the past, are for the most part not commonplace in the Netherlands. Thus in today's conjuncture they do not constitute a realistic path out of irregularity. Roughly 20,000 irregular residents benefitted from regularisation programs between 1975 and 2000 even though the application criteria was strict. A general amnesty took place in 2007, which received ample public attention. It involved a group of 26,000 asylum seekers who had applied for asylum before the 2000 change in asylum law and many saw their appeal rejected, however they did not leave the Netherlands. In 2004, the Immigration Minister announced their imminent deportation but due to a change in government they were eventually regularized in 2007. Not only did the change in government play a role in their regularisation, but so did the peer pressure leveraged by Dutch public opinion, NGOs and advocacy groups.

Creating a family with a Dutch national is theoretically a legitimate pathway out of irregularity. Since March 2006, the law requires those who wish to marry a Dutch citizen to take a Dutch language and culture test at consulates in their countries of origin. Irregular migrants can apply for asylum and the Netherlands has on average 50% recognition rate.



### *Key Messages for Policy Makers*

**To remove work permit-requirements for employees from Bulgaria and Romania.** Both Bulgarians and Romanians already work in the Netherlands, thus both the jobs and therefore the need for this type of labour exist. Perpetuating the current status merely swells the ranks of irregular labourers from new EU member states.

**Create a simplified immigration channel for low skilled-migrants.** Highly-skilled migrants are for the most part welcomed in the Netherlands and immigration rules for such migrants are simplified. Although it is a service-based economy, the Netherlands also benefits from sectors such as agriculture and horticulture where low-skilled labour prevails. Currently, irregular labour fulfills the labour needs in these sectors, therefore, a legal channel for such workers seems pertinent.

**Start discussions on a feasible roadmap out of illegality,** at least for those migrants who have been working in the Netherlands for a number of years.

**Address the nexus between immigration and integration.** Although policing immigration and promoting integration – especially addressing the problems posed by culture and religion – are two inseparable policies, the Dutch response to the problem of integrating ethnic minorities has been to toughen its immigration policies. The law has especially been tightened with regard to immigration for employment and family formation. This breeds irregular migration and makes the livelihoods of irregular migrants tougher. It also contributes to the increase in petty/survival crime among irregular migrants.

### **2.1.3 THE UNITED KINGDOM**

#### ***Background of the Migration Situation***

Until the 1960's and early 1970's, the UK hardly sought to regulate immigration flows from Commonwealth countries. Since the early 1970's however, immigration legislation became increasingly restrictive and doors for further labour immigration were gradually closed. The 1990's were characterised by numerous policy changes and whilst asylum migration was restricted labour migration was partially liberalised. The large-scale arrival of refugees, immigration of EU-8 nationals and, more recently, the issue of irregular migration became highly contentious issues on political and public agendas. The most recent policy change aims at reducing overall immigration. The latest census which took place in 2001 shows that 4.9 million (8.3%) of the total population of the UK were born overseas. The most reliable estimate suggested that the irregular migrant population in the UK in April 2001 was 430,000 (based on a range of 310,000 to 570,000). This central estimate equals 0.7 per cent of the total UK population (59 million) and 11.8 per cent of the UK total foreign-born population in 2001 (see Woodbridge 2005).

#### ***Data Sources Used for Estimating Size and Features of Irregular Migration***

Estimates on irregular migrant populations in the UK are limited. Most figures to be found in discourses can be evaluated as guesswork, underlie highly politicised forces and are often grossly exaggerated. Some of them are pure guesswork and others lack an appropriate demonstration of their methodology.

A variety of data sets are available. The most relevant concerning international migration records are: International Passenger Survey (IPS), 2001 Population Census, annual 'Control of Immigration: Statistics UK', Labour Force Survey (LFS) as well as the statistics from the Department of Social Security and the National Health Service (NHS). The most commonly used data source is the population census, however, there are uncertainties and pitfalls with regards to this dataset. Counting failures occur during the Census, which influences calculations for small population groups as is the case with irregular migrants.

The Woodbridge study (2005) is the only formal attempt of estimating a number of irregular immigrants in the UK, which used the dataset of the 2001 Population Census. It offers the most reliable estimation currently available. It is the only attempt that utilises a satisfactory methodology. Gordon et al. (2009) recently revised and updated the Woodbridge estimate. This new estimate suggested a figure of an irregular migrant population in the UK of 725,000 (based on range of 524,000 and 947,000) for the year 2007.

Although Gordon et al. (2009) suggested an increase in the total number of this population group, the UK hosts an average size of irregular immigrant population in comparison to other EU Member States. Likewise, it demonstrates that fewer of the

UK's immigrants are irregular than the EU average. In other words, the UK is not in any way particularly affected by the phenomenon of irregular migration.

### ***Social and Demographic Features of Irregular Migration***

Data and research regarding the main nationalities among the irregular migrant population in the UK are extremely rare and only tentative indications are available. For example, detention centres produce data that rank their populations by nationality. Between 2001 and 2006, significant numbers were from Jamaica, Nigeria, Pakistan, China, Turkey, and India (in descending order). Qualitative research projects conducted on detention centre populations indicate that the population tends to be male dominated and that the majority is between 25-29 years old. However, these small-scale samples are taken from a very specific group and are not representative for the total of the irregular migrant population.

Similarly few studies focus on irregular migrants in the workplace or the industries and sectors where migrants work irregularly. Irregular migrants are more likely to work in jobs that are commonly considered dirty, difficult and dangerous, the so-called '3-d' jobs. These include sectors such as construction, agriculture and horticulture, food processing, domestic work, cleaning, and hospitality services. Due to the under-researched nature of this field a well-founded position on the size, demographic features and composition of the irregular migrant population cannot be given.

The figures below represent apprehension cases, not individuals, and therefore may include 'double-counting' due to multiple apprehension of the same person. According to a representative of the Home Office, the data below is the most recent available due to concerns about data quality with regard to more recent figures, i.e. 2003 – 2008.

### ***Main Pathways into and out of Irregular Status***

There are various types of violations of the immigration regulations that can lead to an irregular migration situation. In legal or judicial terms such people are denoted as 'illegal entrants' in the UK. Most fundamentally, an "illegal entrant" is a person who:

- i. unlawfully enters or seeks to enter in breach of the immigration laws or of a (previous) deportation order
- ii. enters or seeks to enter by means which include deception by another person.

In practice this covers clandestine border crossing as well as overt entry through 'means of deception'. The latter involves a wide variety of practices that range from forged documents to deception about the 'purposes of stay'.

Furthermore, a 'leave to enter' is specified by various 'conditions' that regulate entering and staying in the country. These conditions mainly concern employment restrictions and limited length of stay, but also access to benefits or the right to family reunification.

A common breach of conditions is that of working in violation of employment restrictions. Such restrictions refer to hours worked per week or period of stay, and often involve students, au-pairs or working holiday makers.

An unauthorised transfer from one employer to another employer, or from one job to another, may also be regarded as contradicting the original ‘purpose of stay’ and therefore would constitute a breach of conditions.

Another common breach of the conditions of ‘leave to enter,’ which means not leaving the country by the expiry date of the visa and overstaying instead. Finally, evading immigration controls by crossing the borders clandestinely is a breach of immigration law. In essence, any movement or action that is not explicitly allowed is denoted as ‘illegal’.

Overstaying and/or breaking conditions of work restrictions make up the largest proportion of people who could count as irregular migrants. The majority of people enters legally and subsequently moves into an irregular status. Although it is unknown how many people clandestinely cross the borders, it can be safely assumed that this is the smallest group. In this light the term ‘illegal entrant’ misleadingly suggests that irregular migrants are mostly ‘illegal intruders’. Instead, the reality is that the majority of migrants overtly enter the UK but slip into irregularity at a later stage of their stay. A special group of irregular residents is asylum seekers who discontinue to register at the given reporting centre and who are assumed to be still residing in the UK (so-called ‘absconded asylum seekers’).

Pathways out of irregularity are less complex and extremely limited. In the case of overstaying for 10 years or more in the UK, an indefinite leave to remain may be granted on discretion of the Secretary of the State.

Regularisation can also be granted on ‘compassionate grounds’ by order of the Secretary of the State for the Home Office. Such ‘mini-regularizations’ are granted on a case-by-case basis.

Besides individual regularisations, collective regularisations were granted in 2003, where discretionary ‘family amnesty’, as ordered by the Home Office, was granted to all asylum seekers. By January 2006, 16,870 families had benefited from this policy. In 2004, 4,080 settlements were granted on humanitarian and compassionate grounds.

### ***Key Messages for Policy Makers***

There is a need for more careful discussion of the issue – since political language nourishes an inaccurate and negative image of irregular migrants. Some parts of the media contribute to this process of stigmatisation and demonization. Both policy-makers and the media should be aware of the problems associated with oversimplifying the phenomenon of irregular migration.

Clarifying legal categories – because the concept of ‘irregularity’ or ‘illegality’ remains

elusive and increasingly complex in legal and judicial terms. Agreeing clear-cut legal definitions and fine-tuning legislation may prevent a further blurring of the notion.

Comprehensive and differentiated data - the scattered state of available official data complicates formal and methodologically rigorous estimations of irregular migrant populations. A comprehensive revision of data sets based on new and nuanced legal categories could facilitate producing more reliable estimations and would lead to a more balanced debate.

Transparent and sound quantitative methodologies - all publications quantifying irregular migrant populations should disclose and justify their methods. This would facilitate evaluation and assessment of such quantifications. For instance, reports need to clarify if stated numbers refer to cases or individuals.

Sensitive enforcement - The effectiveness of the current and proposed measures, such as ID cards for immigrants or new enforcement operations, may cause disruptive effects on community relations. Enforcement officers could be specifically trained to consider the degree of the issue's sensitivity and the vulnerabilities of irregular migrants.

Legal migration channels - The new 'Points-Based System' potentially envisages simplified paths of migration. Some sources also suggest that more legal migration channels provide more opportunities for migrants to maintain regular status. In this respect, further consideration is now needed.

Flexible immigration regulations - A more flexible regime may also be considered. Regulations that lead into irregular status may need to be eased in their stringency and rigidity. Regulations offering a change of status, a change of purpose of stay or an extension of stay may potentially prevent the number of regular migrants slipping into an irregular status.

## **2.1.4 GERMANY**

### ***Background of the Migration Situation***

The current immigrant population in Germany is a result of various migration flows: foreign workers recruited between 1955 and 1973 and the subsequent immigration of their relatives since 1973; ethnic Germans since 1950's; Jewish quota refugees that came exclusively from the area of the former Soviet Union since 1990; the (often reluctant) reception of asylum seekers and civil-war-refugees since the late 1970's; temporarily admitted migrant workers and students. Currently, the foreign population makes up 9% in a total population of 82,400,000.

German governments have so far been in favour of strict migration control and the rejection of regularization programmes. In spite of a tough political rhetoric, Germany hosts a considerable number of irregular migrants. Their marks are evident not only in special reports dealing with social and political issues but also in public statistical accounting. The most recent expert estimate stems from 2004 after the accession of ten new EU member states. According to this estimate, the population of irregular foreign residents in the country ranges between 500,000 and 1,000,000.

### ***Data Sources Used for Estimating the Size and Features of Irregular Migration***

Knowledge on the size and composition of irregular immigration in Germany is still fragmented. In particular, publications from public authorities (State Police, Federal Police, Federal Customs) and charity organisations provide information on irregular immigrants in an open and transparent form. However, the quality of quantitative data is often poor because circumstances of collection are not transparent, the definition of categories remains fuzzy, the distinction between data referring to cases and data referring to persons is not always clear, and data exchange between authorities causes multiple registrations. As a result, it is difficult to draw a reliable picture of the extent and characteristics of the phenomenon of irregular migration in Germany.

With respect to available flow data, until 1998 Germany faced an increase in cases of irregular entries, with a peak of 40,201 apprehended irregular immigrants in this year. Border enforcement has increased significantly since 1998. Yet the number decreased to 17,000 detected irregular entries in 2007. Official data on irregular stays indicate a similar trend. The figure of apprehended foreigners lacking legal residence documentation increased to a peak of 140,779 persons in 1998 and has decreased considerably to 64,605 persons in 2006. Both flow and stock data indicate that irregular immigration reduced since 1998, and stabilized at a rather modest level (compared to other EU countries).

### ***Social & Demographic Features of Irregular Migration***

Knowledge on the national composition of irregular migration is rather poor and

inconsistent. Since the main nationalities shown in table 2.1.4.1 concern citizens from EU member states (Bulgaria, Romania) these figures reflect only a snapshot picture of the situation. However, this snapshot becomes quickly inaccurate as it is affected by the amendments of law and the political and economic situation in origin regions.

Figures on irregular entry indicate that irregular migrants increasingly come from countries of origin facing (local or regional) conflicts and political unrest. Furthermore, qualitative research studies show that, in addition to nationalities mentioned in official statistics, irregular immigrants from certain Latin-American countries (Brazil, Ecuador), Africa (Ghana, Cameroon) and Asia (Philippines) are also living in Germany.

With regards to age composition, all available data indicate that the majority of irregular immigrants are between 20 and 40 years old, but also that there is a considerable number of children and elderly people living in Germany without a regular residence status. Most irregular immigrants work in the shadow economy and work in informal and menial jobs, the arduous, dirty or unhealthy character of which is not compensated by the pay offered. Nevertheless, the share of irregular migrant workers is relatively low compared to the volume of undeclared employment performed by legally resident workers.

Due to the close exchange of data between public services, irregular migrants cannot be registered with the social security system or tax authorities. Irregular migrant workers are, therefore, vulnerable to abuse. Employers often undercut local standards of pay and working conditions and sometimes withhold the wage for work done. Duped workers refrain from going to court for fear that their irregular residence status will be reported to police. Also access to health care is difficult because irregular immigrants cannot enroll for health insurance. In case of accidents or sickness they have to either rely on charity or disclose their irregular residence status to public services. As a result many sick irregular immigrants delay a visit to the doctor/hospital and run the risk of letting initially minor health problems grow into life-threatening ones that require much more expensive medical treatment. In most Federal states, school enrolment of irregular immigrants' children is possible only with intervention of a charity and the readiness of a school headmaster to bypass administrative orders and school law, and refrain from recording the pupil's data in case they come into the hands of the police.

**Table 2.1.4.1 Apprehensions By Point of Entry According to Federal Police Data**

<b>Apprehensions at the</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Polish border	2,277	1,111	957
Czech border	1,651	858	878
Austrian border	4,467	3,755	3,888
Danish border	180	212	234
Schengen borders total	10,884	9,497	10,445

Swiss border	935	811	1,515
Sea borders	497	545	287
<b>Total</b>	<b>18,215</b>	<b>15,551</b>	<b>17,992</b>

*Table 2.1.4.2 Apprehensions By Country of Origin According to Police Criminal Statistics*

<b>Country of origin</b>	<b>2005</b>	<b>2006</b>
Turkey	4,982	4,771
Romania	4,360	4,666
Bulgaria	2,732	2,731
Serbia and Montenegro	2,718	2,136
Russia	2,215	2,023
Ukraine	2,197	1,690
China	1,597	1,483
Vietnam	1,481	1,450
Iraq	719	959
India	958	941
<b>Total</b>	<b>39,972</b>	<b>39,287</b>

### *Main Pathways into and Out of Irregular Status*

#### **Pathways into Irregular Status**

Knowledge on the trajectories of irregular immigrants is still fragmented. Unauthorized stay and undeclared employment after visa-free entry was, until 2004, the most frequent pathway into irregularity, while other pathways like visa-overstaying or irregular entry without documents have gained significance in relative terms since.

German residence law stipulates that entry and stay of third-country nationals is subject to reservation of permission. According to German law the authorized entry, stay and employment of foreign nationals depends on compliance with the provisions of the residence law. Certain nationalities are allowed to enter without a visa requirement for tourist purposes; others enter through the granting of a (Schengen) visa for tourist purposes; or through the granting of a residence permit for special purposes, namely obtaining higher education, (temporary) employment or family unification and formation. The main pathway into irregularity is the use of the visa-free entry regime with subsequent undeclared employment. Due to tight residence laws and strict naturalisation law, long-term resident foreign nationals may lose their residence status and also become irregular migrants if they do not leave the country when their legal status requires this.



## **Pathways out of irregular status**

After unauthorized entry (*see apprehensions by point of entry in table 2.1.4.1*), immigrants may obtain a regular residence status through an asylum application. However, the relevant acceptance rates are very low. Nevertheless, immigrants subject to the order to leave the country may be granted a so-called toleration status if the expulsion or deportation cannot be realized due to practical or legal obstacles such as the non-refoulement provision or humanitarian concerns.

Responsible German policy makers strictly oppose to regularization programs under the rationale that illegal behaviour should not be rewarded and that regularization creates pull effects. Irregular entry and stay and its support is a criminal offence to be punished with a sentence of up to one year's imprisonment. Employees of most state services are obliged by law to report irregular immigrants to immigration services or the police.

### ***Key Messages for Policy Makers***

For about three decades, irregular immigration has been a publicly debated political issue. Until the mid-1990s the debate focused mainly on irregular entries of refugees and asylum seekers. Only during the last decade the protection and rights of migrants in an irregular situation were brought to light. However, German government follows a strict stance on irregular immigration. Social and humanitarian issues are acknowledged but are simultaneously treated as the responsibility of civil society including churches and charity. These organizations partly accept the responsibility but complain that the state tries to dispose of its human rights obligations.

Civil society organisations should demand:

- a more liberal policy in the areas of family migration, refugee reception and labour migration in order to reduce irregular entries;
- the abolishment or mitigation of regulations that increase vulnerability and impair the social and legal situation of irregular migrants (such as the obligation of state health, education and social services to report irregular migrants);
- a stop to the classification of irregular migration as a criminal offence;
- a stop to treating the humanitarian help for irregular migrants as punishable.

The humanitarian situation of irregular immigrants was the subject of parliamentary expert hearings at the federal and state level during the past ten years. At the federal level at least, the question of education for children without residence status was accepted as an issue that requires a solution. Until now, the responsible ministries of the federal state of North Rhine-Westphalia and Hamburg explained in a circular that according to state law school directors are not allowed to ask for a residence document from school attendants or report such information to immigration services. However, these are the only federal states with such a clarified legal arrangement. Most other federal states oblige schools to survey and report any irregular residence status. Some cities like Munich, Cologne and Bremen have commissioned research into the social and humanitarian situation of

citizens without residence status and introduced steps in order to mitigate their plight, as well as arrangements towards health care provision and legal protection.

In Germany, irregular immigration is a constantly pressing issue, yet it is not at the top of the political agenda. Currently, the impression is that the German state and society merely tolerate irregular migration. Public policy follows a restrictive and control approach while civil society actors are concerned about its failure and side-effects. Against the background of demographic developments, labour market demands and increasing transnational family life patterns, the ongoing trends in irregular migration must play a role in the design of immigration policy.

If responsible politicians proceed with a restrictive line and do not open channels for legal immigration in spite of the increasing demand, Germany will be confronted with increasing irregular immigration. As a consequence, the gap between a declared restrictive immigration policy and its apparent failure would fuel a heated debate likely to give vent to xenophobic resentments.

A more enlightened migration policy should not always prioritize migration control but answer to the interests of the different actors involved in immigration. The search for pragmatic solutions including tailor-made status adjustment schemes would be more beneficial to migrants and the receiving society. Future findings of further and intensified research on irregular migration could contribute to this target.

## 2.1.5 FRANCE

### *Background of the Migration Situation*

France is an old immigration country, the oldest one in Europe since the mid nineteenth century. According to the definition of the High Council of Integration, an immigrant is a person that is foreign born and entered France with the intention to establish him/herself on French soil for a long-lasting period. According to the National Institute of Demographic Studies, in 1999 almost 14 million French citizens (that is, 23% of the population) had a parent or a grandparent that was an immigrant. In March 2005, the French population was deemed to be close to 63 million people, of which 94.2% were French : 91% of these were born in France and were French at birth or by acquisition, while 3.2% (2 million) were born outside France and became French by acquisition. Foreigners made up 5.8 % (3.6 million people) of which 3 million were born outside of France (4.9%) and 0.6 million were born in France (0.9%). Thus, there were about 5 million immigrants in total – 8.1% of the total population.

According to an OECD 2008 report, the larger national groups among France's foreign residents include Portuguese (493,000), followed by Algerians (488,000), Moroccans (475,000), Turks (229,000), Italians (178,000), Tunisians (147,000), Spanish (137,000), British (123,000), Belgians (80,000), Chinese (61,000), Malians (59,000), Senegalese (48,000), Swiss (41,000), Congolese (40,000) and other countries (817,000).

### *Data Sources Used for Estimating the Size and Features of Irregular Migration*

There is no adequate data nor any official estimates on the size of irregular migration in France. Regarding irregular migrant residents, the CLANDESTINO study on France adds the aggregate of the asylum applications that have been rejected (31,700 in 2006), the pronounced prefectural orders of expulsion (64,600) and the expulsion orders that have not been executed (assuming that people who received an expulsion order but were not removed, are still present in the country) (16,600). Thus, it is estimated that a total of 101,287 irregular immigrants and rejected asylum seekers were present on French territory in 2006.

Another estimate on the irregular population residing in the country in 2006 is calculated by adding up the number of apprehensions of foreigners of that year (67,130), the number of placements in detention centers (32,817) and the number of irregular foreigner beneficiaries of State Medical Aid (91,100). Adding up to a total of 291,047 persons.

Thus, the number of irregular residents including both entry and stay would reach a total of 392,334, however, it is important to note that this number is not reliable since all the above indicators are fluctuating and imprecise.

### ***Social and Demographic Features of Irregular Migration***

While legal migrant residents in France are almost equally divided between the two genders (women account for approx. 1.7 million out of a total of 3.5 million foreigners living in France), the irregular migrant population does not have a similar gender balance. If we take the example of the Sangatte centre providing shelter to irregular migrants, which is certainly not representative of the French situation but that was, at the time, the only centre hosting irregular migrants in transit in France, 95% of the 76,000 people that transited through this center were young males.

### ***Main Pathways into and out of Irregular Status***

Most irregulars are young, educated urbanites who hope to improve their living standards in France after having exhausted the possibilities in their country of origin. They come from countries reputed to be misgoverned, with huge economic inequality, corruption and environmental problems – countries where the youth does not have a future to look forward to and where unemployment reaches over 30% of the population. Most of these migrants are Algerians (France's largest irregular immigrant group, called the "harragas", or those who burn their documents at the borders), and other western and central Africans (Senegal, Mali, Mauritania, RDC), as well as Egyptians, Moroccans and Tunisians who often enter France with false documents.

A second category of irregular migrants includes the refused asylum seekers: Chinese and Romanians (mostly Roma) during the 1990s, and nationals of many sub-Saharan countries (Ivory Coast, DR Congo), Haitians, Colombians, Kurds from Turkey, Iranians, Iraqis, Syrians, Afghans, and Sri Lankans more recently.

A third category is comprised of those who are victims of tightened legislation against irregular migrants: members of family reunification who entered illegally, overstayers, children over a given age limit, false tourists, false students. Many of them try different strategies to become legalized; with very little success though, since fraud regarding marriage, paternity of French children, or birth in France has been highly monitored since the Pasqua law of 1993.

A fourth category is made up of irregular migrants overseas: since the Minister of immigration Brice Hortefeux decided to set a quota of 25,000 repatriations of irregular migrants every year from 2007, half of them have been repatriated overseas. The Comorian islands are a place where most repatriations are practiced. They are made up of six islands, one of which (Mayotte) asked to remain French in 1977 while the others made claims for independence. Since then, poverty has increased in the independent territories, leading to increasing irregular migration movement between these territories and Mayotte, the French territory. A second place of deportation is the Guyane, separated by a river (Oyapok) from Brasil and by another river (Maroni) from Suriname, the former Dutch territory that is now independent. Police control harms the local economy on the river without managing to stop the flow of irregular migrants. Other remote French territories containing irregular immigrants are the West Indies (Martinique and

Guadeloupe), and La Réunion. However, these rarely appear in the public debate.

The last category of irregular migrants are the transit migrants, such as those in Sangatte, at the point of entrance of the Eurostar train across and around the Channel (Boulogne, Dunquerque). Most of them aim to enter the UK because there they have family links, networks, work opportunities if they are English speakers, few identity controls after entering in the country and the ability to work as asylum seekers for six months, a right which has been suppressed in France since 1991 in order to avoid “false” asylum seekers entering to work in France. Most of these transit migrants are young and educated and few of them ask for asylum in France, in spite of the Dublin agreement’s rule of “one stop one shop”.

### ***Main Discourses***

The continuously reported massive arrivals and even deaths of irregular migrants at the gates of Europe do leave their imprint on the public perception of the regular and irregular migration. Public opinion is formed by fearful and erroneous images of a flood of irregular migrants, often portrayed as an invasion, and of a form of religious fundamentalism that allegedly aims to insidiously convert the French population. Notwithstanding, public opinion about this issue remains divided. Concerning immigration, 46% of the French population trusts the Prime Minister François Fillon to implement a suitable policy, while 45% of the population does not. As far as the principal problems associated with immigration, religious fundamentalism represents a problematic issue for 45% of the population; 36% of the people consider unauthorized immigration to be a problem; and 16% believes that the integration of migrants is a difficult process (Survey conducted by the institute TNS-SOFRES, Sarah Basset, 2007)

### ***Main Policy Implications***

The French government’s response to the largely negative feelings of the general public towards the irregular migration issue has revolved around a number of policy actions. Since 2005, the French government introduced a migration police force whose aim is to serve the control policy of the migratory flows, and in particular to confront the phenomenon of irregular immigration. The members of this police force are active in the domain of border controls, the apprehension of irregular immigrants, and the expulsion of those that have been arrested in mainland France. In addition, the migration police force has a mandate to fight the informal employment of foreigners. It coordinates the struggle against all forms of organized irregular immigration, and executes the deportation of unauthorized foreigners. It is also charged with analysis of the migratory stocks and flows. Finally, the government has made it responsible for the optimization of the IT tools that are used to detect false travel documents.

For the public authorities, the above measures are considered to be a continuation of the policy on ‘chosen/selected immigration’ initiated by the law of 2003 that is related to the control of immigration. These measures triggered several criticisms from associations that defend human rights and/or support migrants ‘*sans papiers*’. The fact that no

regularization is scheduled to take place in France any time soon gives rise to the concern that thousands of immigrants are destined to be ‘permanently *sans papiers*’, as the current regulations are not able to make the total of the irregular migrants that are already present disappear, nor can they entirely prevent newcomers from coming in.

***Key Message for Policy Makers***

The most important challenge for decision-makers related to migration in France is the deficit of dialogue between the government, the administration, and the experts and researchers who condemn the policies adopted.

The result is a permanently contested and short term decision on immigration, a continuous criticism of laws and a lack of coherence in the policies followed.

The unexpected effects of an overly severe and security-based law are the increased transgression of rules rather than discouragement of illegal paths. All the efforts dealing with new migration policies are focused on border control and irregulars, while other issues such as the reform of asylum receive little attention. Between the “pro” and the “con” trends on irregular migrants, nobody seems to be ready to adopt a decision.

## RECENT HOST COUNTRIES IN SOUTHERN EUROPE

### 2.1.6 GREECE

#### *Background of the Migration Situation*

Greece is a country on the southeast border of the EU. In a population of 11,192,849 people in 2007 according to the National Statistical Service of Greece (ESYE) (the most recent estimate of population in Greece by ESYE is for 2007), there were 678,268 migrants with stay permits in 2008 (of those approximately 363,700 still had a valid stay permit in March 2009 and another 314,568 were in the process of renewing their permits—the respective numbers in 2007 were 433,751 and 250,000). We have estimated that there were 280,000 irregular migrants present in the Greek territory at the end of 2007 (see table 2.1.6.1 below). The irregular migration estimate refers to 2007 because it was only for that year that we could get all the data necessary to produce the estimate.

**Table 2.1.6.1: Estimate of Irregular Migrant Stock in 2007**

Adjusted number of Third Country Nationals (TCNs) in 2001 Census	589,935 - 55,000 = 534,935
+ estimate of non-applicants to the census	153,311
+ births/deaths residual 2002-2007	64,881
+ Apprehensions 2005, 2006, 2007	66,351+ 95,239 + 112,364
- asylum seekers	59,712
- Deported & refouled persons 2005-2007	7,890 + 554
- valid TCNs (excl. EU27,US et al developed countries) permits October 2007	433,751
- regular minors not included in 2007 resident permits data	24,728
- permit applications in process (estimate)	250,000
+ pre-2005 border apprehensions non-applicants to last regularization	30,000
<b>Estimate of irregular migrant stock in 2007</b>	<b>280,446</b>

Source: CLANDESTINO Country Report: Greece, available at <http://clandestino.eliamep.gr>

### ***Data Sources used for Estimating the Size and Features of Irregular Migration***

There are various **data sources** that were combined so as to estimate the number of irregular migrants in Greece: the latest Census (2001), the periodic Labour Force Survey (LFS), expert surveys, current stay permit data, apprehension data and school data. All sources are problematic for different reasons. The Census is outdated, the sampling methods of LFS are not appropriate for investigating an unregistered population, the expert surveys so far have a limited geographical, ethnic and at times labour market scope, the stay permit database is incomplete since it does not include the number of applications being processed, and last but not least the apprehensions data may count twice the same person twice (caught twice, i.e. once for irregular stay and/or unlawful entry to the country). Besides, a higher number of apprehensions may result from stricter enforcement rather than from higher migration pressures. School data is also insufficient as it catches a limited segment of recently arrived irregular migrants.

### ***Social and Demographic Features of Irregular Migration***

Early (ir)regular immigration to Greece originated by and large from its neighboring countries in the Balkans, Central Eastern Europe and the former USSR. Large scale arrivals of migrants from Albania throughout the 1990s have turned the Albanian community into the largest migrant group in Greece, followed by Bulgarians, Ukrainians, Georgians and Romanians. Notwithstanding the Albanian presence which remains prominent to this day, the composition of the migrant population in Greece is diverse. The size of the Bulgarian, Romanian, Georgian and Ukrainian communities has grown during the last decade. Small Asian and African populations like the Filipino, Vietnamese, Sudanese and Egyptian have been in Greece from the 1980s onwards. More recent arrivals include Pakistani, Bangladeshi, Iraqi and Afghani citizens and sub Saharan Africans. The main points of irregular entry to Greece are the land and sea borders with Turkey and the Greek-Albanian land border. The borders with FYROM and Bulgaria via land and the southern sea border with Egypt involve smaller numbers of immigrants.

***Table 2.1.6.2: Apprehensions by Point of Entry (source: Ministry of Interior, Dec. 2008)***

<b>Apprehensions</b>	<b>Year 2006</b>	<b>Year 2007</b>	<b>Year 2008</b>
Greek-Albanian border	33,618	42,897	39,267
Greek-FYROM border	3,541	2,887	3,459
Greek-Bulgarian	1,132	966	1,795
Greek-Turkish land border	15,265	16,789	14,461
Greek-Turkish sea border	6,886	9,240	30,149
Crete	2,163	3,101	2,961
Apprehensions in the mainland	32,634	39,595	54,245
<b>TOTAL</b>	<b>95,239</b>	<b>112,364</b>	<b>146,337</b>



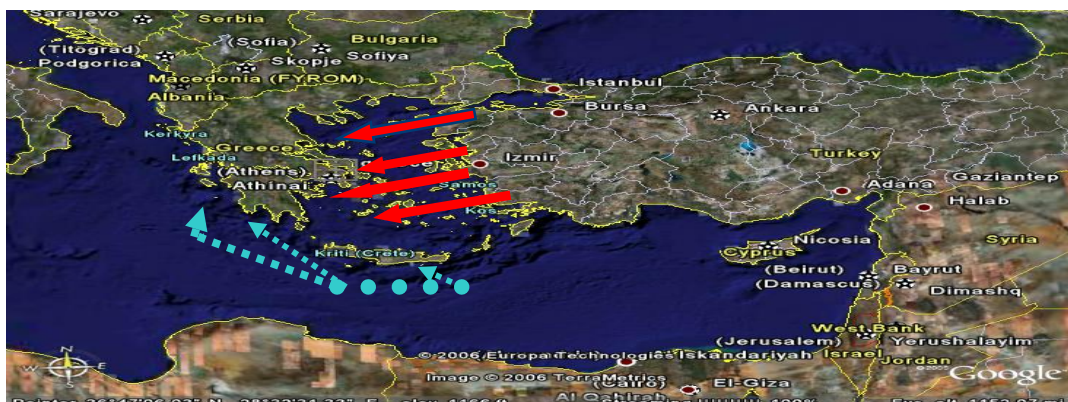
Considering the sheer **size** of the Albanian population in Greece, it is not surprising that Albanians constitute the largest proportion of the irregular migrants (34%). Reliable estimates on the share of the irregular migrants originating from African, Middle Eastern, and Asian countries do not exist. Evidence from a few qualitative surveys indicates that these groups are composed mostly of irregular migrants (see also Table 2.1.6.3). Regarding **age**, the majority of irregular migrants belong to the younger age groups. Women are under-represented among the irregular migrant population. The gender composition however may vary in relation to specific ethnic groups: men are over-represented among Asians; Eastern European migration is mainly composed of women.

*Table 2.1.6.3: Apprehensions by country of origin*

Main countries of origin	2007	2008
Albania	66,818	72,454
Georgia	1,441	-
Pakistan	2,834	5,512
Egypt	598	-
India	532	-
Bangladesh	721	1,655
China	471	-
Iraq	12,549	15,940
Iran	515	-
Afghanistan	11,611	25,577
Somalia	3,656	6,713
Palestine	5,135	4,593

Source: Ministry of Interior, Dec. 2008.

*Figure 2.1.6.1 Migration Flows to Greece*



Source: Ministry of Mercantile Marine, Dec.2008.

### ***Main Pathways into and out of Irregular Status***

The main pathway for irregular migrants in Greece is to enter the country legally, with a temporary visa for tourism, and then overstay their visa and work in the informal labour market.

Another pathway into irregular status in Greece regards legal migrants that fail to renew their stay permits because they cannot prove they are employed as they work in the shadow economy. Indeed, informal work arrangements prevail in the niches of the Greek economy where migrants are employed such as, the construction industry, tourism, agriculture and the domestic work sector.

Irregular entry constitutes the pathway into irregular status that gets most media attention in Greece despite the lower numbers that it involves. The avenues of irregular entry and short-term regular entry with the purpose of tourism that migrants use are a result of **three factors**:

(a) the fact that practically there is no option to prospective migrants for a long-term regular entry with the purpose of employment (the system of inviting a foreign worker (*metaklisi*) does not work in practice since between inviting a foreign worker and him/her effectively getting a permit and starting to work as a period of 12 to 18 months is needed for the paper work), (b) the fact that the channel of family reunification has unrealistic requirements (the applicant has to prove through their tax declaration that they earn the minimum annual wage for an unskilled worker increased by 20% for the spouse and 15% for each child. It is common practice for employers that they officially pay a migrant worker the minimum wage and any extra pay for over time or weekends is given cash-in-hand), (c) the development of smuggling networks that are the underground market response to the demand of humans for fleeing poverty, authoritarian regimes and environmental disasters.

Regularization programs are the main means for an irregular migrant to get out of irregular status in Greece.

Another pathway for irregular migrants to provisionally 'legalize' their stay in Greece is to apply for asylum. The processing of applications for asylum usually lasts a few years and the rate of acceptance is 0.05% at first instance and was 2% after an appeal in 2006 and 2007 rising to 10% in 2008. A presidential decree issued in June 2009 however, has abolished the appeal procedure. In practice most rejected asylum seekers stay in the country as irregular migrants.

The two successive EU enlargements to the East have automatically regularized the stay of citizens from the new member states who were previously non EU irregular migrants in the country. Greece has applied a two-year transition period for citizens of the eight Central Eastern European countries that have accessed the EU in 2004 (A8) and for

Bulgarian and Romanian citizens. As of 1 January 2009, however, all citizens of ‘young’ member states can work legally in Greece.

### ***Key Messages for Policy Makers***

#### **Combating and Preventing Irregular Migration Flows**

- Deportations are not a viable policy. The cost of deporting migrants today is prohibitive, about 4,000 Euro per person for migrants deported to Southeast Asia (estimate originates from similar data from the Spanish police).
- Moreover, given the problems with the asylum seeking applications processing in Greece (long delays, superficial interviews, red tape) there is a risk that people in need of protection are deported. In other words, such a practice risks violating the 1951 Geneva Convention relating on refugees and its 1967 Protocol both of which are signed and ratified by Greece.
- The Readmission Agreement with Turkey should be re-negotiated in exchange of development assistance with a view to making it function properly.
- Diplomatic efforts should increase with a view to signing readmission and cooperation agreements not only with Turkey but with other major source and transit countries in Asia and Africa.
- Legal channels for labour migration should be made functional. There is a pressing need to cut red tape, simplify and shorten procedures to invite foreign workers.
- One-year stay permits for those ‘searching for employment’ could be introduced. TCNs would be able to come to Greece legally; provided they have health insurance and a ‘sponsor’: a legal migrant or Greek citizen who would guarantee accommodation and who would pay a ‘guarantee’ sum for the issuing of this permit. Migrants would thus be able to look for a job legally and then convert their stay permit into a stay permit for work purposes. This would provide for an efficient mechanism for legalising what happens now illegally (namely that interested foreigners arrive illegally, are hosted by relatives or friends, find a job, settle down and then wait for the next regularization to legalise their status).
- Lower the income ceiling requested for allowing family reunification.

#### **Addressing Irregular Migration and Informal Work**

- Set up an independent Asylum Authority to examine asylum seeking cases instead of this responsibility falling under the jurisdiction of the Greek Police.
- For migrants that have been living in Greece legally for 5 years or longer, disconnect the renewal of their stay permits from proof of employment through contributions to the welfare system. One reduces the risk that long term legal migrants lapse into illegality because at times of economic crisis they are unable to find work with a proper contract and full welfare contributions.
- Confront informal economy: a) through increased controls of the labour market sectors where informal economic arrangements are common (construction sector, agriculture, tourist industry, other services), and mainly b) through an increase of formal jobs in the Greek economy.

The latter should be pursued through:

- reforms on the social security system directed to deal with the inflexibility of the Greek labour market regarding certain niches of permanent employment. To date, the higher than average benefits, social security contributions, compensations and the legal access barriers characterizing various niches render hiring and firing a costly business decision.
- creating and securing a safety net of working and social rights for the types of work (subcontracting, part-time, temporary, seasonal) and workers (immigrants) that are usually exposed to exploitative and informal work arrangements as a result of the above inflexibilities of the formal economy. Promoting sustainable new forms of work is crucial in order to tackle unemployment in contemporary post-industrial economies.
- Open reception centres and/or restore already used spaces with health and sanitation facilities and provide Greek/English language courses for homeless asylum seekers and undocumented migrants rather than creating detention centres. Detention centres cost a lot of money and do not provide for any avenues for getting out of irregularity. Open reception centres could be an investment in labour force supply. Use, and therefore fund, local NGOs that have better access to migrants than State services towards this end.

## 2.1.7 ITALY

### *Background of the Migration Situation*

After almost a century of emigration history, Italy has relatively recently become an immigration country. The institutional framework has been inadequate to manage the increasing flows of immigrants: the relevance of the irregular flows and stock of immigrants and their deep involvement in the Italian shadow economy, therefore, can be better explained as the result of the lack of a reasonable regulation rather than as the deliberate attempt to circumvent it.

On the 1<sup>st</sup> of January 2007 there were about 2.94 million legal resident migrants in Italy, about half of them were female and around 22% were minors. Legal migrants currently represent 5% of the total resident population and they contribute for about 70% of population growth in Italy. The largest foreign born communities are represented by citizens of Albania (13% of the total migrant population), Morocco (12%), Romania (10%), China (4.6%), Ukraine (3.9%) Philippines (3.5%) and Tunisia (3.3%). Although the share of immigrant population over the native population is still well below the numbers experienced by other European countries, the increase in the foreign born population has been quite steep in the last two decades; indicatively the migrant population in 2007 was more than five times the level recorded in 1990

### *Size, Demographics and Entry Routes*

As far as amnesties of undocumented migrants in Europe are concerned, Italy closely competes with Spain for a double record: the highest number of general regularization processes (5 programs since 1986) and the largest number (relatively to the resident migrant population) of immigrants who obtained a legal status through one of these programs.

In the last two decades, Italian governments have approved five different amnesties – in 1986, 1990, 1995, 1998 and 2002 – which have jointly legalized almost 1.5 million of irregular migrants which were already residing in the country. Almost 700,000 people were regularized in the last amnesty in 2002. More than half of the documented migrant population currently residing in Italy has obtained legal status through one of these amnesty processes

Different sources of information can be combined and compared to obtain a sufficiently clear and updated picture of the stock of unauthorized immigrants which is currently residing in Italy. According to estimates from survey data collected by the ISMU Foundation (*Fondazione ISMU*), the stock of undocumented immigrants was approximately 541,000 in 2005, 650,000 in 2006 and 349,000 in 2007 (accounting for 16%, 18% and 9% of the total foreign born population in the respective years).

At all times, the vast majority of undocumented migrants were residing in Northern

regions, where labour market opportunities are substantially better than in the rest of Italy. The poor design of the Italian quota system makes it possible for undocumented migrants already residing in Italy to obtain a legal status through the annual quotas. Applications for the yearly 'flow decree', therefore, can be used to assess the magnitude, composition and geographical dispersion of the undocumented stock. The last 'flow decree', in 2007, received more than 700,000 applications, the majority of which are considered to have been filed by migrants who were already living and working in the country.

As far as demographics are concerned, male migrants account for slightly more than half of the undocumented population, and they are generally young (and also significantly younger than their documented counterpart). According to the ISMU estimates, the majority of the unauthorized population is composed of Eastern European citizens, followed by North-Africans, and immigrants from Asia and Oceania, Sub-Saharan Africa and Latin America.

Although Italy is sadly famous for the images of clandestine immigrants landing on the shores of its Southern coasts, official records show that migrants arrived via boats represent only a small fraction (4%-16% in the period 2000-2006) of the existing stock of undocumented residents. Indeed, between 2000 and 2006, the Italian Ministry of Internal Affairs estimated that around 65-70% of the undocumented migrants currently residing in Italy are overstayers. The remaining 15%-34%, managed to avoid controls at the Northern borders and at international ports and airports.

As far as the undocumented migrants' routes are concerned, critical entry channels include:

- the Italian-Slovenian border which is mainly crossed by Eastern European citizens, but also by migrants who come from Central Asia, the Middle East, the Indian sub-continent and Eastern Asia.
- the Italian-French border through which migrants coming from Africa arrive after having travelled along the route which crosses the Strait of Gibraltar and goes through Spain and France.
- the coasts of the Southern regions, that can be reached after relatively short boat trips from the Balkans or North Africa. Migrants used to arrive from both the coasts of former Yugoslavia and Albania and from those of Northern Africa, but in recent years the unauthorized inflows from the Balkan area have substantially fallen – following the gradual stabilization of the area – while those from Africa, and from Libya in particular, have sharply increased. These latter flows are composed of migrants coming from Northern Africa but also from Sub-Saharan Africa and from the Horn of Africa.

*Table 2.1.7.1: ISMU Estimates of Documented and Undocumented Migrants Living in Italy; by Nationality (thousands) 1st July 2005*

Country	Total Migrants	Undocumented Migrants
	thousands	%
<b>Albania</b>	459	14.3
<b>Romania</b>	437	21.6
<b>Morocco</b>	408	14.2
<b>Ukraine</b>	180	22.4
<b>China</b>	169	11.4
<b>Philippines</b>	110	10.4
<b>Tunisia</b>	110	16.1
<b>Ecuador</b>	89	14.2
<b>Macedonia</b>	88	18.2
<b>Poland</b>	83	21.3
<b>Serbia and Montenegro</b>	83	14.4
<b>Senegal</b>	82	18.0
<b>Peru</b>	78	15.8
<b>India</b>	77	11.8
<b>Egypt</b>	75	12.5
<b>Moldova</b>	68	19.1
<b>Sri Lanka</b>	60	11.7
<b>Bangladesh</b>	52	12.0
<b>Pakistan</b>	51	11.7
<b>Nigeria</b>	50	19.6
<b>Total 20 major nationalities</b>	<b>2,809</b>	
<b>Total</b>	<b>3,358</b>	<b>16.1</b>

### *Main Pathways into and out of Irregular Status*

The distinction between documented and undocumented migrants is based on the legal status of the migrants when entering the destination country (irregular entry) and during their stay (irregular residence). In Italy – as it generally happens in other Western countries – an unauthorized entry implies a subsequent unauthorized permanence, while a legal entry allows for lawful permanence. Moreover, the status of undocumented with respect to residence prevents the migrant from being in legally employed.

- The majority of undocumented migrants in Italy (60%-75%) are overstayers.
- The poor design of Italian migration policy tends to make the chances of becoming a legal resident migrant higher for an undocumented migrant who is already in Italy, than for a potential migrant who is trying to gain legal access to the Italian labour market from abroad. Indeed, the frequent launch of amnesty programs – and the misuse of the quota system – have created a fairly broad, although discontinuous, channel for obtaining legal status once an irregular migrant has settled in the country.
- It is unclear whether and actually which regularised migrants manage to maintain

their legal status or fall back into illegality. Recent studies support the idea that falling back into irregularity is less common than regularising one's status, but the evidence is far from strong and clear.

- The relationship between legal status and legal employment is a crucial aspect of pathways into and out of irregular status. If legal status is a prerequisite for being in legal employment, the maintenance of the legal status – i.e. the capability of renewing residence permits when they expire – is conditional on being legally employed. If regularised migrants do not succeed in finding, or keeping, a legal job, they are unable to obtain or renew their stay permit. Given the magnitude of the shadow economy in Italy, there is a lack of opportunities for migrants to find a legal job. This issue severely weakens any attempt to permanently 'bring them to the surface' through regularisation programs.

### ***Key Messages for Policy Makers***

The failure of the Italian migration policy in managing the migratory phenomenon and in fully reaping its potential benefits is too costly to continue unaltered. As far as irregular migration is concerned, Italian policy makers should focus on two main areas: 1) increasing knowledge and understanding of the phenomenon in order to shape future policy; 2) identifying existing contradictions and inconsistencies in the current (and past) migration policy and address them.

**Knowledge and understanding:** a coherent and effective policy cannot be based on partisan views, anecdotal evidence and unfounded rumours. Italian policy makers should start:

- promoting and funding research on irregular migration: the fact that the Italian Government produced only one official estimate of the undocumented population (in 1998) demonstrates the need for a much more careful (and continuous) monitoring of the phenomenon;
- making policy decision based on existing research findings: for instance, the current emphasis on tightening border enforcement completely ignores the official estimates showing that the vast majority of the current stock of undocumented migrants is composed by visa overstayers.

**Addressing the main contradiction in Italian immigration policy:** namely, the sharp contrast between a formally restrictive migration policy, on the one side, and a strong demand for foreign workers and a widespread tendency to indulge in irregular employment in the Italian economy, on the other.

- Italy needs a structured policy to attract highly skilled workers from abroad.
- At the same time, it needs to recognize the demand for unskilled foreign workers as a structural and permanent feature of its labour market and to develop a policy framework which allows a fully legal symbiosis between employers and immigrant employees. The latter should imply:
  - a credible and permanent increase in the intensity of on-site labour inspections, within a broader framework of reduction of the shadow



- economy;
- reforming the quota system in order to establish a stable and certain channel of legal access for immigrant workers to the Italian labour market:
    - a) reducing the governments' arbitrariness in setting annual quota levels and legal conditions for applicants; b) addressing the current misuse of quotas to legalize irregular migrants who already reside and work in Italy
  - creating a flexible and permanent channel of legal entry by granting temporary visa to immigrant workers who intend to seek a job in the Italian labour market (for instance, the "sponsor" mechanism, introduced in 1998 and abolished in 2002).
  - Border enforcement, apprehensions and removals of irregular residents should represent a supplementary set of tools rather than the main policy instruments. In this supplementary framework, policies encouraging voluntary return should be significantly expanded.
  - Criminalization of undocumented migration should be avoided in both policy practices and political discourse.

## 2.1.8 SPAIN

### *Background of the Migration Situation*

As of January 2008, according to the National Institute of Statistics (INE) Spain had a population of a little over 46 million, of which over 3 million were registered third country nationals (TCNs) in the *Padron*, (the municipal registers of inhabitants). Of those 3 million, 2,433,000 had legal stay permits according to data obtained from the Ministry of Interior. To this last number one should add the 241,000 stay permits that expired while in process of renewal, due to administrative delays (according to Ministry of Interior information). We have estimated that there were 354,000 irregular migrants present in Spain in early 2008, this is a substantial decrease from estimates pointing up to 1,232,000 irregular immigrants at the beginning of 2005.

### *Data Sources Used for Estimating the Size and Features of Irregular Migration*

There are various sources that were utilized to calculate the number of irregular migrants in Spain, namely, the *Padrón* (published yearly with current information on resident immigrants, legal or irregular), stay permit data, regularisation data, the periodic Labour Force Survey (LFS), expert surveys and polls conducted among immigrants.

Spain is the only European country that allows and fosters the register of irregular immigrants. It offers irregular immigrants access to free medical care and public education on the same basis as Spaniards or regular immigrants if they register in the *Padron*.

Nevertheless, all migration data sources are problematic for different reasons: a) the *Padrón* includes many immigrants that have left the country or have never lived there, b) there always is a percentage that does not register, c) the published stay permit data is incomplete since it does not include the number of permits which have expired due to administrative delays, d) the elevation to absolute numbers from the percentages found in the LSF is based on the *Padrón*, so problems with the *Padron* are transferred also to the LSF, e) most expert surveys have a limited geographical scope, and data resulting from polls underestimate the total of irregular migrant population as many undocumented residents are likely to conceal their irregular status to an unknown interviewer, F) data coming from past regularisations includes only those irregular immigrants that fulfilled the criteria for application at the time. Apprehension data is not regarded as an important indicator of irregular migration: it refers almost exclusively to those caught when trying to illegally enter the country, while most would-be irregulars enter legally as false tourists.

### *Social and Demographic Features of Irregular Migration*

Irregularity has been a common experience, a phase, in the life of most immigrants in Spain, as statistical data and polls illustrate. According to the National Poll on Immigrants, 40% of immigrants that arrived in Spain in 2006 were still irregulars by the end of that year, while the percentage of irregularity decreased as the time of stay increased.

During the 1990's most irregular immigrants living in Spain originated from Morocco, however, since the beginning of the new century, Latin-Americans lead the figures in both regular and irregular migration. Romanians and Bulgarians are also significant in number, but their countries' accession to the European Union in 2007 automatically legalized their stay. As of 2008, Latin Americans are the largest group of regular and irregular immigrants to Spain. There are several reasons for this: firstly, there is a common language and secondly, the historical links between Spain and the American continent make it more familiar to Latin Americans. Interestingly, these have translated into legal privileges attracting Latin-Americans to Spain. The most important are a) the possibility to obtain nationalization after only two years of legal stay, compared with the ten years required from other nationalities, and b) the visa-free regime through which Latin-Americans travel to Spain.

**Table 2.1.8.1: Main countries of origin of irregular TCNs in Spain (January 2008)**

	Padrón (A)	Residence permits (B)	Irregulars = (A) – (B)	% of irregularity
Bolivia	234,000	69,000	165,000	70
Argentina	195,000	96,000	99,000	51
Brazil	118,000	39,000	79,000	67
Paraguay	66,000	14,000	52,000	79
Uruguay	61,000	31,000	30,000	49
Venezuela	60,000	33,000	27,000	45
Colombia	280,000	254,000	26,000	9
Russia	44,000	30,000	14,000	32
Chile	48,000	25,000	13,000	27
Ukraine	74,000	62,000	12,000	16
Ecuador	408,000	396,000	12,000	3
Pakistan	46,000	36,000	10,000	22
Senegal	43,000	33,000	10,000	23
Cuba	52,000	45,000	7,000	13
Peru	122,000	116,000	6,000	5

Rep Dominic	76,000	71,000	5,000	7
Argelia	49,000	46,000	3,000	6

At the beginning of 2008, immigrants from Argentina, Bolivia, Brazil, Chile, Colombia, Mexico, Paraguay, Uruguay and Venezuela constituted two thirds of the whole irregular immigrant population. Bolivia contributed with the highest number as two thirds of its 234,000 immigrants in Spain were estimated to be in an irregular situation at that date. In absolute terms, Argentina follows Bolivia, with 99,000 irregular immigrants.

International airports have been the main point of entry of irregular immigrants, who arrive as false tourists. Compared with this entry-point the irregular arrival by sea from the African coast is a minor phenomenon in spite of the media and political attention it attracts. In fact, only 5 – 10% of yearly inflows of irregular immigrants use this route. Arrivals by road were important in the years prior to the last EU enlargement, when some hundreds of thousands of Romanians and Bulgarians arrived having crossed the French-Spanish frontier.

### ***Main Pathways into and out of Irregular Status***

#### **Pathways into Irregular Status**

Most of the irregular migrant population of Spain consists of migrants that enter legally into the country, as tourists or students, and lapse into irregular status. The scarcity of internal controls has allowed irregular immigrants to stay and work.

Another pathway into irregular status has to do with immigrants who fail to renew their stay permit because they lack a labour contract, as most of them work in seasonal, instable and/or off-the-record sectors such as, tourism, agriculture, construction and domestic work.

Irregular frontier crossing was an important pathway into irregular status in the 1990's, when a good part of Moroccans arrived illegally by boat. However, after the deployment of the SIVE (*Sistema Integrado de Vigilancia Exterior*), a sophisticated surveillance electronic system, in the Southern coast of Spain and the Canary Islands, and the onset of effective collaboration with Morocco regarding the repatriation of Moroccan irregular migrants, Moroccan irregular migration to Spain almost ceased. Because of the SIVE, their boats were systematically detected and their passengers returned to Morocco.

The case was different for some time with Sub-Saharan Africans who crossed Moroccan territory to finally travel by boat to Spain. Morocco did not accept the return of these migrants when they were caught in Spanish waters or coastline, but pressure from the EU brought about a change in policy in 2004.

From then on, Sub-Saharan African immigrants began a riskier travel route to Spain, from Mauritania to the Canary Islands. When Spain obtained Mauritania's collaboration in combating irregular migration, sub-Saharan Africans started their journey further south, in Senegal and the Ivory Coast.

Spanish law allows a maximum of 40 days of internment in special detention centres for irregular migrants (CIEs, *Centros de Internamiento de Extranjeros*); if during this period, the police, administrative and judicial system cannot identify the migrant, or if there is no readmission accord signed with the country of origin, he or she must be freed. Until 2006, most Sub-Saharan Africans who arrived by boat were granted this freedom.

A diplomatic offensive by the Spanish government which targeted West African countries during 2006-2008 has led to the signing of readmission agreements with Cape Verde, Mali, Guinea Conakry, Guinea Bissau and Nigeria and varied forms of cooperation with other states in the region. As a result, a notable decrease of irregular migrant arrivals from Africa has been observed since.

### **Pathways Out of Irregularity**

Regularisations, whether 'extraordinary' or 'continuous', have been the main way out of irregularity: the first extraordinary regularisation was carried out in 1985-86 and mostly effected Moroccans in the Spanish North-African cities of Ceuta and Melilla. Over the past 24 years, five special regularisation programs have taken place, i.e., one every five years, the last one being conducted in 2005. In total, 1,100,000 immigrants have benefited from regularisation programs in Spain, of which 52% did so in the last regularization. The high percentage of immigrants who applied for legal status over the total foreign population shows the central role that extraordinary regularisations have played in Spanish migration management policy. During the regularization of 1991, the number of applicants was equivalent to the 90% of all TCN legal residents, 60% in the regularisation process of 2000, 73% in that of 2001 and 52% in 2005.

The 2007 EU enlargement eastward automatically regularized the stay of 355,000 citizens from the new member states, mostly Romanians, who were previously non EU irregular migrants in the country. As Spain applied a two years moratorium to their free movement as workers, most of these immigrants were legal stayers yet irregular workers until January 2009, when the moratorium was lifted.

Some migrants attempt to temporarily 'legalize' their stay by applying for asylum. This gives them a regular status for some months, but less than 5% of applicants receive refugee status and more than half of the applicants are rejected at the first degree of examination of their case by the Spanish Office on Asylum and Refugees. Only 4,500 people applied for asylum in 2008 and of those only 151 obtained refugee status.

### ***Key Messages for Policy Makers***

The visa requirement has already proven to be an effective measure to reduce the arrival of false tourists and it should be extended to all new countries from which statistical evidence indicates high inflows, like Paraguay for example.

Internal controls should improve significantly: The number of Labour inspectors must increase as well as the resources devoted to specialized police bodies. New personnel and organizational resources must also be invested into the administrative services dealing with the issue or renewal of residence and work permits, since their present scarcity provokes 'befallen irregularity' for thousands of immigrants.

Measures should be adopted to avoid the local registration of immigrants without a suitable dwelling in the *Padron*. The initiatives of some Local Councils in this direction should be generalised. The present practice of many Local Councils which allow registration without any proof of real residence in the municipality should come to an end. It is necessary to unify the administrative local practices in this field so as to improve the accuracy of the *Padrón*.

There is also a need to sign new readmission agreements with sending and transit countries in Sub-Saharan Africa and to promote a more effective involvement of the European Union in the negotiation of such agreements.

Once the economy recovers from the present crisis and if new immigrants are needed, legal channels of migration should be improved, the procedures to receive foreign workers should be simplified and shortened, and the services devoted to the migration management in Spanish consulates strengthened.

Private agencies acting as intermediaries in the labour market should be incorporated into the process of estimating the foreign labour force needs, since the state services only administer less than 10% of new contracts and their knowledge of the labour market is incomplete.

The SIVE must also be deployed in the Spanish southeast coast if the recent arrival of irregular immigrants by boat from Algeria continues.

## EMERGING HOST AND TRANSIT COUNTRIES IN CENTRAL AND EASTERN EUROPE

### 2.1.9 HUNGARY

#### *Background of the Migration Situation*

Hungary has been open to international migration since the political changes of 1989. Immigration to Hungary from countries of Central and Eastern Europe, from China and Vietnam is primarily labour migration, often based on seasonal or temporary employment or for business activities. Immigration to Hungary from poverty stricken or war torn developing countries is mainly transit migration.

*Hungarian immigration policy* has been largely shaped by European integration, i.e. the harmonisation process and the transposition of EU Directives, the Schengen Acquis, the Hague Programme and other EU policies and legal provisions. Irregular and illegal migration basically involves either transiting through the country without proper documents, or illegal residence in the country, or engagement of non-EU citizens in unlawful employment, typically of the seasonal or temporary kind. Hungary joined the Schengen Zone on the 21<sup>st</sup> of December 2007, and Hungarian legal rules now include the Schengen legal provisions.

*The proportion of legal immigrants* living in Hungary is relatively low by comparison to other European countries. In Hungary at the end of 2007 there were 166,693 foreign citizens in possession of residence or immigration permits for a period exceeding three months, i.e. 1.6% of the total population. Two thirds of foreign citizens living legally in Hungary are from neighboring countries, mostly ethnic Hungarians; approx. 12% arrived from Asian countries (of which 8% are from China and Vietnam); and a similar ratio, 12% of legally residing foreigners, are from the EU-15 countries. Since 2000, the annual number of people obtaining Hungarian citizenship varied between 3,000 and 10,000; of these naturalised citizens most are ethnic Hungarians.

**Table 2.1.9.1 Number of Expulsions Ordered by Hungarian Aliens-Policing Authorities Breakdown by Main Nationalities**

<b>Citizenship</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Romania	2,489	2,310	2,398	1,750	0
Ukraine	625	410	623	165	43
Serbia-Montenegro (With Kosovar Albanians)	150	42	54	123	349
Moldova	64	62	34	32	32
Turkey	70	66	40	10	9
Other	396	364	193	249	94
<b>Total</b>	<b>3,794</b>	<b>3,254</b>	<b>3,342</b>	<b>2,329</b>	<b>527</b>

The proportion of irregular immigrants living in Hungary is also small compared to other European countries. The total stock of resident foreign irregular migrants in Hungary in 2007 is estimated to be between 30,000 and 50,000 people. Lacking relevant survey evidence, and scientifically founded estimations, this number is based on administrative data of the Aliens Police and Border Guard, on published estimations and on expert opinions.

### ***Data Sources Used for Estimating the Size and Features of Irregular Migration***

The “Alien Policing Database” of the Office of Immigration and Naturalization contains statistical information about the following categories:

- People residing legally in Hungary, including EEA (???) nationals and third country nationals subject to visa regulations
- People being removed from Hungary
- People submitting a request for entry
- People subject to a restriction of entry, restriction of movement or removal
- Lost documents
- Refugees and administrative actions on behalf of refugees
- Persons to whom residence was refused
- The results of the 2004 regularization measure.

The data collection maintained by the Border Guard and its legal successor, the Border Guard Department of the Police contains flow data about apprehended irregular migrants. Out of this data the following items are published yearly:

- Number of apprehended aliens who cross the border unlawfully, by gender, country of origin, and border
- Number of apprehended human smugglers
- Number of people being trafficked into the country
- Number of apprehended human traffickers
- Persons rejected at the border

This study relies on a small-scale expert survey, i.e. the estimations of migration researchers and members of law enforcement agencies were collected and critically assessed in 2008. Estimates older than 1 year are now outdated due to (a) Hungary’s entry into the Schengen Zone and (b) Romania’s joining the EU. According to new legislation on entry and stay, undocumented residence of Romanian citizens is not counted as irregular migration.

### ***Social and Demographic Features of Irregular Migration***

In 2008, Chinese and Vietnamese immigrants constituted the largest national groups of resident irregular migrants. There were between 15,000 and 25,000 irregular Chinese and Vietnamese migrants in Hungary that year. Other irregular migrant populations include (in descending order) Ukrainians, Serbs (including Kosovar Albanians), Sub-Saharan



Africans and other Asian immigrants. Men account for up to 80% of irregular migrants and the 20-59 age group represents as much as 90-95% of the total irregular population.

By international comparison, the number of refugees in Hungary is low. Between 2000 and 2006 altogether 31,450 asylum-seekers submitted applications. Less than 3% of all applicants were granted refugee status. The overwhelming majority of asylum applicants in Hungary has arrived illegally.

### ***Main Pathways into and out of Irregular Status***

*Overstayers.* The largest flow of irregular migrants to Hungary is constituted by the group of overstayers, i.e. by persons arriving legally, but extending their stay beyond the permitted time limits. No reliable estimation exists for the number of overstayers.

*Border violations.* The number of border violations peaked in the mid 1990's, with 27,000-30,000 border apprehensions. After this period, a significant and constant decreasing tendency was observed, resulting in an annual figure of around 8-10.000 people detected crossing the border illegally. Compared to other EU neighboring countries, the pressure of irregular border crossings in Hungary today is minimal.

In 2007, migrants entering Hungary illegally and being apprehended at the borders arrived from the following countries (in decreasing order of the number of apprehensions): Ukraine, Serbia (Kosovo region), Moldova, Romania, Turkey, China, Georgia, Bosnia-Herzegovina and Vietnam. In the same year, the overwhelming majority of migrants entering Hungary illegally and being apprehended at the borders were caught at official border crossing points located on roads. Somewhat less frequent was transit via the green (land) borders, and only a tiny minority of apprehended irregular migrants arrived via air routes.

Irregular migrants attempt to legalize their residence with the help of various strategies.

*Asylum.* For most irregular migrants apprehended by the authorities, entering the asylum process is the major form of legalizing their stay in Hungary. In 1999, there were 11,500 asylum applications, with 5,100 submitted by citizens of countries of former Yugoslavia and 6,000 by non-European citizens. Since then, there have been hardly any European applicants. In 2002 European asylum applicants have amounted to only 7% of all applicants. In recent years, the majority of asylum seekers arrive from Asian countries such as Iraq and Afghanistan.

*Marriage and parenthood.* Marriage with a Hungarian citizen or with a citizen of another EEA country may lead to the legalization of the status of an irregular migrant. Alternatively, since 2007, a migrant can obtain a residence permit if a child is born of whom the migrant is the parent and the child is a Hungarian citizen or the citizen of another EEA country.

*The 2004 regularization measure.* Hungarian authorities have initiated only one regularization campaign. A total of 1,406 people applied in the context of this regularisation programme, 60% of them were Chinese and Vietnamese citizens.

*Among refugees,* there is a continuous flow between the status of illegality and legality. In 2007, a total of 3,419 people arrived in Hungary and subsequently applied for asylum. Out of these people 82% arrived illegally, i.e. by crossing the border without documents. During the administrative process of determining their eligibility for refugee status, these people count as legal migrants. On the other hand, most irregular migrants stay in Hungary on a transitional basis and it is expected that most of these people will migrate further in an irregular way to other developed countries.

### ***Key Messages for Policy Makers***

Hungary's policies against irregular migration have been shaped by, and strictly follow, European patterns. Policy makers repeatedly refer to the fact that, in Hungary, the fight against irregular migration and the enforcement of human rights for irregular migrants (including those of illegally arrived refugees) is determined by European legislation: i.e. by the provisions of the Schengen Acquis regarding the movement of third country nationals, by EU policies on asylum and other human rights legislation (e.g. family reunification directives).

The major Government agencies that are implementing these policies – the Ministry for Justice and Law Enforcement, the Police (which also performs border management functions) and the Office of Immigration and Nationality (i.e. the Aliens Police) - harmonise their day-to-day activities with the respective agencies of EU Member States, and co-operate with the central agencies of the EU. For the above reasons, in Hungary there is only limited scope for policy innovation in these fields, but, on the other hand, there is a wide scope for improving how these policies are implemented.

*Enforcing regulations on entry, exit and stay, and border management.* Interviews conducted at law enforcement organisations in the framework of the CLANDESTINO Project have revealed that these organisations possess a deep knowledge about the administrative procedures regarding irregular migration (e.g. apprehensions, expulsions, etc.), but their knowledge about the real flows and stocks of irregular migrants is rather limited. In particular, police estimates of flows and stocks have a very high error margin. No responsible person is able or willing to estimate the number of border violations for that were not registered by the authorities.

Similarly, the opinions of experts vary widely about the number of those third country foreigners residing illegally who were successful in hiding from the authorities. Hungarian authorities should attach more resources and efforts to control and measure the stocks and flows of irregular migrants.

In particular, the following measures should be taken:

- In order to reveal the irregular component of migration activity of foreigners in Hungary, police and labour controls both on the borders and in Hungarian territory should be improved;
- Co-operation between the Police, the Aliens Police and the Labour Inspectorate should be improved;
- Investigation activities and covert actions towards those individuals and companies that are suspected of facilitating irregular migration, human smuggling and trafficking should be improved;
- The transparency of administrative procedures implemented by diplomatic and consular services, the police, local governments, labour authorities and higher educational organizations should be improved in order to enforce regulations on entry, exit, residence and border management effectively;
- International legal co-operation regarding repatriation should be improved;
- The statistical services of the relevant Government agencies should be improved and harmonised.

In particular, these government services need to be able to separate multiple irregular entries and multiple expulsions of the same person, and to track the individual history of an irregular migrant in terms of registrations of multiple offences against entry, exit, residence, border management and labour legislation;

- The efficiency and effectiveness of policies and measures taken against irregular migration should be evaluated regularly, and the results of these evaluations used to improve risk assessments on irregular migration.

*Enforcing human rights.* In the framework of the CLANDESTINO Project, interviews were made with experts of the relevant Hungarian NGOs that offer legal and social help to immigrants arriving both from the neighboring countries and from remote continents. These interviews have reinforced the statements of law enforcement organisations that the basic rights of irregular migrants as declared in international conventions about refugees and asylum seekers are respected in the country.

Hungarian authorities should continue doing everything in their power to enforce the human rights of migrants regardless of their irregular status. Law enforcement authorities should clearly demonstrate both in their actions and in their communication policy that irregular migration in itself is not a criminal action.

## **2.1.10 THE CZECH REPUBLIC**

### ***Background of Migration Situation***

The Czech Republic is a Central European member state of the EU with a population of 10.381 million (Czech Statistical Office data as of January 1, 2008). At the end of December 2007, there were 392,315 foreigners holding a residence permit or visa for more than 90 days registered in the country. Over the last few years, the Czech Republic has had a rising positive net migration due to the steadily increasing immigration of foreigners alongside a smaller yet stable repatriation of natives.

The rapidly growing economy demands cheap, low-skilled and flexible workers especially in the construction and manufacturing industries, the now stable democracy, and historical migration patterns and cultural proximity with specific migration source countries, are the most important causal factors of current migration to the Czech Republic.

Up to now, the Czech Republic has served as a destination country mainly for temporary or seasonal legal labour migrants from post-communist countries (Slovakia, Ukraine, Poland), as well as from East and South-East Asia (namely Vietnam and China). Moreover, the Czech Republic probably hosts a large pool of irregular migrants, but the exact size of the irregular migrant population remains unknown. Recent expert estimates indicated that it could range from some 15,000 to more than 300,000, leaving a vast margin for error.

### ***Data Sources Used for Estimating the Size and Features of Irregular Migration***

There are two main data sources on irregular migration, firstly, from the Alien Police which informs us about foreigners apprehended for illegal border crossing or illegal residence in the territory. Secondly, labour force controls offer data on those who violated labour regulations, including irregular migrant workers. However, both data sources are rather problematic since they are not based on a systematic or representative sampling process and, thus, one cannot draw any far-reaching conclusions. Other supplementary data provided by the Czech state concerning irregular migrants, like data on irregular entrepreneurial activities from trade office controls or data on expulsions, are of very limited use to the discussion of the size of the irregular migrant population. On the other hand, surveys and research in general may serve as a useful data source on irregular migration and its features.

### ***Social and Demographic Features of Irregular Migration***

Irregular migration and the economic activities of irregular migrants have become important features of current Czech society and economy. Irregular migrants, especially labour migrants, come to the Czech Republic from economically less developed countries to take up labour intensive, demanding, and poorly paid jobs that are unattractive to most

Czechs. One of the most crucial reasons for the presence of irregular migrant workers is the demand by Czech employers for the cheap and flexible labour that irregular migrants provide.

This inflow of irregular labour has already been effectively organized by various mediators (brokers, labour recruitment agencies) who make it easier, both for irregular migrants to come and find work, and for employers to hire foreigners with irregular status. The existence of brokers and irregular work is to some extent caused by ineffective state policy regarding the legal recruitment and management of the foreign labour force. It is also worth stressing that irregular labour relations in the Czech Republic take place in an environment which is highly tolerant to undeclared work.

The exact size of the irregular migrant population remains unknown as previously states, but according to official data on irregular migration provided by the Alien Police (counted as persons apprehended for illegal border crossing or illegal residence), there were 7,549 foreigners apprehended in 2007. Compared to the number of apprehensions in 2000 (53,116 foreigners), we can see a large decrease of almost 86%. Specifically, the volume of migrants apprehended for illegal border crossings has dramatically decreased from 30,761 in 2000 to 2,837 in 2007. Most border apprehensions at the Czech-German and Czech-Austrian border consisted of migrants leaving the Czech Republic.

However, data from the Alien Police refer only to those apprehended rather than to the overall size of irregular migration. Various estimates of the number of irregular migrants in the country range from 15,000 to more than 300,000, with generally low levels of reliability and/or validity. Therefore, no conclusion concerning the size of the irregular migration population can be reached, nor could we state any far-reaching conclusions on the gender composition of irregular migrants although there are some signs that irregular migrants are both men and women. As for age composition, we can only presume that migrants of productive ages dominate, as the scarce data on persons apprehended for illegal migration reveals.

Ukraine is the most important source country for undocumented economic migrants to the Czech Republic as indicated not only by Police data on foreigners apprehended for illegal migration (see table 1), but also by research surveys. Other Eastern European and Far Eastern countries, namely Moldova, Russia, Belarus, Vietnam, and China, are thought to follow as the most important countries of origin of irregular/illegal migrants to the Czech Republic.

It is assumed that irregular/illegal migrants may head mostly for Prague and surrounding Central Bohemia or for other highly urbanized areas. Besides work opportunities they find more anonymity there as compared to rural settlements. Illegal economic migrants work in various sectors of the economy, namely in construction (auxiliary works), agriculture/forestry, hotels/restaurants, domestic services and industrial branches such as manufacturing, textiles or the food industry. Conditions under which illegal/irregular migrants work and live in the Czech Republic are often very difficult, including migrants' exploitation by their employers or brokers.

### ***Main Pathways into and out of Irregular Status***

There are several important pathways into and out of irregular status. As there has never been any regularization process in the Czech Republic there are evidently far fewer pathways out of irregularity than there are into it. Concerning pathways into irregularity, several channels must be mentioned:

- visa overstaying (especially of tourist visas)
- violating work permit conditions (it is stipulated that an employee cannot change the place of work, the profession or the employer)
- violating conditions of trade licence (trade licence holders working for an employer instead of performing independent work – ‘hidden employment’)
- working while waiting for (or being refused) asylum status
- failure to respect time deadlines for various administrative procedures tied to immigration process – i.e. overly demanding administrative procedures.

As for the pathways out of irregular status, they are rather scarce, but include:

- Submitting an asylum application – this is used quite often, especially in a situation when an irregular migrant is apprehended by the Police. Although such an application is usually not well-founded and ends up being refused by the state authorities, it gives a migrant some time to “rest” before being turned down.
- Victims of trafficking may receive legal status under special circumstances when giving evidence against traffickers – however, this is not a significant pathway in terms of occurrence.
- Marriage to a Czech citizen – this is possible only in a limited number of cases as a foreigner has to submit a Police certificate justifying his/her residence in the Czech Republic.

### ***Key Messages for Policy Makers***

There is no serious public debate on irregular migration in the Czech Republic. However, in the last years, irregular migration has attracted some policy interest not only because it is one of the EU priorities, but perhaps also due to the mere fact that irregular migrants have become more visible in the Czech Republic. To address the issue of irregular migration / irregular work of migrants one can suggest several measures to be taken. Namely:

- Loopholes in legal regulations tied to economic migration should be eliminated – especially the misuse of trade licenses (i.e. permits accorded to freelance professionals) for performing dependent employment should be addressed.
- Requirements for setting up and running of labour recruitment agencies should be made stricter, or rather their activities should be more controlled by the state.
- Control actions toward irregular migration should be made more effective, more systematically managed and in cooperation with various institutions.
- Sanctions toward employers of irregular migrants and labour recruitment agencies/agents should be effectively enforced.

- Conditions for legal labour migration should be eased and simplified (cut red tape), and more legal labour migration channels should be opened.
- Information campaigns in the source countries should be launched to inform potential migrants about real labour opportunities in the Czech labour market.
- The fight with human trafficking, especially with forced labour occurring within the informal system of labour relations among post-Soviet migrants ('client' system) should be enhanced.

## 2.1.11 SLOVAKIA

### *Background of Migration Situation*

The Slovak Republic lies in the centre of Europe and serves mostly as a transit country for migrants. The accession of Slovakia to the EU intensified regular immigration and its volume has grown enormously compared to the past. Between 2004 and 2008, the population of regular migrants living in the country increased by 138% and accounted for 52,706 persons (end-2008). This number constitutes less than 1% of the total population of Slovakia (5,410,891 persons). About one third (37%) of all legal migrants are third-country nationals. These figures indicate one of the lowest shares of foreign residents in the entire EU. Nationals from ‘old’ EU countries (particularly Germans, Austrians, French, British, and Italians) have been the fastest-growing immigrant groups in Slovakia. Citizens of neighboring countries (Czech Republic, Ukraine, Poland, Hungary) comprise the largest legal immigrant category, but their share in the total of Slovakia’s immigrant population has diminished over time.

We have estimated that 15,000 to 20,000 undocumented migrants lived in Slovakia at the beginning of 2008 (approximately 0.3 to 0.4% of the overall population of the country). Although the population of irregular migrants in Slovakia gradually growing, the volume of their flows shows a downward trend (Table 2.1.11.1 below).

**Table 2.1.11.1: Apprehended Undocumented Migrants in Slovakia Between 2004-2008**

<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Those transiting irregularly	8,334	5,178	4,129	3,405	1,034
Those residing irregularly	2,612	2,871	3,491	3,356	1,321
Both components together	10,946	8,049	7,620	6,761	2,355

### *Data sources used for estimating the size and features of irregular migration*

Data on irregular migrants apprehended in Slovakia is collected by the Bureau of Border and Aliens Police (Ministry of Interior). Data provided until 2003 does not distinguish between people apprehended at the border for illegal border crossing and people apprehended for irregular stay within the country. As of 2004, the two categories are separate and hence provide for a more accurate picture with regard to apprehensions.

There is no data provided by any institution on the overall stock of undocumented migrants in Slovakia. Only a few rough and imprecise estimates have been found in the scholarly literature. In general, the phenomenon of irregular migration has been under-researched in Slovakia, as no book, report or specialised study has been issued until now. Given these problems, our enquiry and the estimate produced was based mainly on interviews with experts in related branches and secondary desk research on older assessments, empirical facts and media reports.



### ***Social and Demographic Features of Irregular Migration***

During the 1990s unauthorised flows mainly consisted of refugees from the Balkans or the Middle East. Today however, economic migrants from CIS countries and South-East Asia prevail in the data on irregular migrant apprehensions. In fact, irregular migrants residing longer in Slovakia are nationals from three main source regions – former Soviet republics (Ukraine, Moldavia, Russia, Georgia), certain Asian countries (Vietnam, China, India, Pakistan) and the Balkans (Kosovo, Albania, Serbia). The Ukrainians comprise over 50% of the total irregular migrant population.

According to opinions of experts, the majority (90-95%) of undocumented migrants residing in Slovakia are economically active. Most of them (80-90%) work in economic sectors with a need for low-skilled labour. Ukrainians and Moldavians usually work in the construction industry, manufacturing and agriculture, Asians are employed in catering, retail and services, while Balkan nationals are often small entrepreneurs.

Recent data on the gender breakdown of the flows of undocumented migrants indicate that around three quarters of irregular migrant residents in Slovakia are men. Over 95% of irregular migrants in the country are of working age between 15 – 64 years old.

### ***Main Pathways into and out of Irregular Status***

Not long ago, the main pathway into irregular status was the unauthorised border crossing with the scope of transiting to another country. However, the number of apprehended migrants crossing the Slovak borders irregularly has decreased substantially since 2004. This rapid decrease reflects recent reforms in border management and a stricter policy on human smuggling. While in 2004, transiting irregular migrants constituted over  $\frac{3}{4}$  of the total flow of irregular migrants in the country, their share in 2008 was below 50% for the first time. Nevertheless, it remains that undocumented migrants enter Slovakia mainly from Ukraine and leave for Austria.

On the other hand, the proportion of regular migrants having violated conditions for stay or work in the country has grown. During 2004-2008, this number increased from 24% to 56%. This is an indication that Slovakia is increasingly perceived by migrants as a destination country.

According to the police, there are three pathways into irregular status for migrants residing legally in Slovak territory: visa overstay, stay after the residence permit expires and clandestine employment. Furthermore, it is impossible for persons that have lost their legal status to regain it. Due to the infringement of laws on stay/work in the country, they usually face expulsion.

The asylum seeking process provides an important pathway out of irregularity, although a short-term one. Almost all asylum seekers enter Slovakia's territory as transiting irregular migrants and apply, after apprehension, for asylum as a means to legalise their stay.

However, a significant share of asylum applicants (about 40% of cases) interrupt the asylum procedure after a while as they are apprehended crossing the western Slovak border without permission.

No regularisation programmes have ever been implemented in the Slovak Republic.

### ***Key Messages for Policy Makers***

The issue of irregular migration has been underestimated for a long time in Slovakia, therefore, several fundamental changes and improvements are necessary.

On a more general level we suggest that:

- the debate on the causes and consequences of undocumented migration should be opened up amongst politicians and experts;
- the Slovak media should report the phenomenon in a more professional and objective manner;
- all relevant stakeholders should play a greater role in combating various manifestations of intolerance towards irregular immigrants in the country;
- legal immigration to Slovakia should be facilitated through a simplification of the current complicated procedure for granting a residence and work permit, particularly to third-country nationals.

More concretely, we recommend:

- all institutions concerned (border and aliens police, labour inspectorates, tax authorities, customs offices, employer associations and so on) to carry out more frequent and concerted inspections of clandestine employment in Slovakia;
- to radically increase the quality, comprehensiveness and availability of data on undocumented migration and enhance the compatibility and homogeneity of all statistical systems providing such information in the country;
- to work more on the effective execution of procedures for involuntary and voluntary return of irregular migrants;
- to change the wording of Article 356 in the Slovak Penal Code with the scope of proving more easily the crime of abetting migrants to stay/work unlawfully in the country;
- to substantially improve the officers' knowledge of the languages of the main irregular migrant groups they often come in contact with;
- to conclude hitherto missing readmission agreements with the major immigration source countries and increase development aid and other assistance to these countries;
- to raise the level of awareness on the potential risks of irregular migration to Slovakia and create, towards this end, a network of immigration liaison officers at Slovak consular offices abroad;
- to ensure greater financial, institutional and expert support for research on undocumented migration;
- for the Slovak state to consider the conduct of regularisation programs for irregular migrants.

## **2.1.12 POLAND**

### ***Background of Migration Situation***

In comparison to other European Union countries, Poland is not considered an attractive destination country for either legal or irregular immigrants. Poland's poor economic situation, as compared to other EU member states, is not conducive to immigration. Furthermore, its migration policy is fairly strict; to a large extent as a result of the requirements for EU accession and for entrance to the Schengen zone.

The transformation of the economic and political structure of the Central and Eastern European region since the beginning of the 1990's has disturbed previously stable migration trends observed in all countries of the region, and in Poland in particular. During the last 17 years, Poland has become host to thousand of foreigners, including legal and illegal immigrants and refugees. Nevertheless, inflow estimates remain very low in comparison to other EU countries.

### ***Size, Social and Demographic Features of Irregular Migration***

Since the beginning of the 1990's, Poland has been a country 'waiting for' large-scale immigration. The largest non-EU national groups of immigrants in Poland (both legal and irregular) are related to movement from the country's eastern neighbours and from Asia, namely, Ukraine, Belarus, Vietnam and Armenia. Citizens of countries such as Russia and Moldova are part of the stable core as well.

Ukrainians represent the most significant nationality in terms of legal immigrants and irregular foreign workers in Poland. It is evident that the trend of illegal work on the basis of legal stay visas and documents was the most characteristic feature of Ukrainian immigration until December 2007, and the consequent enlargement of the Schengen zone. Poland's protective policies towards local labour forces and a liberal visa policy for eastern neighbours were the principal factors which led to the circular type of mobility and transient nature of the migration process in the case of the eastern neighbours.

One can find various quotations of estimates of irregular migration. In a report on the Polish demand for a foreign workforce the authors estimated that in 2004 50,000–300,000 immigrants were working illegally in Poland. A media report quoting the estimates given by the Office for Repatriation and Aliens for the same year stated that 450,000 foreigners worked illegally (of which 250,000 were Ukrainian citizens, 150,000 Belarussian and Russian citizens, 40,000 Vietnamese and 8,000 Armenian citizens – but this quotation could not be verified).

Currently, the Vietnamese represent the only national group that has been the subject of in-depth analysis permitting a degree of credibility on the above estimations. The Migration Policy Unit at the Ministry of Interior and Administration was the first institution that counted immigrants of Vietnamese origin residing legally in Poland. The

Ministry claims that considering the number of legal residents in relation to estimates of irregular migrants (Vietnamese and Polish sources indicate significantly divergent numbers related to the size of this community in Poland – 25,000 and 60,000, respectively) it is likely that one in two Vietnamese living in Poland is an irregular immigrant. Therefore we could assume that there are between 12,000 to 22,000 irregular Vietnamese migrants in Poland.

Estimated statistics in Poland do not include information concerning the demographic characteristics of irregular migrants. However, studies on domestic work indicate a high level of female migration to Poland. There are no statistics regarding the age composition of irregular immigrants, nevertheless, considering the circular character of labour migration to Poland, it is safe to assume that most fall into economically active age.

**Table 2.1.12.1 Foreigners Apprehended by Border Guards for Illegal Border Crossing (2000-2008)**

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Independently by BG while attempting to cross Polish borders illegally - in both directions	3,787	3,652	3,086	3,592	4,472	3,598	3,131	2,117	4,661
According to information provided by the police and BG services of neighboring countries	235	167	138	212	210	107	43	26	25

Source: Border Guard data.

**Table 2.1.12.2 Foreigners Apprehended by BG for Illegal Border Crossing by Nationality (in decreasing order) 2007 and 2008**

	2007	2008
Ukrainian	1,044	2,866
Russian	320	445
Moldovan	144	265
Belorussian	58	242
Vietnamese	103	185
Chinese	54	74

Border Guard (BG) data on foreigners attempting to cross or crossing Polish borders illegally (in both directions) show a fairly stable trend between 2000 and 2006, with numbers fluctuating between 3,100 and 3,800. The only exception occurred in 2004 when the number reached almost 4,500. This peak can be explained by the increase in Chechen mobility during that period due to the impending EU enlargement. The following decrease in the period 2006 – 2007 may suggest increased enforcement stemming from the Polish preparations to enter the Schengen Zone. In the year 2008 we observed a rapid increase. However, the period is too short to analyze any trends.

### ***Main Pathways into and out of Irregular Status***

- The trend of illegal work on the basis of legal stay visas and documents was the most characteristic feature of the Ukrainian immigrant group until December 2007 and the enlargement of the Schengen zone.
- Amongst the Vietnamese community, irregularity refers to both stay and work of some of its members. This population is an example of irregular migrants whose stay may commence as a result of crossing the border illegally with fake or remade documents or crossing the green border in cases of human trafficking and smuggling.
- Irregular stay can also be caused by overstaying once a visa expires. In other words, a person may enter Poland legally, but does not leave when the legal basis of his/her stay terminates. There are no estimates on the number of people who remain in Poland despite the expiration of their visa.
- The scale of both regularisation programmes and their strict requirements made it clear that they were not tools to legalize the mass of irregular immigrants (in 2003 2,747 out of 3,512 applicants got legal status; in 2007 1244 out of 2,028 applicants got legal status). Nevertheless, programmes did demonstrate an acknowledgement of the need to improve the situation for irregular immigrants.

### ***Key Messages for Policy Makers***

- Poland's poor economic situation, as compared to other EU member states, is not conducive to immigration of either legal or irregular immigrants.
- Both regularisation programmes had strict requirements – their aim was not to legalise a mass of irregular immigrants. Nevertheless, programmes did demonstrate an acknowledgement of the need to improve the situation of illegal immigrants. Moreover, they provided the Ministry of Interior and Administration with further information about the phenomenon of irregular migration in Poland.
- Poland has been facing a very difficult task for some time: how to reconcile the

need for workers which has developed since 2004 due to the outflow of Poles to the EU-15 countries, with the strict security measures implemented by the Schengen treaty. Certainly, the EU's external border should be both as open as possible for legal migrants and non-porous for illegal migration. However, due to the dramatic outflow from Poland of approximately two million people since May 1, 2004, there is a strong demand for both skilled and unskilled foreign labour. It has proven a very difficult task to combine this demand with the security measures implemented in December 2007. The special treatment of Eastern Europeans in gaining access to the EU labour market, particularly the Polish one, should be seriously considered.

- A grave threat to the internal security of Poland and, in fact, to the EU as a whole in relation to East-West migration, is destabilisation caused by the war or terrorism that could increase the volume of migration from third countries through the borders of Belarus-Russia and Ukraine–Russia. These borders should comply with higher security standards and face the need for urgent, improved cooperation between Eastern European countries with regards to readmission.
- The EU should assist its Eastern European neighbours in developing collaboration in the Justice and Home Affairs area. Cooperation of border management with neighboring countries should be established; one that would include training on border protection standards and rules, and the appointment of permanent liaison officers at the respective border control units.

## **2.2 Irregular Transit Migration in Three Neighboring Countries: Morocco, Turkey, Ukraine**

The second set of countries covered by the CLANDESTINO Project are non-member states in the neighborhood of the European Union, notably Ukraine (Pylynskyi 2008), Turkey (Kaya 2008) and Morocco (Lahlou 2008). This section concentrates on *irregular migration in these countries, from these countries and irregular transit migration of citizens from third countries*. The European Union and its member states are acutely aware of irregular migration across its external borders in the South and East and makes significant and increasing efforts to address this issue. Border controls are implemented by national forces and increasingly coordinated by the EU's border agency Frontex whose jurisdiction stretches well beyond EU territory and is expanding far into non-EU countries. *This focus on external borders comes despite the fact that irregular migrants overwhelmingly enter EU territory legally and then overstay or work in breach of employment regulations.*

Various obstacles impede research of irregular transit migration: data in non-EU countries is scarce, sometimes of poor quality and not usually comparable across countries. No clear distinction is made between irregular border crossings of neighbouring countries' citizens and citizens from distant countries. Flows are mixed and little distinction is made between those in need of international protection (refugees, minors) and other (economic) migrants. There is no internationally agreed definition of transit migration. And finally, the discourse suffers from biases and is highly politicized as stressed throughout this project.

### **2.2.1 Irregular Migration in Non-EU Countries**

*Almost all European non-EU and non-European countries in the neighbourhood of the European Union are known for hosting immigrants of various types, notably Russia, Ukraine, Turkey, Lebanon, Israel, Egypt, Libya, Tunisia, Algeria and Morocco as well as more distant countries like Kazakhstan, Azerbaijan, Yemen, Mauritania and Niger. Indeed most countries are integrated into well-established regional and international migration systems, in fact, all these countries also considerable levels of irregular movements are reported.* Hence, irregular migration is not only known in high income countries but is equally recorded in medium and low income countries (see Düvell 2006a). The current numbers of irregular migration reported from Russia were around 9 million; this decreased to about 5-6 million in 2008 after a major de-facto regularization. In Turkey, irregular immigrants are estimated at 500,000 to one million, in Egypt there could be around 500,000 to 3 million; and in Morocco around 15,000. Irregular migration has grown in these countries over the past years. This is due to economic growth and employment incentives in various non-EU countries, but is also related to certain protectionist measures by the EU. Analysis of the structural factors in non-EU countries demonstrates that certain sectors of the national labour markets just as in EU countries require legal and irregular migrant labour, notably construction, agriculture and domestic

workers. Other countries, because of their proximity to major conflicts, receive large numbers of refugees, such as Egypt. Often, however, these receiving countries are ill-prepared to deal with and are unwilling to accept immigrants and refugees. Therefore, migrants and refugees are frequently refused adequate procedures and status, and remain irregular. The considerable size of the irregular immigrant population in the countries in the neighbourhood of the EU demonstrates, however, that *the EU can by no means be considered the only and maybe not even the main destination for irregular migrants.*

### **2.2.2 Irregular Transit Migration**

So far, there is *no single definition for transit migration in international policy or international law* (see Düvell 2006b). Instead, there are many definitions and these have entered into political discourse too. One of the earliest definitions of transit migration was offered by UN/ECE (1993). It states that transit migration is ‘migration in one country with the intention of seeking the possibility there to emigrate to another country as the country of final destination’. The Assembly of Inter-Parliamentary Union in Geneva (2005) defines transit migrants ‘as aliens who stay in the country for some period of time while seeking to migrate permanently to another country’. Other sources define transit migrants as ‘people who enter the territory of a state in order to travel on to another’ (Council of Europe 2002), or ‘a short-term temporary stay of a migrant on his/her way from a country of origin to a country of destination’ (Ivakhniouk 2004). Most of these interpretations and definitions are either narrow or vague and they are as confusing as incoherent because the length of time is not defined nor is it suggested how intention can be established, and it is not clear how one can be sure what a final destination country is. *Transit migration is often equalised with irregular migration and conflated with immigration, refugee flows, human smuggling and trafficking.*

Transit migration has been associated with Poland, and Hungary (mid 1990’s), Turkey (since 1995), CEE countries and the Baltic Republics (since 1994), with the Balkans (since 1999), Ukraine, Azerbaijan and other Caucasus Republics (early 2000’s). More recently, some North African countries, notably Morocco and Libya, have been exposed to influxes of transit migrants (see Collyer 2006, de Haas 2007). Some publications presented transit migration as yet another threat to Europe. Figures, however, are often grossly exaggerated by alarmist reports that lump immigrants and transit migrants together. Transit movements constantly change paths, points of departure and arrival. Frequently, migrants respond to new opportunities or new or increasing control policies or are blown off course. Movements do not simply shift but rather split and diversify. Often, transit migration is facilitated by migration systems, network effects and even ethnic corridors. Other movements, however, such as that of Bengalis through Turkey or Pakistanis through Ukraine seem to lack such relations and can be explained by the perceived opportunity these places offer and the role the migration industry plays in the movement of people.

Transit migration exists as a phenomenon because people are attracted to the rich western countries believing that they are the ultimate destination of any migrant to fulfil their dream of a better life. Some studies suggest that transit migration can be explained by



the relative ease with which some countries can be entered and transited in order to reach another (Futo *et al.* 2005). In particular porous borders, lax entry controls and liberal visa regulations and 'geographic position' at the crossroads between east and west are the most frequently cited preconditions for transit migration. Vice versa, transit migration can also exist due to limits in legal migration channels. As it becomes increasingly difficult for certain categories of people to legally migrate to the EU, those who nevertheless wish to come, either as workers, refugees or to reunite with family members, their journeys become increasingly long with complex and hazardous circumventions and paths. Empirical evidence suggests that migrants who are restricted from moving to Europe legally, will turn to the services of human smugglers who often take them through a range of countries. This implies that *the destination countries' policies contribute to the emergence and construction of transit migration.*

Other research found that onward movements are also caused by lack of social, economic and legal opportunities in the first country of arrival. This could include unfair asylum procedures and/or lack of local integration prospects for refugees, unviable economic conditions, generally hostile environments, e.g. discrimination, racism, racial violence and police harassment. All the above elements play a role in preventing migrants and refugees from settling down and instead provokes them to move on. This demonstrates that *the conditions in immigration and refugee receiving countries contribute considerably to onward migration.*

Furthermore, issues of social class also play a role in transit migration and the duration that it may take for a migrant to reach his/her final destination. Those migrants who (a) because of their economic status cannot travel as or disguise themselves as *bona fide* tourists or businessmen, (b) lack skills or have skills that are not acknowledged by migration schemes and quotas, and (c) cannot afford visa or flight tickets, and are often confined to the cheapest transportation (trains, busses, lorries or even walking) through a range of countries toward their intended destination, often need to work in order to finance their next step. Hence, it seems plausible to suggest that the poorer the migrants, the higher the tendency to migrate overland; and the more likely it is they must stay in countries en route to work, thereby extending their stay in the transit country.

### **2.2.3 Quantifying Irregular Transit Migration**

*The scope of transit migration is difficult and problematic to establish.* This is due to epistemological reasons as it is difficult to identify who is a transit migrant; the kind and quality of sources available; and the kind and quality of data collection. There are four available sources: 1) experts estimates, 2) asylum applications in the EU countries on the fringes of the EU, 3) figures on apprehension of irregular immigrants in the neighboring and 4) the EU country of arrival. Thus, almost all data is based on enforcement activities but not on methods for quantifying populations. There are problems with all data – especially apprehension data, which can be taken into account but not eliminated. One set of problems relates to data collection, for instance, border guards who arrest a clandestine entrant might dislike and avoid subsequent paperwork and instead release or

return the person without taking any record of the arrest. Vice versa, border guards might need to demonstrate success and thus might exaggerate numbers, i.e. by including perfectly legitimate foreigners that were only suspected of an immigration offence. Most often, apprehension figures refer to cases which can lead to the discrepancy of double counting in individual for several offenses such as refusal of entry, deportation, re-entry and subsequent capture. Frequently, apprehension figures do not disclose nationality, making it impossible to clarify who is an irregular immigrant from a neighboring country and who is a transit migrant from a distant country. Also reporting practices change from time to time, for instance, Ukraine did not report CIS citizens trying to cross into an EU country irregularly because they were staying legally there. Figures of the various agencies in one country often differ, rendering exact quantifications practically impossible.

**Table 2.2.3.1: Various Figures on Irregular Transit Migrants (ITMs)**

Frontex	2008	151,000	Apprehensions on EU border
Düvell	2005	105,000	Apprehensions in EU neighbouring countries
Düvell	2005	50,635	Apprehensions in EU border country
Futo and Jandl	2005	42,957	Apprehensions on EU border in CEE and Balkan countries
ICMPD		35,000	ITM in North Africa

**Table 2.2.3.2: Estimates of Irregular Transit Migration**

FCO	2006	2-3,000,000	ITMs outside EU borders
IOM	2008	1,000,000	ITMs in Libya
UNDOC	2005	300,000	ITMs outside EU borders
Düvell	2007	100,000	ITMs apprehended on EU borders

#### **2.2.4 Regular and Irregular (Transit) Migration in Ukraine, Turkey and Morocco**

*Turkey, Ukraine and Morocco by and large implement restrictionist immigration policies based as much on national interests as on EU expectations (see below). Control mechanisms, however differ, whilst Ukraine and Morocco are geared towards internal controls, Turkey's emphasis lies on external controls. Exit controls of irregular migrants seem to be stricter in Ukraine and Morocco than in Turkey. Finally, in all countries irregular migration in general and human smuggling in particular is criminalised. However, law enforcement is undermined by common tolerance of irregular practices of all kinds including corruption, notably in Ukraine.*

Ukraine hosts approximately 280,000 regular immigrants (foreigners and stateless persons including 4,000 refugees and asylum seekers), 0.58 % of the total population, not including ethnic Ukrainians or other Ukrainian citizens who returned from other former Soviet Union countries. Of these immigrants, 40,000 are students, 11,000 are workers and

an unknown number is self-employed. Turkey records 202,000 registered immigrants, 0.29% of the total population, of which only one quarter are workers or students, and all others fall into the various categories including family-related residence status and asylum seekers (50,000). In Morocco the number of registered immigrants is recorded at 51,500 or 0.17% of the total population.

Even though the ration of migrants to the legal population is very low compared to EU numbers, all of the countries examined have experienced surges of transit migrants in the past decade. Regardless of the lack of credible statistics, one sees varying trends in irregular migration in Ukraine and Turkey and a definite sharp downward trend in Morocco.

The number of (irregular) transit migrants in proportion to overall migration flows were assessed as very high in Ukraine. The main source of data is the ‘State Department of Citizenship, Immigration and Registration’ at the Ministry of Interior and the State Border Guard service of Ukraine, see table below.

**Table 2.2.4.1: Ukraine, Data on Detection of Irregular Migrants, 2004-2008**

	2003	2004	2005	2006	2007	2008
On territory		15,438	14,441	11,294	12,660	11,348
On Ukrainian borders (East and West)	5770	9,945	17,941	25,782	36,612	15,612
Expelled					9336	10723

Source: State Department of Citizenship, Immigration and Registration’ at the Ministry of Interior; State Border Guard Service of Ukraine, Söderköping Process

For Turkey, different studies provide radically different estimates of irregular migrant populations. İcduygu (2005) estimated that the number of *irregular immigrants in Turkey may be between 500.000 to 1 million*, whereas Kirisci (2008) stated a number between 150,000 and million. According to İcduygu and Yukseker (2008) the true picture may be at least two or three times the number of migrants apprehended by the authorities (shown in table below).

**Table 2.2.4.2: Turkey, Total Number of Illegal Migrants Apprehended (Illegal Entry, Exit, Presence and Breach of Visa and Residence Permit)**

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number	29,426	47,529	94,514	92,365	82,825	56,219	61,228	57,428	51,983	64,292

Source: Turkish People Movements Bureau

The latest estimates of the number of migrants in transit and/or residing in Morocco is 10,000 to 15,000 people (see Lahlou 2008). In 2002, *irregular transit migration in the Maghreb, including Morocco, was estimated at 15,000 to 20,000* (Barros et al. 2002). Apprehension data sets jointly collected by the Moroccan and Spanish authorities point to

a significant decrease in irregular transit migration, down from 36,000 in 2003 to 13,000 in 2007.

**Table 2.2.4.3: Morocco, Apprehensions of Irregular Migrants, 2000 - 2007**

	2000	2001	2002	2003	2004	2005	2006	2007
Moroccans	9.353	13.327	16.034	12.493	9.353	7.440	7.091	6.023
Foreigners	15.056	13.100	15.363	23.851	17.252	21.140	9.469	6.954
Total	24.409	26.427	31.397	36.344	26.605	28.580	16.560	12.977

Source: Moroccan Ministry of Interior, Directorate of migration and border surveillance

Statistics from these three countries show that *irregular (transit) migration peaked around 2000 (Turkey), 2003 (Morocco) and 2007 (Ukraine) but has significantly decreased*, (roughly -30% in Turkey, -60% Ukraine and -65% Morocco).

### **2.2.5 Concluding Remarks on Irregular Transit Migration in and Around the EU Neighbourhood**

Irregular immigration and transit migration are interrelated but distinctly different forms of migration. Irregular immigrants to low or medium income countries neighboring the EU cannot *per se* be classified as in-transit, instead they are often refugees or labour migrants to these countries. It is important to note that not all transit migrants are irregular in the countries they aim to transit but hold permission to stay in that country.

A label such as transit migrants is difficult to attach to irregular immigrants because many times not all of the immigrants to non-EU countries decide to move on; some actually achieve legal status and remain in the non-EU countries. Migration processes are dynamic, categories such as “irregular” and “transit” migration are fluid, the phenomena is complex in nature and its definitions blurred. Countries bordering the EU simultaneously accommodate immigrants, irregular immigrants and are used as transit zone, thus a single label, such as ‘transit country’ is inappropriate. Therefore leading to substantial problems of categorization or quantification of these groups.

## **PART 3 – COMPARATIVE ANALYSIS OF IRREGULAR MIGRATION IN THE EU**

### **3.1 The Size of and Composition of Irregular Migration in Europe or the EU**

#### **3.1.1 Presentation of the CLANDESTINO Database**

The database on irregular migration aims at increasing transparency concerning the size and development of irregular migration, both for researchers and for stakeholders in civil society. The database seeks to pool knowledge from the whole European Union, document it transparently and improve it continuously and interactively.

Currently, the database provides an inventory and a critical appraisal of data and estimates in the European Union and in the 12 member states covered in the CLANDESTINO Project: Austria, the Czech Republic, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain and the United Kingdom.



For each country, it seeks to provide simplified overviews and substantial background information. For each country, there is a summarizing table designed to give users the best possible overview of estimates in the countries, in a simplified form. The quality of estimates is classified according to the quality criteria explained in each country study. Indicators of their composition with regard to gender, age, nationality and sector of economic activity are also provided, where available. The presentation is organized by country profiles (see example below). With regard to trends in flows of irregular migration, the gathering of data proved to be even more problematic than with regard to stocks, so that efforts to present them along similar lines failed. Summaries of results distinguishing between demographic, geographic and status-related flows for the time frame from 2000 to 2008 are still under preparation.

**Figure 3.1.1.1 Example of a Country Profile**





## Austria


Irregular migration as a specific policy concern is a relatively recent phenomenon. All available evidence suggests that the irregular resident population has declined considerably over the past several years as a consequence of EU enlargement and a drop in irregular entries and asylum related migration from non-EU countries. Withdrawal and loss of status on other grounds is a main source of irregular migration.

### Database




-  [Stocks](#)
-  [Flows \(in preparation\)](#)

### Background information

-  [Research brief in English](#)
-  [Research brief in German](#)
-  [Country report](#)
-  [Update report \(n/a\)](#)
- [Link library](#)
- [Organisations and projects](#)

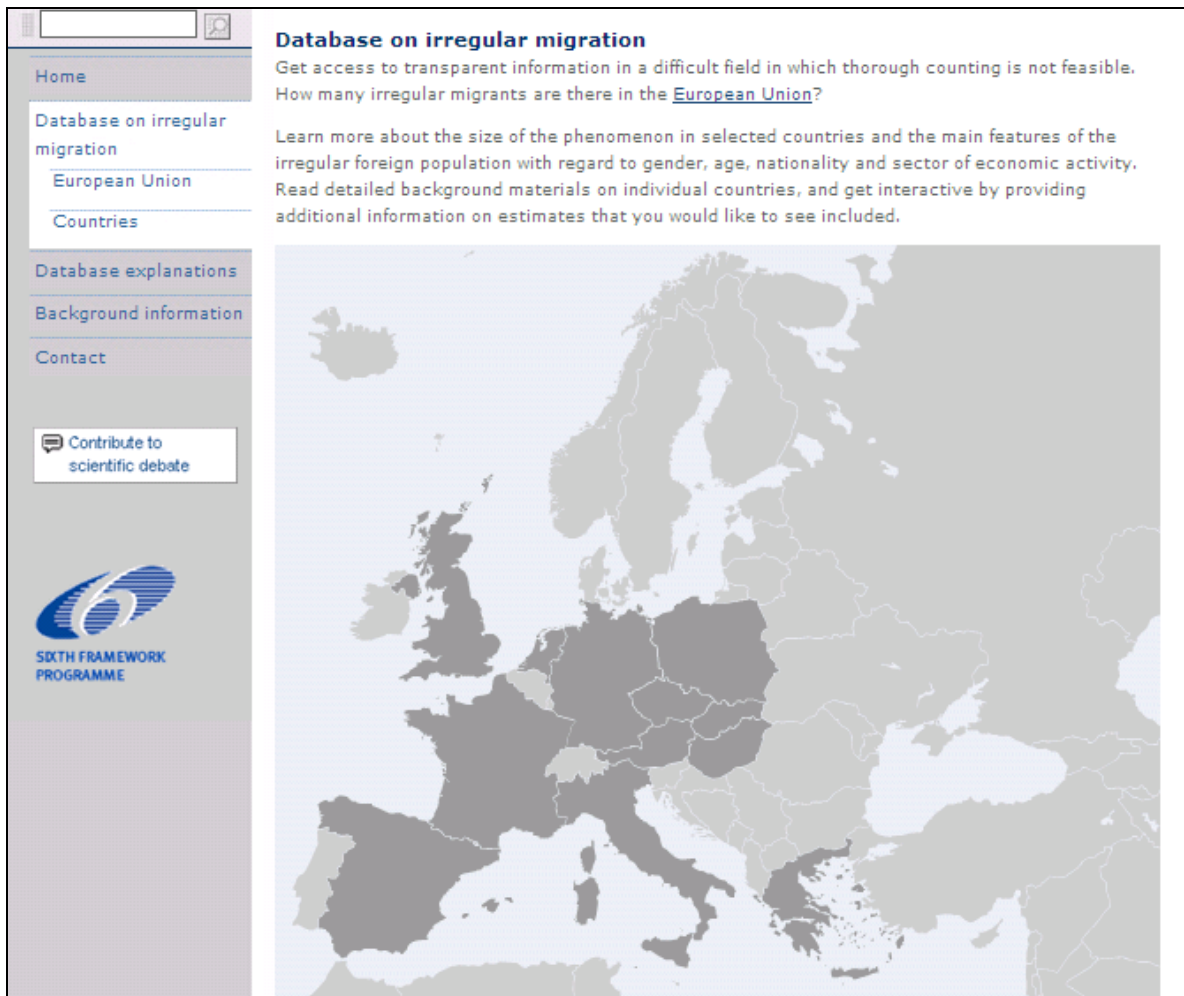


Capital: Vienna  
Total population (2007): 8 298 923  
Foreign nationals (2007): 826 013  
Foreign nationals as % of total: 9.9%  
EU member since: 1995

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Likewise, there is a profile of the European Union which gives an overview of the phenomenon on the EU level. A stock table summarizes existing estimates which are classified according scientific criteria of quality. Furthermore, this section is a platform for documentation and presentation of new EU estimates obtained in the frame of the CLANDESTINO project. The new approach of so called dynamic aggregated country estimates is described in Kovacheva and Vogel (2009). The results for 2002, 2005 and 2008 are transparently presented in calculation tables. Database explanations are provided online that aim at making the rationale and procedure as open as possible. Particularly in a field with limited and dispersed knowledge, scientific communication may lead to improvements. Researchers from all over the European Union are invited to critically comment on the estimations and suggest improvements. The possibility to *contribute to scientific debate* is available from all subpages of the website.

**Figure 3.1.1.2 Example of Database.**



### ***Background information***

In the CLANDESTINO database, quantitative information on irregular migration is accompanied by substantial background material. This background information section provides easy access to background materials on irregular migration which are useful for scientific, journalistic and political work on irregular migration.

The *Working Paper Series* also included in this section, focuses on publishing papers supporting the aim of increasing transparency in the field of irregular migration. Particularly, it provides a platform for documentation of new estimates that are not yet suitable for publication in peer-reviewed scientific journals.

**Figure 3.1.1.3 Example of Database**

**Hamburg Institute of International Economics**  
**HWWI**

## Database on Irregular Migration

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### Working Paper Series

Kovacheva, V., Vogel, D. (forthcoming): The size of the irregular foreign resident population in the European Union in 2002, 2005 and 2008: a dynamic aggregate country estimate, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.4

Vogel, D. (2009): How many irregular residents are there in Germany? Estimates on the basis of police criminal statistics, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, [Working paper No.3](#)

Jandl, M. (2009): A multiplier estimate of the illegally resident third-country national population in Austria based on crime suspect data, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, [Working paper No.2](#)

Vogel, D., Kovacheva, V. (2008): Classification report: Quality assessment of estimates on stocks of irregular migrants, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, [Working paper No.1](#)

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The *Country Reports* section includes references to the CLANDESTINO reports and other reports on irregular migration produced in the framework of different academic?? projects and time periods. In the *Links Library* section, there is a collection of relevant online documents and international literature for both the EU and each member state. Furthermore, there are references to *organisations* that have repeatedly addressed irregular migration and research *projects* that solely focus on this issue or closely related topics. These sections are not yet comprehensive and users are invited to increase its coverage by sending additional links.

### ***Estimating Irregular Migration at the EU Level***

The assessment of hidden population on a national level is a difficult task due to the phenomena's complex nature. It is even more challenging in a large geographic and politically diverging area like the European Union where legal, political and economic developments may impact on the size of the phenomenon. Specific problems and possible solutions are addressed in the report on European estimates (Kovacheva and Vogel 2009). The CLANDESTINO Project proposes a new approach for estimating irregular migration on the EU level (Kovacheva and Vogel 2009; Vogel et al. forthcoming). The so called dynamic aggregate country estimates are based on a thorough review of existing literature, and consist of country-specific estimates which are aggregated in a systematic



and transparent way and adjusted for approximate comparability (for time, space and definition).

According to the rules adopted for including country-specific estimates into the EU estimate, the numbers should be approximately comparable.

In particular, with regard to *time*, an estimate for the estimation year or close-by years provided that no substantial change can be assumed. With regard to *definition*, the EU estimates include only irregular foreign residents. If estimates do not include an important group of irregular migrants, e.g. children or important nationalities, or if only a central estimate is available, they have to be discreetly adjusted. Discretionary calculation of a *range* has had to be done by Vogel and Kovacheva.

With regard to quality, we preferred the higher quality to the lower quality estimates, since low quality estimates (plausibility warning displayed in 'red') are likely to be seriously misleading, they are not used for calculation of the EU estimates. All country estimates used and discreet adjustments made are fully documented and open to suggestions and improvements (see annex 1, 2 and 3 to Kovacheva and Vogel 2009).

A press statement by the European Commission claims that 'precise figures' of the size of irregular migration are "difficult to obtain, but recent estimates of illegal migrants in the EU range between 4.5 million and 8 million, with an estimated increase of 350,000 to 500,000 per year". This statement is part of a press release that presents a proposal for a Directive on sanctions against employers of irregular migrants – a directive that requires member states to increase resources in migration enforcement considerably. Following the long quotation chain behind these numbers, it becomes clear that the Commission does not really rely on recent estimates. In fact, one of the statistics is just a quotation from an old newspaper article that was quoted and re-quoted until it was called a 'recent estimate'.

Using the aggregation approach developed in the CLANDESTINO Project, the size of irregular migration in the EU was estimated for three years: 2002, 2005 and 2008. We chose three points in time within a seven year span because estimates in this field are scarce and the available statistics are scattered over the years. These three years chosen take EU enlargement into account, since it had a considerable legalisation effect in some of the older EU countries. The results for 2002, 2005 and 2008 are summarized in table 3.1.1.1 below

Keeping the geographical space of the EU15 constant, the aggregate estimates indicate that the irregular migrant population has declined considerably in the EU15, with an estimated 3.1 to 5.3 million in 2002 and 1.8 to 3.3 million in 2008. Rules of thumb do not indicate this effect but point to an increase of the irregular foreign resident population. Looking at the enlarged EU27 in 2008, the aggregation results in that estimate are not much higher than the estimate of the EU15. It is estimated that about 1.9 to 3.8 million irregular foreign immigrants reside in the territory of the EU27 in 2008.

**Table 3.1.1.1 Dynamic Aggregate Estimate of the Irregular Foreign Resident Population in 2002, 2005 and 2008 (last update 30 Sept 2009)**

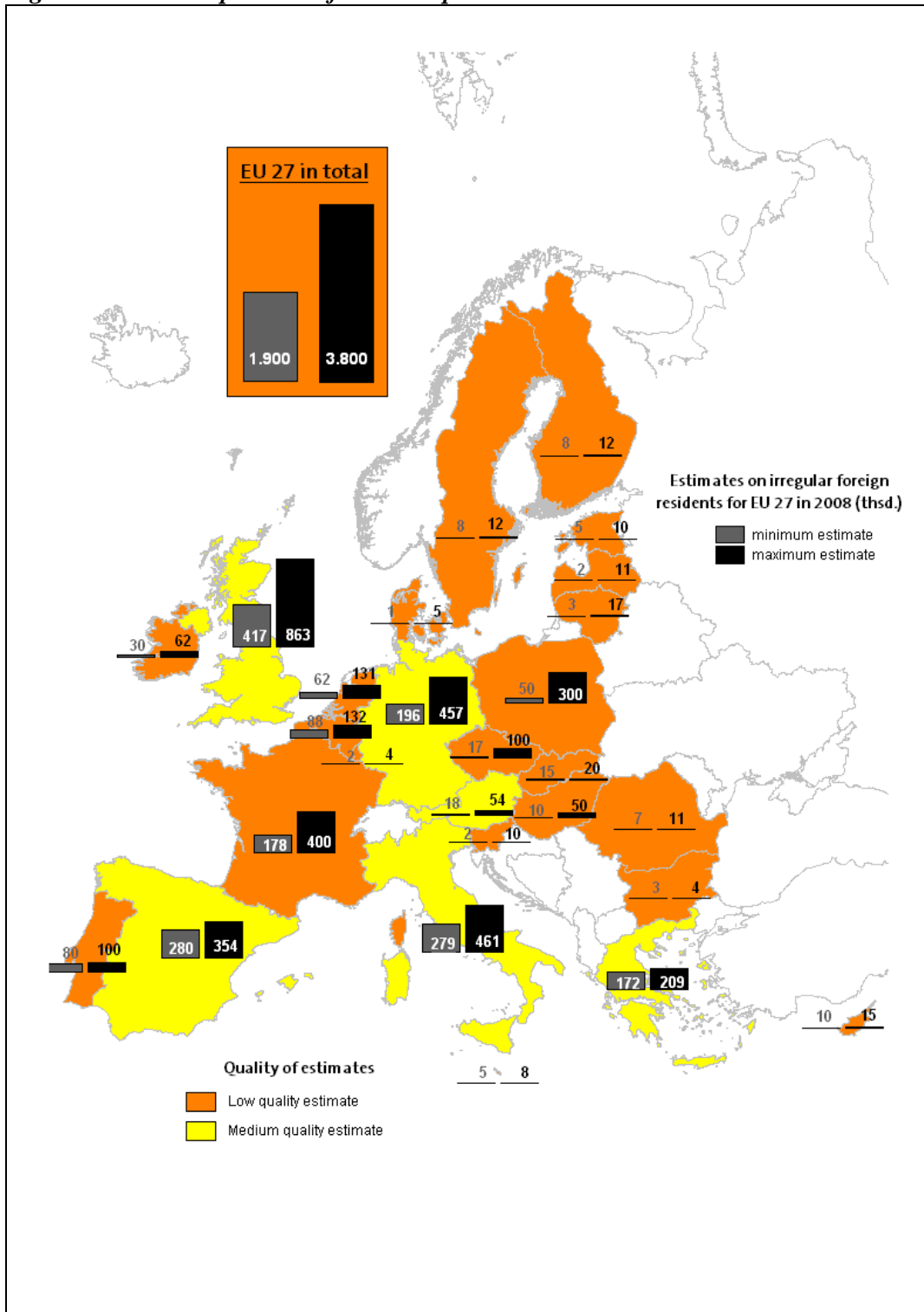
Year	Absolute Population Numbers in Millions		As Percentage of Population		As Percentage of Foreign Population	
	minimum	maximum	minimum	maximum	minimum	maximum
<i>EU 15</i>						
2002	3.1	5.3	0.8%	1.4%	14%	25%
2005	2.2	4.8	0.58%	1.23%	8%	18%
2008	1.8	3.3	0.46%	0.83%	7%	12%
<i>EU27</i>						
2008	1.9	3.8	0.39%	0.77%	7%	13%

Source: Kovacheva and Vogel 2008; own compilation and adjustment of individual country estimates from different sources

However, we should not put too much trust in the estimates at the present stage. The EU estimates are still classified as low quality due to low quality of country-specific estimates they are based on (see figure 3.1.1.1 below).

Regardless of the fact that EU statistics are not very reliable, nonetheless, we assert that this estimate is a considerable step ahead. It takes the highest quality available estimates into account. Although data includes medium quality estimates only for 6 out of 27 member states, these are large member states which represent more than half of the EU population, thus with more medium quality estimates, the total EU estimate will increase in quality.

Figure 3.1.1.4 Composition of the European Estimate 2008



Source: HWWI compilation of estimates from different data sources (CLANDESTINO Policy Brief 2009)

### ***Composition of Irregular Migrant Populations***

Looking at subgroups of irregular migration with regard to social and demographic features, it is clear that the focus of public discussions influences the availability of estimates. Subgroups that caused economic, political or humanitarian concern are more likely to attract estimation efforts than subgroups that seem unproblematic in a country. Because of these concerns, in some countries there are efforts to estimate the number of children living in irregularity or women in the sex industry.

In most countries, estimates on subgroups of irregular migrants are scarce, and if available, they are mainly based on apprehension data. However, since enforcement data is age and gender biased and may lead to a distorted picture of the composition of irregular migrant population it is not a credible source for creating statistics. Comparing apprehension data to other sources and qualitative information where available, we conclude that highly visible and easily deportable nationalities are overrepresented in these data sources compared to other nationalities. Moreover, men are more likely to be included than women, children and the elderly as they are generally underrepresented. With regard to features on a European level, only some tentative conclusions about the demographic features of the irregular migrant population in Europe as a whole are possible due to major differences in numbers per country of residence and per country of origin of the irregular migrants.

More specifically, countries of origin of irregular resident populations vary from receiving country to receiving country. In some countries, irregular residence is highly dominated by one country of origin (e.g. Albanians in Greece or Ukrainians in Poland), while other countries are characterized by irregular resident populations from diverse backgrounds (e.g. Germany, UK). While comparing data in the country reports with public discussions, it seems that Asian and European nationalities are consistently underestimated compared to African nationalities which are overestimated. The gender of nationalities that migrate irregularly to Europe can also differ greatly as some nationalities are dominated by men, others by women. It falsely appears that men still seem to be overrepresented in Europe, in fact, the shares of men and women in irregular migrant residents in some cities and regions appear to be equal.

#### **3.1.2 Flow trends**

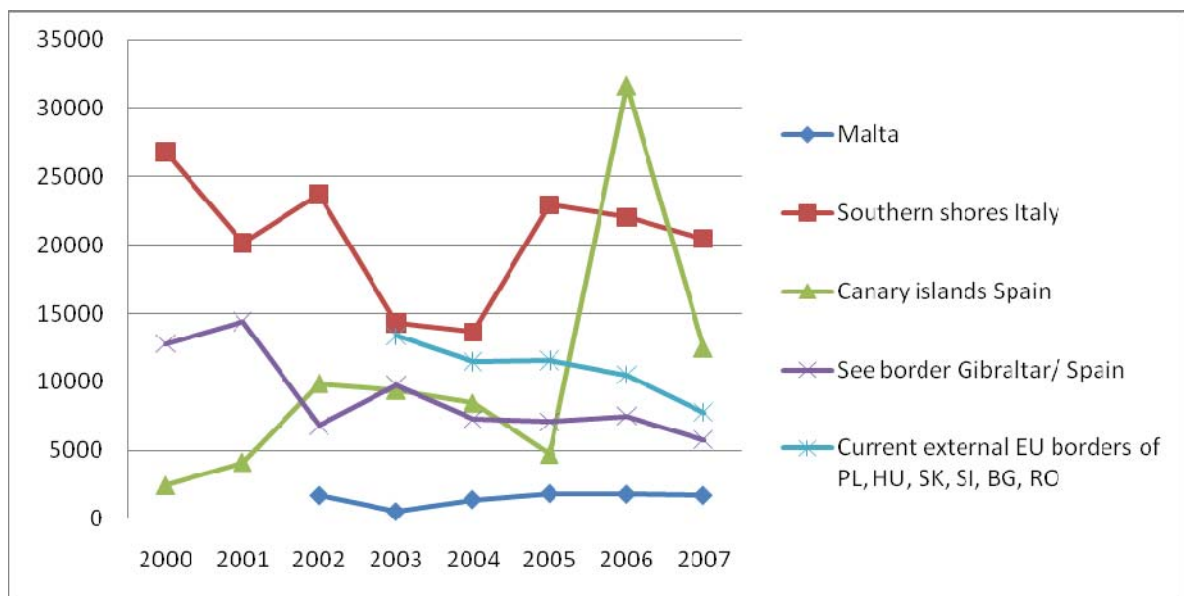
To understand the development of irregular migration, it is necessary to look at inflows into and outflows from the irregular foreign resident population. The public perception of flows as mentioned throughout this project, is dominated by one particular flow – the irregular inflow over land or sea borders. Because of this imbalance in perception, it is crucial to be aware of the entire panorama of flows. It is important to note that increasing or decreasing stocks of irregular migrants reflect *net* changes in flows.

In the CLANDESTINO Project, we differentiate between *demographic, geographic and status-related flows*.

**Demographic flows** concern the birth and death of irregular migrants. We hardly know anything about the quantitative importance of these incidents. While their quantitative relevance seems to be low, they are causing considerable human rights concerns.

**Geographic flows** are the most visible flows: Boat people try to reach the southern shores of the European Union, and land borders are used by groups on foot and persons hidden in trucks. Border guard apprehensions are utilized as indicators of the changing relevance of this inflow. While apprehensions are not only influenced by changing inflows, but also by changing and shifting enforcement practices, enforcement intensity in general has not declined. Data collection according to European standards may improve the quality of published data in the future, but so far not all country experts had a sufficient basis for a differentiated presentation of indicators of flows. Published data as for example in the *Third Annual Report on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders, and the Return of Illegal Residents (SEC(2009) 320 final)* make it seem as if there is comparability where this can be doubted. In the German case for example, the quoted number of ‘apprehended aliens illegally present’ is three times lower than the nationally quoted number with virtually the same definition.

**Figure 3.1.2.1: Apprehensions at Selected European Borders**



Source: ICMPD compilation of border police data from different sources for the purposes of the CLANDESTINO project.

There is even less information on geographical outflows (i.e. irregular migrants leaving one EU country to move on to a different EU or non-EU country or to go back to their

country of origin) than inflows. The lacking awareness of the relevance of outflows may lead to an overestimation of the relevance of irregular migration. The most accurate assumption we can make is that geographical inflows and outflows seem to have declined steadily in the new millennium in many states, with wide increases and decreases, and without a clear trend in Southern European states (see Figure 3.1.2.1).

**Status-related flows** are the third largest type of flows: people do not move over borders, they move between legal and irregular status within the territory of a European Union state. The review of the relevant studies and the empirical research conducted within the CLANDESTINO Project in twelve EU countries shows that status-related outflows have been far higher than status-related inflows in the new millennium. Particularly, the EU accession of new Member States legalized the residence status of large numbers of formerly irregular migrants in the old Member States. It should be noted that EU citizens were often not regularized with respect to their work status (IS THIS PRE EU27?). In addition to EU enlargement, the first decade of this millennium saw large regularization programmes being implemented in Spain, Italy and Greece which lead to substantial outflows into legality. As a result, at least 1.8 million persons were regularized between 2003 and 2008 in the European Union. Part of the legalized third-country national population underlies the risk to fall (or may have already fallen) back into illegality because they only have short term residence status and the requirements for renewing their stay permits are very stringent and difficult to fulfill.

In many of the states covered in the CLANDESTINO Project, visa overstaying is the most prevalent inflow into irregular residence, which however, is decreasing in some states as visa requirements change.

### ***Social and Demographic Features of Irregular Migration***

In most countries, apprehension data are the only sources of information concerning socio-demographic features. Comparing apprehension data to other sources and qualitative information where available, we conclude that highly visible (because of phenotypical characteristics) and easily deportable (because of geographical proximity or readmission agreements) nationalities are overrepresented in these data sources compared to other nationalities. Moreover, men are more likely to be included than women, and children and older people are generally underrepresented. With regard to features on a European level, only some tentative conclusions about the demographic features of the irregular migrant population are possible as there are important differences per country of residence and per country of origin of the irregular migrants.

More specifically, countries of origin of irregular resident populations vary from receiving country to receiving country. In some countries, irregular residence is highly dominated by one country of origin (e.g. Albanians in Greece or Ukrainians in Poland), while other countries are characterized by irregular residence populations from diverse backgrounds (e.g. Germany, UK). Comparing data in the country reports with indications of public discussions, it seems that Asian and European nationalities are underestimated

compared to African nationalities which are overestimated. Some nationalities are dominated by men, others by women, and the same can be said for receiving regions.

### ***Key Messages for Policy Makers and Stakeholders***

After analysing the European-wide data available, the following interpretations are suggested for policy makers and civil society practitioners:

- A realistic assessment of the size and structure of irregular migrant populations is particularly relevant for policies aiming at the inclusion of irregular migrants. Political actors and NGOs who lobby for the effective inclusion of undocumented migrants in basic social systems such as health care, schooling or legal assistance are confronted with the question of how many persons are concerned, as this has major implications with regard to costs and organisation. Even more so, when new regularisation policies are introduced, it is important to have a realistic assessment how many people may apply and may be eligible, both in order to administer the regularisation adequately and to get an indication of the impact on labour markets and social systems that such a regularization would have.
- The effects of regularization on the size of irregular migrant populations seems to be highly dependent on overall migration policies. If policies do not modify circumstances that lead to irregular migration in the first place, irregular migration will resume and numbers will rapidly grow to prior levels or even go beyond them. If regularisation programmes are accompanied by major changes in other policies as it has recently been the case in Spain which lead to a reduction in the level of irregular residence.
- The EU accession of new Member States has also led to a substantial legalisation effect in many old Member States. In many states, only the residence and not the work status was regularized so that migrants continued to work in the shadow economy. Therefore, they did not change from irregular to regular work which might have created additional pull effects in the shadow economy. We would suggest that 'old' EU member states allow citizens of 'young' member states to access their labour markets without restrictions.
- For control and enforcement policies seeking to prevent irregular entries such as border control and strict visa policies, a realistic assessment of the size of the undocumented migrant population is much less important. These policies target are those migrants who plan to come into the region or country rather than those who are already in the region or country. However, declining *trends* in entries and residency suggests that there is no need for hasty 'emergency' interventions and budget increases for border control agencies. Whether the tendency will continue or not, we are at an optimal juncture to evaluate entrance control policies and to consider selected successful experiments, and liberalizing practices.
- Self-evaluation of European agencies and research conducted within their own research departments is not sufficient for such purposes. Even if the research department of organisations like FRONTEX would be expanded to the size of universities, they cannot avoid an institutional bias. On the other hand, external academic research as presented here often suffers from lack of data access or data

understanding. Collaborative research with clearly defined roles between research institutes and research departments in State, Regional or Municipal agencies, is probably the best way to move forward towards gaining an understanding of the size, features, causes and consequences of irregular migration.

### **3.2 Discourses on Irregular Migration**

The discourse of irregular migration is highly politicized and figures tend to be downplayed or exaggerated. Numbers of irregular migrants and changes thereto are subject to the policy trends of the moment. Because these numbers are manipulated, the number of irregular immigrants entering and staying in the European Union is largely unknown.

Common European themes addressing the scope of irregular migration include: 1) number games, 2) threat and criminalization, 3) marginalisation and vulnerability.

The combination of numbers with a sense of ‘threat’ contributes to the justification and mobilisation of a commonly accepted restrictionist policy paradigm that has developed during the past decade across the EU.

The crisis of increasing numbers and an increasing sense of threat is resolved (in discourse) by the demonstration of ‘effective governance’. Effective governance focuses on numbers (of arrests, deportations, sums spent, border guards hired) and shifts the debate on irregular migration into the sphere of criminal activity such as human smuggling and human trafficking. This policy shift has increasingly stigmatised as well as criminalised a large segment of the population group of irregular migrants.

The third main theme of ‘marginalization and vulnerability’ [of irregular migrants] has become more prominent over time as the need for protection and respect of human and basic social rights standards in national and EU policies gained the forefront among political stakeholders.

#### **3.2.1 Background**

Size of the irregular migration population in the EU:

- Irregular migration (flows) and irregular immigrant populations (stocks) rank high on the list of policy concerns in Europe. For years it was commonly assumed that 4 to 8 million irregular immigrants reside and/or work in the EU, and that up to 500,000 immigrants arrive irregularly each year. After a detailed country by country review, the CLANDESTINO Project estimates that by early 2008, 1.9 to 3.8 million irregular immigrants reside in the 27 EU member states (for more details see <http://clandestino.eliamep.gr>; <http://irregular-migration.hwwi.net>).

The quality of data:



- Quantitative data on irregular migration is often scarce or of dubious quality. Thus, policy and media debates are characterised by guesses, speculations, and assumptions. In part, this is due to the very nature of an unregistered population (irregular migrants) that remains hidden and is difficult to quantify. But also the discourse is highly politicised and figures tend to be downplayed or exaggerated depending on the intention and standpoint of those making such assertions. Thus, the size of this social problem is largely unknown and misrepresented in media and policy debates.

#### National policies:

- Numbers of irregular migrants arriving or staying in the EU, whether reliable or not, raise public concern over ‘floods of illegal immigrants’, unfair competition over jobs or illegitimate claims on public services. Policy responses at the national level vary: some governments prefer to turn a blind eye, whereas others step-up removals and still others prefer to adopt large-scale regularisation programmes to address the situation.
- An array of national legislation and enforcement measures were created in EU member states in the past decades, which developed into a restrictionist regime of migration management. The Immigration Law of 2005 in Germany, the ‘Bossi-Fini Law’ 2002 in Italy, or various legislations passed in the UK in 2002, 2004, 2006 and 2007, are only few examples.

#### EU policies:

- Fighting irregular migration has been a central part of the EU’s common immigration policy since the 1999 Tampere European Council meeting. Most recent EU policies include the Directive for Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals (adopted by the European Council in 2008) and the Directive on Sanctions for Employers who Hire Irregular Migrants (adopted by the European Council in May 2009).
- Frontex operations in the Mediterranean have been intensified and there is an increasing effort of the EU to sign readmission agreements with countries of origin and transit (e.g. Afghanistan, Pakistan, Iraq, Somalia).
- The focus of the Stockholm Program is towards improved ‘management of irregular migration’ including the combating of ‘illegal employment’, smuggling of human beings, and return policies. The Stockholm Program prioritizes voluntary return and examines common standards for legalising irregular migrants who cannot be removed from the country they are found in.

### **3.2.2. Political Discourse on Irregular Migration in Europe: Themes**

#### *Methodological Note*

- This Policy Brief does not provide a full-fledged analysis of media or policy discourses on irregular migration policies in the EU. Rather, it aims to reflect on the role of numbers (data or estimates) in the media and policy discourse in the 12 EU Member States. The analysis presented here draws from the CLANDESTINO

national reports which were prepared explicitly to examine media discourses and policy documents that use ‘figures,’ to discuss irregular migration, and propose policy measures as solutions. It also draws from 12 field visit reports in the countries studied, which documented the reactions of NGOs and policy makers to the CLANDESTINO findings in each country. Three discursive themes have been identified by the meta-analysis of these materials. These refer to the very use of numbers, notably ‘number games’, to the linking of numbers with a sense of threat that undocumented migrants pose to the society in which they live, or with a sense of vulnerability and marginalization of irregular migrants. All primary materials analysed here can be found at <http://clandestino.eliamep.gr>

### ***‘Number games’***

- As stated previously in this Final Report, the term ‘Number games’ is coined to note the significance and role of numbers in media and policy discourses. State authorities, governments (and occasionally other stakeholders such as NGOs, think tanks etc.) use and interpret figures depending on their own strategic interests.
- ‘Number games’ are characterised by a simple logic: Numbers represent ‘factual truth,’ hence, they are assumed to provide a solid basis for policy development.
- As regards irregular migration policy, it logically follows (according to the discursive ‘number games’) that higher numbers of irregular migrants in a country justify the government’s adoption and implementation of stricter legislation and tougher enforcement. Lower numbers, by contrast, suggest that ‘pressure’ is decreasing and hence migration control measures can also tentatively relax. The most illustrative example of what numbers can achieve is in the UK where emerging ‘higher figures’ often create panic-like reactions in media and policy discourses. In the Netherlands, higher numbers can also help some right wing political parties (PVV) in gaining more xenophobic votes.
- ‘Number games’ on irregular migration are characterised by an absence of scientific estimates. Nonetheless, the repeated citation of ‘guesstimates’ (unreliable estimates based on a person’s presumably informed guess) often leads to its conversion to a valid number cited in official policy documents (for more details on the quality of estimates in EU discourses, please, see the CLANDESTINO policy brief on ‘Size of Irregular Migration’: <http://clandestino.eliamep.gr>; <http://irregular-migration.hwwi.net>).
- Closely related to an alleged ‘official number’ of irregular migrants is the contested issue of regularization programs (offering a legal status to irregular migrants). In the UK for instance, new numbers emerge in the discourse, many of which are used by political actors (state authorities and political stakeholders) with the intention of supporting or opposing the idea of implementing a regularization programme. Thus, the policy process of regularisation programmes and the emergence of ‘numbers’ mutually influence each other.
- Raw numbers or estimates are generally refuted by stakeholders in civil society (e.g. NGOs working with migrants) because most NGOs have a highly suspicious attitude towards numbers and policy measures based on such figures. At the same time in order to better address the problem, NGOs underline the need for

scientific estimates which note the size of the irregular migrant population (or the number of entries into the country), so as to have a clearer picture of the reality on the ground, the needs of these people, and the need for capacity building. In addition, some NGOs suggest that collecting data and producing numbers enhances the visibility of irregular migrants and the related humanitarian issues, thus raising public awareness of the plight of these people.

### ***'Threat'***

- The theme of threat has already been identified a decade ago by Didier Bigo (1997), as an emerging feature of European migration policy. Issues of immigration policy have been moved gradually into the domain of national or European security; they have been 'securitised' as Bigo argues.
- Threat refers to three domains: threat to national security (irregular migrants break the law, violate the sovereignty of the state, cross the border unlawfully and in general disrupt public order); threat to the national welfare system (irregular migrants steal 'our' jobs, do not pay taxes or make welfare contributions, 'they' erode 'our' welfare system); threat to the 'national culture' (they 'colonise' 'our' society and erode our customs and traditions without even respecting the basic requirements of legal entry or stay in 'our' country).
- In practice, the policy domain of irregular migration increasingly has been intertwined with criminal activities such as human smuggling or 'trafficking'. This policy shift has contributed to the stigmatisation and criminalisation of irregular migration in general. For instance in France, this shift amounts progressively to an 'institutionalisation of threat'. The enforcement sector underwent substantial changes and new technologies allowed ever more sophisticated systems of migration control and surveillance. Another example is the media discourse in Slovakia, which frequently raises the issue of high criminality rates among irregular migrants; or warnings that irregular migrants could spread infectious diseases. In Hungary, the issue of national security overtly coins past and current policy discourses on irregular migration.

### ***Marginalization and Vulnerability***

- As both media and NGOs frequently note irregular migrants face the greatest risks of poverty and social exclusion, have restricted access to basic social services (e.g. health care, education, housing) and are thus a particularly vulnerable group.
- NGOs point to the 'modern form of slavery', which became a label that is attributed to irregular migrants. This label refers to the exploitive situations in which a large share of irregular migrants finds themselves. For instance exploitive employment conditions occur due to an asymmetric power relation between the employee (irregular migrant) and the employer. Irregular migrants are also exploited and discriminated when renting a place because they are undocumented.
- Humanitarian organisations emphasise the impact of the financial crisis as an additional caveat. In most Southern European countries such as Greece and Italy, irregular migrants remain a substantial group in the countries' workforce upon which the economies rely (sectors such as construction, tourism, agriculture and domestic services). Evidence confirms that the financial crisis has worsened

living conditions of irregular migrants, making them even more vulnerable to exploitive employers.

- Authorities feel the need to prove their success and disprove their failure of governance. References to numbers (our so called ‘number games’) and related inferences about the ‘threat’ that comes from irregular migration (rather than the vulnerability of irregular migrants) tend to dominate the discourse in the 12 EU countries studied in CLANDESTINO.

### **3.2.3 Policy Recommendations**

- The notion of ‘illegality’ remains elusive in legal frameworks and discourses alike. New legal categories that define the notion of ‘illegality’ will help to reduce this elusiveness.
- The European Commission together with national policy makers should work towards a revision of databases that relate to irregular migration with the aim of producing more reliable estimates. Sensitive quantification would increase public awareness and visibility. ‘Number games’ will therefore become de-politicised.
- Most stakeholders from the civil sector (NGOs etc.) underline the significance of counting irregular immigrants but also pay attention to the features of each category of irregular migrants that is counted. The number of minors, women, families, sick people represents very important data which would provide a good basis for making decisions about regularisation programmes, access to health care or access to education for irregular immigrants.
- Any such personal data on irregular migrants though is sensitive, as it refers to a particularly vulnerable population. Data should be guarded to prevent misuse by unauthorised agents.
- The theme of ‘marginalisation and vulnerability’ points to the protection and reinforcement of international human and social rights standards within the EU. For example, EU member states could promote the ratification of all relevant international instruments and conventions of the UN, ILO, and Council of Europe.

## **3.3 Pathways into Irregularity: The Social Construction of Irregular Migration**

### **3.3.1 Background**

The rise of the concept of ‘illegal migration’ in Europe dates back to the 1920s, 1930s, and 1940s and referred to Jewish migration to Palestine. It was then occasionally applied during the 1970s referring to spontaneous labour migration, and was more widely used from the late 1980s. It became even more popular from the 1990s onwards denoting irregular migrants and refugees. In Central and Eastern Europe, the history of the concept of ‘illegal migration’ and its political meaning differs completely from the western and southern countries in so far as it referred to unlawful and often politically motivated exit and flight from the communist countries.

Only when states issued legislations that declared unwanted immigration illegal, made it a punishable offense, *and* introduced technology, administration and enforcement procedures, migration finally became “irregular.” Irregular migration is not an independent social phenomenon, but exists in dependence from state policies and is socially, politically and legally constructed.

Immigration restrictions to some extent succeed in limiting regular immigration, access to regular employment, public services and regular housing. Undoubtedly, an unknown proportion of would-be migrants are prevented from coming, but continuous inflow of irregular immigrants as well as overstaying of those who are already in the country suggests that such policies to some extent fail in preventing or reducing irregular migration. Instead, the (unintended) effects of limiting immigration and restricting employment are that migration is driven into informal, shadow and niche activities.

### **3.3.2 Explanations and Causes for Irregular Migration**

There are three major forces in irregular migration: human agency, economic forces, and politics. For some individuals wishing to migrate it does not matter if they are violating migration laws, as their desire and/or need has higher thresholds than other potential migrants. Employers require workers, if these are not legally available, then some employers turn to finding an irregular labor force supply. States often negotiate between these interests: public opinion and cultural and political considerations. Frequently, an asymmetry is created between demand and supply of labour. When labour or services are not regularly available, or when demand exceeds regular or irregular supply, a move towards irregular migrant labour becomes the likely response.

Furthermore, countries display different levels of tolerance towards regular or irregular migration and irregular employment. Some are tolerant to regular but not to irregular migration, others tolerate both, some accept little regular but are tolerant to irregular migration. Often, countries that are tolerant of irregular migration are those that are tolerant to irregular economic and other activities. Thus, different legal cultures in the interpretation and enforcement of the law contributes to different responses to irregular migration.

#### ***Lack of Legal Migration Channels***

In all EU countries, immigration is managed with more or less success, since legal migration channels are limited with often cumbersome procedures or inefficient bureaucracies that obstruct implementation. Germany and Austria restrict migration from non-EU and EU countries (as citizens of ‘young’ member states still cannot access freely the Austrian and German labour market), France and the Netherlands also discourage labour migration, all with the exception of highly skilled migrants. Poland, the Czech Republic and Slovakia have strict immigration laws and offer few legal migration channels. Quota systems in Greece (metaklisi) and Spain offer very limited opportunities, whilst in Italy where applications could be filed in-country, it was a disguised

regularisation. Despite certain quotas and programmes, the majority of immigrants remain excluded from legal entry channels. With respect to asylum seekers, Greece, Spain, Italy and Slovakia have long procedures and comparably low recognition rates, thus even genuine refugees often remain irregular.

### ***Irregular Economies and Lack of Regular Employment for Immigrants***

All EU countries display some level of shadow economies. These are (a) a reaction to inflexible labour market regimes (Germany, Greece, Spain, Italy), (b) a response to remaining cumbersome bureaucracies in post-socialist economies (Poland, Slovakia, Czech Republic, Hungary), (c) related to lax enforcement in certain economic sectors (UK, Netherlands) and (d) combined with legal cultures that are tolerant to deviations from the rule of law. On the one hand, these shadow economy niches provide ample employment opportunities for irregular immigrants and enable them to economically survive. On the other hand however, the prevalence of informal arrangements prevents migrants from finding regular jobs, thus undermining their chances to comply with immigration requirements and resulting in refusal or loss of immigration status.

### ***Policy Gaps and Unintended Side-Effects***

The main paths into irregularity for either regular or irregular migrants in descending order of occurrence are as follows:

- legal entry - from visa and visa-free countries - and overstaying
- legal entry and stay whilst working or engaging in self-employment in breach of immigration regulations
- refused asylum seekers who do not return
- refused asylum seekers who are not removed and/or who are de facto non-removable
- over abundance of bureaucratic red tape that deters residence and work permit applications
- inefficient procedures for renewing permits and for appealing against negative decisions
- clandestine entry, often used by individuals who subsequently apply for asylum

Employment restrictions, limited opportunities in switching immigration status, strict conditions on family reunification, loss of employment or social emergencies have all been reported as resulting in irregular migration. Lengthy, bureaucratic and cumbersome application procedures reinforced by understaffed authorities deter or frustrate migrants and employers from applying for, renewing, or prolonging existing permits. This eventually compels both employer or employee to turn to irregular practices or accidentally result in irregularity. Finally, repeated immigration policy reforms create confusion amongst applicants and lawyers and contribute to irregularities.

Whilst some countries are strict on immigration, rigid on employment and tough on asylum seekers, they remain lax on enforcement (e.g. Netherlands). The policy goal for other countries is to combat irregular immigration, however, little efforts are made to

enforce these goals (e.g. Czech Republic, UK until 2004). Such a stance gives way to a *de facto* toleration and contributes to the emergence of an irregular immigrant population. Indeed irregular immigrants often come from war-torn countries and are *de facto* refugees entitled to protection under international refugee law. Those immigrants who lack a legal status often cannot be legally deported. For instance, if the immigrant has family already in-country (France, Austria), or because they lack adequate travel documents (Germany and Greece), or because there are no readmission agreements (Spain), or lastly because the state lacks the resources to deport irregular immigrants. In some countries (Germany), such migrants are put back onto the system and receive a toleration status (*Duldung*), whereas in the Netherlands or Spain they remain on municipal registrars, whilst in France or the UK they remain in limbo.

### 3.3.3 Divergent Legal Definitions

In the **UK**, immigration in violation of the law is judicially defined as ‘illegal entry’. This covers different behaviours, such as entering, staying or working in breach of the immigration regulations. Hence, ‘illegal entry’ is an umbrella term and grossly misleading under UK law. **Germany** holds the principle that ‘entry is not normally but only exceptionally permitted’, thus entry is irregular as long as no explicit permission is granted. Irregular migration is defined as ‘unlawful entry’ and individuals not ‘possessing a necessary residence title and a right of residence’ are ‘required to leave the Federal territory’. In the **Netherlands**, irregular migration is legally defined as ‘the presence of foreign nationals who are not in possession of a valid residence permit and are therefore obliged to leave the country’. A new concept, ‘unlawful stay’, also includes legally present ‘tolerated immigrants’.

**French** legislation refers to ‘irregular immigration’ as ‘irregular entry and work’ and ‘foreigners in an irregular situation’. Irregular migration is defined as ‘penetrating or working without conforming’ with the law and ‘stay on the territory of France for a duration not authorized by a visa’. In **Austria**, irregular migration is defined as ‘illegal residence’ which includes entry and stay. Regulations of EU accession country migration introduced the categories of (semi-) legal migration, persons staying legally but working without permit, and/or not conforming to employment regulations.

In **Italy**, just like France, irregular migration is defined as ‘foreigners in an irregular position’. **Spanish** primary legislation lacks a clear-cut term or definition; instead it is defined implicitly through how things ought to be. Secondary legislation refers to ‘irregular immigration’ and foreigners in an ‘irregular situation’ while the penal code refers to ‘clandestine migration’ and ‘foreigners not legally staying in Spain’. Under **Greek** law the term ‘*paranomos*’ is used which literally means beside or outside the law. **Czech** primary migration legislation lacks any definition of irregular migration and irregular immigrant employment. The category of ‘illegal work’ embraces indigenous and immigrant workers working informally, and also covers immigrant workers working in breach of or without a permit. Thus, the point of reference is work status and not

immigration status. Equally, the law on ‘irregular business activities’ does not make a difference between indigenous and foreign perpetrators.

**Slovak** law refers to ‘undesirable migration’ and ‘unauthorised stays of foreigners, their illegal enterprise and employment’. In **Poland**, the law refers to ‘illegal crossing of the border’ and defines irregularity as ‘residing in the territory without the required visa, residence permit, permit to settle or the long-term EU resident permit’. It also defines irregularity as ‘carrying out work contrary to the’ law or failing to ‘possess the financial means necessary to cover the costs of residence’. Individuals are categorised as aliens and are subject to expulsion or an obligation to leave the territory.

Sometimes, immigration statuses are not clear-cut and migrants are neither regular nor irregular. Instead, migrants’ statuses often contain a mix of regular and irregular aspects. For instance, migrants can have residence status but work in the absence of permission to work, or they fall somewhere on a scale between regularity and irregularity, e.g. by working on another job or longer hours than permitted. Often, the threshold between regularity and irregularity, for instance the number of hours worked, is unclear or a matter of (legal) dispute. This legal ambivalence is interpreted as semi-legality, legal illegality, formal informality or semi-compliance.

**Table 3.3.3.1: Legal Definitions of Irregular Migration**

<b>Country</b>	<b>Term/Definition</b>	<b>Law</b>
<b>UK</b>	Illegal entry	1971 Immigration act
<b>Germany</b>	Unlawful entry, foreigners no longer possessing a necessary residence title and a right of residence [and] required to leave the Federal territory	Ausländergesetz (Foreigners law)
<b>Netherlands</b>	The presence of foreign nationals who are not in possession of a valid residence permit and are therefore obliged to leave the country are defined as unlawful stay illegals	Aliens Act, 2000  Linking Act (Benefit Entitlement and Residency Status Act) Illegalennota (Ministry of Justice, Policy document on Illegal Aliens, 2004)
<b>Austria</b>	Illegal residence	Fremdenpolizeigesetz (Aliens police act)
<b>France</b>	Irregular immigration, irregular entry and work, foreigners in an irregular situation, penetrating or working without conforming [to the law and who] stay in the territory of France for a duration not authorized by a	Loi no 2007-1631 du 20 novembre 2007 relative à la maîtrise de l'immigration, à l'intégration et à l'asile Code de l'entrée et du séjour des étrangers et du droit d'asile, 2005 Circulaire: Mesures à prendre à



	visa	l'endroit des ressortissants étrangers dont le séjour en France est irrégulier et dont au moins un enfant est scolarisé depuis septembre 2005. Code de l'entrée et du séjour des étrangers et du droit d'asile, 2005
<b>Spain</b>	No term in main legislation irregular immigration irregular situation  Clandestine migration foreigner not legally staying in Spain	Ley organic 8/2000 Reglamento de la ley organica 4/2000, de 11 de Enero, sobre derechos y libertades de los extranjeros en Espana y su integracion social (Rules of Implementation of the Law on Foreigners) Penal code
<b>Italy</b>	foreigners in an irregular position	Bossi-Fini Law no. 189/2002
<b>Greece</b>	Paranomos, literally paralegal or illegal	L.1975/1991, L.2910/2001
<b>Poland</b>	Nelegalni (non-legal), illegal crossing of the border, residing in the territory without the required visa or permit etc	(Act on Aliens)
<b>Slovakia</b>	undesirable migration, unauthorised stays of foreigners, their illegal enterprise and employment	Principles of migration policy, Resolution no. 846/1993, also see Act No. 48/2002 on the Stay of foreigners Conception of the Migration Policy of the Slovak Republic (Resolution No. 11/2005)
<b>Czech Republic</b>	Absent  unauthorized stay illegal border crossing	Act on the Residence of Aliens in the Territory of the Czech Republic (Act No. 326/1999 Coll) Penal Code (Act No. 140/1961 Coll)
<b>Hungary</b>	Crossing frontiers illegally, third-country national (tcn) who no longer has the right to reside, TCN who fails to comply with the requirements set out in this Act for the right of residence, TCN who engaged in any gainful employment in the absence of the prescribed work permit	Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

**Table 3.3.3.2: Classification Scheme for Migration Regimes**

Category I Tolerant to regular migration Tolerant to irregular migration Tolerant to irregular work	Category II Tolerant to regular migration Intolerant to irregular migration Tolerant to irregular work	Category III Tolerant to regular migration Intolerant to irregular migration Intolerant to irregular work
Category IV Intolerant to regular migration Tolerant to irregular migration Tolerant to irregular work	Category V Intolerant to regular migration Intolerant to irregular migration Tolerant to irregular work	Category VI Intolerant to regular migration Intolerant to irregular migration Intolerant to irregular work

**Table 3.3.3.3: Classification of EU Countries**

Category I	Category II	Category III	Category IV	Category V	Category VI
Italy Spain	UK (until 2004) NL	Germany (since 2004) Austria	Poland Czech Republic Slovakia Greece	n/a	Norway Denmark Sweden

### ***Different Legal Cultures***

There are three categories of immigration countries, (a) those with some legal migration channels (usually the Northern countries), (b) those with few legal migration channels who instead offer *a posteriori* regularisation (Southern countries, and to some extent the Netherlands and Belgium) and, (c) those who neither offer significant legal migration channels nor regularisation opportunities (Eastern EU countries, Austria). Scandinavian countries represent a separate sub-category since the only legal migration channel for non-EU nationals is asylum, notably resettlement programmes.

Since there is no commonly agreed terminology or definition of irregular, each state has its own legislation, point of reference and definition. One category of countries (UK, Poland) applies a criminalising term, another set of countries uses less biased definitions (France, Spain, Italy, Greece) and a third category prefers to irregular in descriptive terms (Germany, Hungary). Definitions are usually based on a mix of references to irregular border crossing, entry and stay; lack of residence and/or work permits; obligation to leave the territory or violation of expulsion orders. Sometimes, there is no clear definition of irregular migration, instead it falls under what is defined as regular (Spain). In other cases, definitions are blurred and either conflate entry with stay (e.g. UK, Austria) or

regular with irregular immigrants (Germany, Netherlands). Often, no clear distinction is made between informal employment and irregular immigration and the concepts are also merged. Sometimes, even across various laws of one and the same country, terminology and definitions are incoherent (Spain). Finally, inconsistencies are found between law and policy documents; whilst legal documents rarely refer to 'illegal migration/foreigners' it is nevertheless often applied in policy documents (Germany, Netherlands, Hungary, Czech Republic).

### **3.3.4 Suggestions to Prevent and Reduce Irregular Migration:**

#### I. Prevent irregularisation through

- (a) Introducing more legal migration channels, including legal access for family members and asylum seekers;
- (b) Keeping immigration regulations flexible and allowing for some discretion in legal/administrative decisions;
- (c) Allocating adequate resources to and monitor immigration/permit issuing/appeal authorities;
- (d) Addressing the phenomenon of the informal economy i) by eliminating unduly legal, bureaucratic and fiscal regulations, ii) increasing incentives for regular employment, iii) eliminating barriers for foreign workers, iv) monitoring and enforcing the rules.

II. Reverse irregularisation, for example, by granting legal status to those who cannot be removed;

III. Improve enforcement measures;

#### IV. Avoid

- (a) Non-activity and long-term de facto toleration;
- (b) Ideological battles and instead seek pragmatic solutions.

### **3.3.5 Concluding Remarks**

There is no single explanation for irregular migration. Instead, it results from a complex interplay of individual migrants, economic forces and employers, politics and law. There is a lack of legal migration channels as well as failure in making already existing ones work.

Despite the political intention of managing, preventing, and reducing irregular migration, various legislations contribute to the emergence of irregular migration. This can be attributed to unintended-side-effects, policy gaps such as an absence of implementation and enforcement, and unrealistic policy goals.

There is no commonly agreed upon definition of irregular migration in the legislation of the European Union's member states. Instead definitions are diverse and based on different legal cultures.

Irregular migration is avoidable and there is scope for reforming national laws accordingly.

### **3.4 Policies for Irregular Migration: Gatekeeping vs. Fencing**

In order to better analyse and understand the role and effectiveness of specific measures combating irregular migration, we propose a distinction between fencing and gatekeeping strategies, implemented within the country or outside the border. In this section of the report we compare the policies adopted by different countries in Southern (Italy, Spain and Greece) and Northern (Austria, France, Germany, the Netherlands, the UK) Europe for managing irregular migration with a view to highlighting the inter-linkages between gatekeeping and fencing strategies. We seek to investigate the discourses of politicians and the media announcing 'floods' or 'waves' of irregular migrants crossing the EU's external borders, and the resulting consideration and approval of tougher border enforcement measures as the major means to effectively combat irregular migration. CLANDESTINO proposes that irregular migration requires the implementation of a comprehensive migration policy regime that brings together both fencing and gatekeeping mechanisms, within the country and outside the border.

We understand border management as a wider process that involves not only checks at the border but also relations with source and transit countries. Border management is tightly linked to internal control practices that aim to detect irregular migrants who reside in the country. In other words, borders can be territorial (hence we talk about border management) but they may also be understood in a wider socio-spatial sense as the place where 'border controls' are enacted, which may be within the country and not just at the geographical border (in which case we speak of internal controls). The management of borders needs effective policy frameworks rather than mere enforcement measures. The Final Report seeks to assess the overall policy framework that is needed to combat irregular migration through critically discussing the policy approaches adopted in different countries.

In order to better analyse irregular migration control regimes, we can distinguish two dimensions, the external and internal (Vogel 2000). External migration policies are directed at potential migrants outside the regulating state and at the border, while internal policies concern those who are already inside the territory. Irregular migration control policies may take the form of a 'fence' or a 'gate'. Gatekeeping strategies aim at controlling the eligibility to access to the legal sphere, either through gaining legal access to a country's territory or by acquiring (or losing) a specific legal status without necessarily moving geographically. Whereas fencing measures seek to prevent and detect illegal entrance into a country. Typically, gatekeeping involves paper controls of

people who seek to enter a country or who come actively forward, while fencing involves detecting persons who try to hide or by trying to deter/stop those who seek to enter without appropriate authorisation.

**Table 3.4.1: Dimensions of Migration Control Regimes**

	<b>Gatekeeping</b>	<b>Fencing</b>
<b>External Control Policies</b>	<ul style="list-style-type: none"> <li>• visa procedures</li> <li>• carrier sanctions</li> <li>• border controls at port of entry</li> <li>• procedures to deal with asylum at the border</li> </ul>	<ul style="list-style-type: none"> <li>• cooperation with countries of origin and transit</li> <li>• border controls outside ports of entry including interdiction</li> </ul>
<b>Internal Control Policies</b>	<ul style="list-style-type: none"> <li>• legalization and internal asylum procedures</li> <li>• procedures to prevent false claims for legal status, work or welfare</li> </ul>	<ul style="list-style-type: none"> <li>• Internal police or labour market controls</li> <li>• detention, deportation and other procedures to enforce return</li> </ul>

Source: Further developed on the basis of Vogel (2000: 397).

We argue here that the effects of external fencing activities (upper right sector) are largely overestimated in public and political discussions, while their function is highly dependent on the other three sectors in the table. The inter-dependency and mutual impact of policies in each of these sectors has been to date an under-researched topic. This section is an attempt towards filling this gap. However, for the time being, it probably contributes more to putting together a crossword than solving a puzzle; it raises more questions and forwards hypotheses for further testing rather than presenting clear-cut conclusions.

The analysis presented here has concentrated on Spain, Italy and Greece in the South, Austria, France, Germany, the Netherlands and the UK in the North.

Greece, Italy, and Spain face important challenges as regards irregular migration inflows since their coasts are external borders of the EU. They are exposed to two main irregular migration paths: one from Asia, the Middle East and Africa through their southern coasts and their islands in the Mediterranean and Greece is also exposed to a second path from former Communist countries through the northern Greek land border (mainly Albania but also FYROM and Bulgaria).

Efforts to combat illegal entries through fencing strategies, notably border controls and the enforcement of internal controls have fluctuated over the years. While controls both at borders and within these countries have intensified in the last 4-5 years, expulsions have not increased in the same way. Thus the overall effectiveness rates of people detected, expulsion orders issued and expulsions executed have decreased through the years. Indeed, while wide media visibility is given to police operations in public places (squares, train stations, specific neighbourhoods) the actual effectiveness of such measures is

highly questionable. People who are arrested are usually released after short periods because of lack of space within police detention centres. Expulsion orders cannot be executed either for lack of the necessary legal documents (e.g. identity documents of the migrant arrested), or for lack of cooperation with the transit or source country, or simply because of lack of financial and operational means for executing an expulsion.

Thus, all three countries (Spain, Italy and Greece) have increasingly paid more attention to external gatekeeping strategies, notably cooperation with neighboring countries in the effort to manage their borders. Readmission agreements have been signed between Greece and Albania, Bulgaria and a Protocol of Readmission with Turkey while there are local cooperation agreements on the Greek-Macedonian (FYROM) border. Spain and Italy have signed readmission and mutual cooperation agreements with Morocco, Mauritania and a range of West African countries (Spain) and Libya and Tunisia (Italy). While cooperation between Greece and Turkey and the implementation of the related Protocol of Readmission is far from satisfactory, Italy's and Spain's cooperation with their neighboring transit and source countries has been much more effective.

The case of Spain and the recent decrease in irregular migration pressures at the Canary islands suggests that a global diplomatic approach for cooperation and assistance to source and transit countries is more effective than the intensification of border controls alone. In other words, external fencing needs to be coupled with external gatekeeping too in order for either to be effective.

Greece and Italy have managed to decrease migration pressures and irregular entries from the Balkans through the development of an integrated migration control regime that brought together both fencing and gatekeeping strategies: notably cooperation with source countries (Albania in particular). However, Greece and Italy have not yet been able to manage irregular migration from Sub-Saharan Africa and Asia through their sea borders as Spain has done. As they have mainly developed external and internal fencing strategies only (controls at borders and in public places within the country) but hardly any external or internal gatekeeping strategies (labour market controls in particular), their overall success in regulating irregular migration inflows has been very modest. Indeed, external and internal gatekeeping policies usually pass unnoticed by the media and are not mentioned by politicians but appear to be much more effective and probably more humane.

In the three Southern European countries discussed, the intensified albeit not particularly effective border controls have been coupled with relatively weak systems of labour market inspections, a lack of coordination between police and other agencies, as well as a lack of organized and credible datasets that would help state authorities identify and locate irregular migrants. This absence of lateral enforcement measures complemented by a political culture that is generally tolerant of informal employment, and of irregular stay make border management (regardless of whether checks and arrests take place at the border or within the country) particularly ineffective. At the same time the harsh border controls contribute to the criminalization of irregular migration while not actually reducing the phenomenon.

Looking at Northern European countries and their strategies for combating irregular migration, a different picture emerges. While border controls have become less important after the EU enlargement and the enlargement of the Schengen zone, internal enforcement policies remain in place for combating irregular migration. Indeed, external fencing in Germany, Austria, France or the Netherlands has been largely transferred to internal fencing, mainly via internal controls.

However, internal controls have been coupled with a wider range of internal gatekeeping policies, notably labour inspections, obligations to register with local authorities, and frequent checks of residence status to combat irregular migration. These measures appear to be more effective as they target not only the entry of the irregular migrant but her/his stay and work in the destination country. However, these policies have important drawbacks since they sometimes do not make irregular migrants leave but rather they make them endure harsher working and living conditions by fear of being inspected and apprehended. Moreover, combined checks of residence status, when accessing welfare or other local services, may lead irregular migrants to refrain from using such services and hence expose them to health risks or for instance prevent parents from sending their children to school for fear of being detected through the child's enrolment in the school. Besides, labour inspections often target workers that look foreign or ethnic businesses disproportionately, thus leading to the ethnic profiling and harassment of minority and immigrant populations.

The above policies and experiences of the different countries suggest that while internal controls are of limited effectiveness, less visible and less public policies such as labour market checks and the linking of public services to identity and migration status checks are much more effective. Similarly border control enforcement is costly and ineffective while it raises issues of human rights. Cooperation with source and transit countries and diplomatic measures to promote this cooperation are more effective and less visible. Of course they may be costly as well, laden with promises for development aid and other assistance to transit and source countries.

Border controls attract the public eye but do not manage to tame the flows, especially since once irregular migrants arrive in the territory of a country, they are often non-deportable because their identity cannot be established. Especially when the source or transit countries from which they came do not cooperate. Returning these migrants to where they came from becomes virtually impossible with the result of setting them free after a period of police detention, as happens in Spain, Italy and Greece amongst other countries. Thus, irregular migrants continue their journey to the informal labour markets and migrant networks of the country of arrival or some country further west and north in the EU. Moreover, the conditions of arrest and detention when illegally crossing a border raise important human rights issues. This is especially the case if the policy emphasis is on controlling migration without due attention to human rights issues and the possible need of protection for asylum seekers. As the Greek experience has shown in the last couple of years (Pro Asyl 2007, Triandafyllidou and Marouf 2008), there is a risk that border controls are costly, ineffective and violate the human rights of irregular entrants.

Moreover, these tough controls end up at indirect and temporary regularisations of the apprehended aliens' status to the extent that these last when caught, sometimes apply for asylum not because they are in need for protection but in the effort to temporarily legalise their stay in the country of arrival (see also Kraler et al. 2008 on this point with regard to Austria).

In conclusion, all policies combating irregular migration need to be carefully considered in relation to their effectiveness in discouraging and managing irregular migration. The side-effects of policies with regards to the respect of human rights of the irregular migrants, the ethnic discrimination and profiling of suspected irregular entrants/residents also need to be taken into consideration when formulating policies. They must take care not to significantly worsen the living and working conditions of irregular migrants and avoid making them leave. However, this paper shows that any measures combating irregular migration need to be integrated into a policy regime that includes both fencing and gatekeeping strategies, within and outside a country, coupled with guarantees for fair treatment and respect of human rights for the person. Ad hoc measures with high media visibility such as harsher border enforcement and random checks in public places cost a lot in resources, lead to the criminalization of migration, and have ultimately very little impact on the overall irregular migration situation.

### **3.5 Irregular Migration and Informal Economy in Southern and Central-Eastern Europe: Breaking the Vicious Cycle**

Immigrants, and undocumented ones even more so, provide *one* of the sources of labour for the expansion of informal economic activity (women, the young and elderly are other cases of vulnerable groups involved in such activity in a given area and time period). The fact that irregular immigrants have very limited to no rights in the host country, as non-citizens, renders them a significant source for informal labour. Moreover, the fact that legal work is the passport to a stay permit for non-EU nationals in most countries, often leads to the assumption that working irregularly equals to entrapment in irregularity and socioeconomic exclusion. Migrants without rights trapped in low-status, low-paid, heavy and informally negotiated and conducted jobs is just part of the picture. Given the size of the shadow economy in Southern and Central Eastern Europe, we have looked at the links between irregular migration and informal work in selected countries in those regions with a view to uncovering the vicious cycle that exists between these two elements..

The irregular migrant sometimes earns more net income than the registered worker and his/her family may enjoy the human rights of access to education and basic health care that authorized residents do. Furthermore, as time goes by his/her position in the (informal) labour market and his/her life plans may change. Informal work arrangements cut across the economy and are not an exclusive feature of certain sectors only. Last but not least, the informal economy is developed in response to social and political crystallizations in the sphere of the formal economy.



Looking at the experience of migrants operating in sectors characterized more or less by informal economic patterns in Southern and Central-Eastern European economies (with a particular reference to Greece, Italy, Spain, Poland, Hungary, Slovakia and the Czech Republic) we will highlight the grounds upon which the irregular migration-informal economy nexus is developed and attempt to put the policy debate in perspective.

### **3.5.1 Southern Europe**

Migrants fill and/or complement the occupational and welfare gaps by and large left by the citizens and the institutional infrastructures of the Southern European countries discussed in this paper (Greece, Italy and Spain). The sectors that both regular and irregular immigrants are mainly employed in these countries are: construction, agriculture, the tourism industry (waiters/tresses, cleaners, kitchen assistants etc), and domestic and care services (au pairs, cleaners).

Although immigrants in Southern Europe in general work in the least wanted occupational niches of the labour market (King et al 2000), the available studies indicate a differentiated pattern in terms of mobility. Evidence of subsistence, integrative informal economy and informal economy of growth can be traced in the pathways that migrants in all three host countries lead (or are led to) in various sectors during different periods of time. CLANDESTINO seeks to understand the different features of economic sectors, social and political settings and migrants that lie behind different types of informal economy and explain why they do so.

One line of thought seeks to interpret the character of the informal economy in Southern Europe by putting it in the context (or better, the periphery) of recent developments of capitalism in the 'Western' world. According to this perspective, informal economy is seen as a product of the ways SEEUR economies responded to the international financial crisis of the 1970's and integrated into the global post-industrial economy. The decentralization processes of the big manufacturing industries of Spain and Italy found a valuable mixture of flexible yet sustainable work relations in informal family labour, the solidarity networks of local communities (Benton 1990, Capecchi 1989) and lately, the immigrants that have learned and take up complex jobs no longer exercised by the local labour force (Ribas-Mateos 2004, Reyneri 2004). The combination of the small family business and the inefficient inspection mechanisms in Southern Europe provides an important vessel for informal economic activity. Furthermore, the price increase on main 'export' products of SE countries (tourism and agriculture) as a result of their introduction in the Euro-zone has been an externality that put additional strain on the competitiveness of SE economies and pushed their economies more towards labour-cost intensive business strategies.

The type of informal work differs in the small manufacturing firms of Northern Italy than in the agricultural sector for instance. It does not require desperate unskilled workers that are willing to do anything since they see no other option, but workers with readiness to work hard, and ability in performing complex jobs that are no longer to be found in the

local labour force (Ribas-Mateos 2004). The agricultural sector is a case whereby an unbalanced expansion that rested until recently on Common Agricultural Policy (CAP) subsidies and exploitative informal employment of, usually, irregular migrants is confronted today with the different facets of this development. In Greek rural areas characterized by multi-sectoral employment, one finds immigrants that settle depending on the season and the job offers. They are willing to alternate sectors and work arrangements in order to earn their living (Kasimis 2008b, Broersma 2008). In Spain it seems that working in the domestic and the agricultural sector is more like a step to other sectors, namely, to the retail, catering, and the construction sectors (Veiga 1999, Gonzalez-Enriquez 2008).

Greece, on the other hand, has immigrants who follow ‘any jobs available’ and undercut prices other immigrants are receiving. These people are usually in a more marginal socioeconomic position. The likelihood that the latter group ‘takes jobs’ from the former more settled group and thus jeopardizes the position of the already legal resident migrants needs further investigation. The networks of ‘older’ (as opposed to newcomer) migrants and the ways their occupational pathways have evolved may protect them from such phenomena (Kasimis 2008a).

The care work and domestic services offered almost exclusively by female immigrants is the most typical case of informalization along hard-to-bend social categorizations and unclear boundaries of working relations (Lutz 2008, Psimmenos & Skamnakis 2008, Maroukis 2009). The hub of informal work relations in the construction industry is characterized by both exploitation and complicity, depending on the immigrant’s legal status, time of stay, household composition and ethnicity.

The culture of tolerance for an informal economy in Southern Europe constitutes another variable affecting the typology of informal labour in the region. In the case of Greece, political and state positions, tax exemptions and reductions were concessions the State made to small entrepreneurs and workers who were respectively challenged by uneven competition and poverty due to a series of politically unstable and authoritative post-war regimes (Tsoukalas 1986). In Spain, the political culture stemming from the ardent socialism of the 1980s (Aparicio et al 2008)<sup>2</sup> constitutes another social condition that tacitly supports informal economic activity.

The Italian labour market quotas, the Spanish *contingente* and the Greek *metaklisi*<sup>3</sup> have all created legal frameworks of TCN entry that fail to meet (especially) the needs of small business for flexible labour or the migrants’ determination to leave their countries of origin (Fasani 2008, González-Enriquez 2008, Maroukis 2008b). On the contrary, what

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<sup>2</sup> Aparicio et al (2008) indicates that labour inspectors in Spain generally excuse informal work practices when it comes to small firms striving to make ends meet. Small businesses are “competing with large companies aiming to reap the biggest profits they can” (2008: 284-290). Abusive contracting, of course, occurs in both small and large enterprises.

<sup>3</sup> All three are annual quotas stemming from a check into internal labour market capacity. However, they differ, first, in implementation; second, in the amount of workers they involve (*metaklisi* usually underestimates the workforce needs of the Greek labour markets and regards a substantially smaller number of workers compared to the respective quotas in Spain and Italy).

they have contributed towards is less (if any) rights for migrants and, more labour issues to be addressed.

Having said that, immigrants that have settled in SEEUR host countries and developed social networks with the locals and/or within their community and/or occupational sector, are likely to be less exposed to exploitative labour relations caused by limited demand. Mobility depends on the character of networks, the migrants' plans, whether they live with their family or on their own, the social and economic fabric to which their integration/ exclusion progresses.

### **3.5.2 Central Eastern Europe**

The common characteristic of CEE countries analysed here (Czech Republic, Hungary, Poland and Slovakia) is a 'suspended immigration'. Expectations expressed at the turn of the century that the region was smoothly becoming one of immigration, prove precocious today.

The predominant category of arrivals to CEE constitutes shuttle or circular migrants from the former Soviet Union with Ukraine leading in numbers. Migrants often find employment in a shadow economy, namely in the construction and agriculture sectors and domestic/caretaking services. In other words, in sectors showing a stable demand for unskilled or skilled low-paid workers. These migrants, to a significant degree, originate from environments that in cultural (and often territorial) terms are not so distant from the receiving countries, thus making them 'invisible' both to the authorities and local communities. In all countries in question small populations of Asiatic migrants are observed.

In the CEE region we see a phenomenon of ethnic labour market division. Immigrants from the developed countries tend to target primary sector economy, whereas immigrants from former USSR countries find employment mainly in the secondary sector. In the CEE region we observe some problems with the upward mobility of unauthorized workers from the former USSR countries and irregular workers from some Asiatic countries (e.g. Vietnam and China). We call this situation a 'mobility trap'.

The CEE region has plenty of cultural and linguistic similarities with the majority of migrants, which make entering the labour markets of receiving countries less costly for immigrants from neighboring countries. Immigrants for the most part do not need to 'invest' in learning the language of the receiving societies. Secondly, the 'old' ethnic communities serve as a network and a resource that the newcomers can rely on. Therefore, there is no need for newly arrived immigrants to venture beyond the existing relations and structures, including employment. Geographical proximity encourages migrants to keep close relations with families left behind in their home countries. The cheap cost of transportation reinforces this attitude.

The main strategies of these groups of migrants (namely, accumulating capital as quickly as possible, returning to their country or origin and then after a certain period returning to take up short-term, flexible jobs) partly explain why the majority of foreign workers in the region lack incentives for upward professional mobility or even for regulating their status of employment.

Immigrants from Vietnam and China present a different type of mobility than those from the former USSR. The majority of these immigrants treat the CEE region as a final destination. Vietnamese and Chinese economic immigrants are easily noticeable in what are usually homogenous Caucasian societies. They create ethnic enclaves consisting of legally and illegally staying immigrants. Irregular residents of Asian origin find employment within their ethnic communities, typically in the economic sectors in which their enterprises operate officially (e.g. catering or trade). Therefore, the scope of professions and employment opportunities is limited in their case.

Immigrants who once become illegal cannot change their status. Harsh regularization requirements, such as these observed in Poland in 2003 and 2007, or in Hungary in 2004, excluded most of those resident aliens who needed regularization. In case of the Czech Republic and Slovakia no regularisations took place. This inability to become regularized, not only renders them vulnerable to exploitation but also deprives them of any professional aspirations. Immigrants originating from non-European countries that lack regular status are usually condemned to remain close to their ethnic communities and solely perform employment within these communities.

High non-wage labour costs such as social security contributions are another economic characteristic of the transition economies in this part of Europe. In order for employers to mitigate the high costs, they use the strategy of hiring irregular workers without paying social insurance. In such circumstances, irregular immigrants seem to be a natural choice.

The high social acceptance of the shadow economy both in sending and receiving countries strengthens this common strategy amongst employers. The tolerance of society towards unregistered employment, including foreign workers, may be explained by an informal economy tradition that existed also during the communist period. After the fall of communism, new harsh economic conditions were created where the populace resisted unjustified (in opinion of individuals acting in informal economy) burdens imposed by the authorities that do not offer a satisfactory exchange such as social services or favourable conditions for economic activities.

### **3.5.3 Concluding remarks**

What is accomplished policy-wise with regard to the informal employment of irregular and regular immigrants?

- Policies aiming to address the phenomenon of irregular employment mainly revolve around the exploitative or complicit relations developed between irregular workers and employers. There are policies targeting the

employers' incentives to employ workers irregularly, which in most cases, aim to penalize the illicit hiring practices of employers.

- On the other hand, new approaches of rewarding legal behaviour through tax reductions and other concessions gained ground in the discussion platform (Reyneri 2004, Renooy et al 2004, Williams 2006, European Commission 2007, Williams 2008).
- Simultaneously, policies attempt to disentangle the irregular migrant from the informal economy. Granting amnesties, offering stay permits in exchange of cooperation with the Labour Inspectorate in the case of Spain (Aparicio et al 2008), and deportation are remedy policies aiming to disengage migrants from the informal economy for a period of time.
- Attempts to bring employers' unions to the discussion table for issues such as the volume of inflows required to meet labour force needs, the implementation of bilateral labour agreements with countries of origin, and even recruitment in countries of origin either via private or governmental initiatives (Aparicio et al 2008) are alternatives that Spain is pioneering. Are these initiatives pointing in the right direction though? Firstly, it is doubtful whether the existing structures and political cultures of employers' unions can reach out to small subcontractors. Can they resonate with or even map the diverse social substructures that mediates the production process today? Secondly, bilateral agreements only partially affect the volume of prospective irregular migrant workers. For bilateral agreements to succeed, they require collaboration with a state that is capable of reaching the groups that are mostly in need. Simultaneously, source countries apart from emigration also function as transit countries for other migrants that are excluded altogether from any above agreements (Lahlou 2008). Thirdly, recruitment abroad "is too onerous a process for small companies, as they only need a small number of workers" and a potentially costly affair for state agencies to engage in. (Aparicio et al 2008).

Are the prioritized policy directions viable in the long-term and in which direction should policy-making head?

At first glance, it is not sustainable to confront incentives to informally employ (or to be employed) by either encouraging legal behaviour of employers through incentives and tax reductions or by improving labour inspection mechanisms. It is not merely the cost of such a venture that renders it unrealistic. It is the fact that it treats migrants and their employers as independent individuals weighing their decisions by looking merely at cost-benefit balances. In informal work arrangements social features (be they friendships, family networks, political culture, gender or ethno-cultural categorizations) producing strata of insiders and outsiders come at the forefront of the negotiation. Moreover, the social organization of labour in an economy of subcontractors and small businesses may render the forging of new collectivities more difficult than in a factory. In this light, by making the avenues of legal entry for work in the host country more flexible, assuring that the legal and social rights of the registered resident immigrant are adhered to, and

vesting him/her with a minimum of political rights are necessary steps towards counterbalancing worker vulnerability.

The other side of the coin is to increase incentives for regular employment. This should be pursued through:

- Reforms in the social security system directed to deal with the inflexibility of certain European labour markets. Until now, the higher than average benefits, social security contributions, compensations, and the legal access barriers characterizing various niches of permanent employment render hiring and firing a costly business decision.
- Reforms intended to disentangle the structures of various economic sectors from dependency to external factors. For example, the bulk of Greek small businesses in the agricultural and tourist sectors have managed to maintain balanced earnings over the years, not because of their own investment but rather due to a combination of beneficial external demand and supply conditions: namely, the flows of CAP funds and consumers respectively, and the supply of informal family and migrant labour. The adaptability of these sectors to just-in-time production in conditions of unfavourable demand (there has been a halt on CAP funds and the financial crisis is expected to affect tourism) and supply (family members have turned to education and/or followed diverse occupational pathways, while the majority of immigrants are no longer cheap and know their rights) remains to be seen.
- Creating and securing a safety net of working and social rights for the types of work (subcontracting, part-time, temporary, seasonal) and workers (immigrants) that are usually exposed to exploitative and informal work arrangements as a result of the above inflexibilities of the formal economy. Promoting sustainable new forms of work is crucial in order to tackle unemployment in contemporary post-industrial economies.

## **PART 4 – DISSEMINATION ACTIVITIES OF THE PROJECT**

### **4.1 Overview Report on Field Visits**

This section provides an overview of the 11 field visits and related interviews carried out within the framework of the CLANDESTINO Project by mapping out the main findings while providing feedback collected from civil society actors dealing with irregular migrants.

The **Italian case** shows a lack of beneficial state policies implemented in the field of irregular migration. Although it was said that health care free of charge is always granted to undocumented migrants in case of emergency, as well as ‘basic’ essential and maternity care many actors from civil society denounced that the law is not uniformly implemented throughout the territory.

Italy primarily focuses on border controls, detention, expulsion and regularizations, these policy responses are applied as the main tools to deal with undocumented migrants. Regularization schemes were however considered by NGO representatives as the only way for an undocumented migrant to change status and be regularized. Stakeholders, including the media, were concerned about current Italian policies that tend to lead to an increase of economic exploitation of this target group. The fact that irregular migrants in Italy are a major source of labour - they contribute to the Italian economy as low-skilled workers – was repeatedly highlighted. It was said that, “Italian politics tends to exploit migrants as a means for consensus”; while migrants are needed because of their labor force, they are at the same time exploited, criminalized and thus made more vulnerable. Civil society actors were concerned by this ‘paradox’. Furthermore, the majority of NGOs we spoke to criticized a numerical approach by arguing that figures could be easily exploited by politicians; according to them, a credible set of data on the number of irregular migrants living in Italy is already available.

In **Spain** two beneficial state policies for undocumented migrants were pointed out, namely: free access to healthcare and education provided to all migrants, whether or not documented. Nonetheless, it appeared that the current financial crisis has contributed to a worsening of the plight of undocumented migrants, while making discourses on irregular migration highly politicised. A journalist called migration 'a modern form of slavery' outlining some contradictions of Spanish immigration policy: not only are undocumented migrants exploited by their employers, who fully benefit from their work, but they also remain unprotected, marginalized and vulnerable. One NGO representative stated that only wealthy migrants are entitled to fundamental rights while the poor only face abuses. Spanish NGOs believed that reliable data constitutes a necessary base on which to draft appropriate legislation, as well as an important element for raising public awareness, and crucial to the contribution of implementing new policies. Statistics could strengthen the protection of human rights and make citizens aware of these rights, they also afford the opportunity to politicians committed to the respect of rights of irregulars to strengthen public opinion. Basic social rights could be provided to undocumented migrants through trustworthy statistics and by means of attainable social policies as well as projects aimed

at sensitising the public to irregular migration.

In **Greece**, preventive border controls and detention centres are the main tools for managing irregular migration. However, irregular migrants remain an important workforce supply upon which the Greek economy (especially the informal economy) relies, specifically: in the construction sector, tourism, agriculture and the domestic services industry. Moreover, NGOs considered that the rise in conservative policies from the European Union not only has worsened the humanitarian situation for undocumented migrants but also made governmental responses towards irregular migration more restrictive. There was in fact a consensus of NGOs and other stakeholders interviewed during the field visit in Greece in criticising the government.

In the **UK**, as in Spain stakeholders were very concerned about the current financial crisis and its impact on irregular migration. Although there was consensus in saying that no beneficial state policies are implemented on the ground level which could be advantageous for undocumented migrants - enforcement, detention, deportation and criminalization are the main policy responses foreseen by the UK government - responses at the local level were considered much more effective. Overall, UK stakeholders are in favour of providing reliable data and making use of it in the political discourse, regardless of the fact that some doubts were raised as regards their misuse.

The **Dutch** example is characterized by the same trend as in the UK: actors from civil society believed that local authorities better deal with irregular migration. However, since enforcement legislation is the only policy implemented by the government, the majority of the respondents voiced their concerns about official Dutch policies consisting of stopping migration and depriving migrants of their basic social rights. Instead of carrying out research on quantitative data, NGOs argued that studies in the field should shift from mere figures to causes and main paths into and out of irregularity. Attention should be paid to migrants' needs and their living conditions.

In **Germany**, measures at the local level are perceived as more successful than measures at the central governmental level. Nonetheless, enforcement by means of border controls, detention, deportation and criminalization are the main governmental policy responses. It seems that the official line taken by the government consists of not tolerating irregular migrants; instead of denying the problem, it was argued that the government should consider a new approach, both economic and social, to envisage a solution. Moreover, it was noted that the shadow economy is a structural problem that is extremely difficult to solve, not only due to tax evasion but also because of social security. NGOs believed that the main policy response regarding irregular migration in Germany is not to let it happen, thus not to tolerate undocumented migrants. The public debate on integration is not related to irregular migrants, however this is due to a clear aim of wanting to prevent any action which could imply allocating resources for them. Upholding conflicting laws and policies also delays any meaningful improvement on the matter. Civil society actors are convinced that migration issues will be tackled by further strengthening their action and lobbying. It was also pointed out that the role of churches represents a key element to empower undocumented migrants' conditions by influencing policy makers.



Civil society actors in all of the Northern European countries studied by the project generally felt that local and regional governments are better managing irregular migration by implementing social responses aimed to providing practical suitable solutions.

The same pattern is noticeable in **Austria**, where it was reported that stricter enforcement measures such as expulsions, border controls, detention and deportation are the main policies the government is undertaking. NGOs pointed out that the police, whose role has recently been strengthened, are getting more organized and efficient in expelling irregular migrants since they are considered criminals and hence should be deported. Stakeholders also argued that no regularization has been planned by the government to clearly avoid a pull effect. In general, stakeholders are skeptical as to the usefulness of quantitative data and believe that such data will not represent a potential tool that will influence the current policies implemented.

Driven by a need for security, the **French** government applies significant restrictive policies such as repression, expulsions, retention/detention, border controls, exclusion, marginalization and denial of human rights. Prioritizing the fight against irregular immigration has been in fact one of the most important policies targeting irregular migrants over the past five years. Concerns about the official governmental line towards irregular migration which mainly aims to deprive migrants of their basic social rights were raised by many civil society actors. According to them, the current political discourse will not be influenced by supplying data, even if reliable; achievements could be attained only through mobilization and actions jointly organized with the stakeholders active in the field.

Very little attention is paid to migration issues in **Slovakia**; irregular migration is not in fact considered a political subject. However, state policies in the field tend to focus on border controls and expulsions. The irony is that the recently established migration office only has a mandate to specifically deal with asylum seekers. Slovakia is perceived mainly as a transit country, the few NGOs involved in the field reported that since the number of irregular migrants is insignificant, it seems unlikely to begin a public discourse on the subject. However, NGOs showed a genuine interest in collecting quantitative data; as they saw figures as a potential tool that will assist in the drafting of expected migration policy.

As regards **Poland**, many stakeholders showed their perplexity concerning the lack of policy responses. Although a formal policy is expected to be presented in 2011, enforcement, detention and deportation were perceived as the main current political measures provided by the Polish government whose position is predominantly EU orientated, like in Slovakia. While European funds are merely allocated for asylum seekers, actors from the field argued that assistance to undocumented migrants is mainly provided unofficially. The current economic crisis seems to not have an impact on migration trends, which mainly consist of irregular workers. Irregular migration in Poland is mainly characterized by irregular work by irregular migrant workers mostly coming from neighboring countries.

The only major policy responses that the Polish government ever pursued regarding irregular migration, were the two amnesty programmes, which took place in 2003 and 2007. Moreover, civil society actors argued that data on irregular migration could contribute to raising awareness on this issue.

In **Hungary**, NGO representatives argued that irregular migration is not part of the national political discourse since “irregular migration strictly depends on the European discourse”. No state policies are therefore implemented with regard to irregular migration and no programs concerning undocumented migrants provided. Border controls, security concerns (???), enforcement measures, removal, detention and criminalization are the main governmental policies. The general trend in civil society is a lack of understanding, information and cooperation towards addressing irregular migration. No funding is allocated to provide assistance to undocumented migrants, asylum seekers however are the main recipients of any assistance. Although figures may potentially represent a useful tool for policy makers, according to several stakeholders, they will not constitute a major instrument to introduce the topic into the political discourse.

In the **Czech Republic**, although irregular migration is not perceived as an important matter – not included in the political agenda – it was said that the current financial crisis might have contributed to raising awareness on the topic. Like in Spain and the UK, the economic downturn has made indigenous citizens consider types of work they previously would have rejected, thereby competing with both regular and irregular migrants for the same jobs. Restrictions and repression in the form of detention and expulsions are the main policy responses and prevailing approaches the Czech government has towards irregular migrants. The lack of public discourse was denounced by NGOs which argued that politicians are simply not willing to deal with the phenomenon. On a positive note however, joint action undertaken by a wide spectrum of actors from civil society has made it possible to achieve some important outcome in the field of education now accessible to undocumented children who are entitled to go to school regardless of their status. Actors from the field pointed out that with the aid of figures, politicians most likely would include irregular migration in their political agenda.

It can be noticed that in all the countries studied, civil society actors undoubtedly contribute to public discourses by voicing their concerns, raising awareness on the topic, and propose alternative policies which may set a new trend in policy making regarding irregular migration.

**Some important key points that need to be highlighted include the following:**

Certain civil society actors believed that reliable data may constitute a useful tool for their field of work either at the grassroots or political level. Many issues would be triggered through trustworthy figures and contribute to design projects. Not only could they be a crucial contribution to the formulation of policies for migrants but also to conceive effective measures in order to create an appropriate machinery regarding migration. Statistics could launch and create a dialogue between stakeholders and politicians as well as informing civil society, by allowing users to compare and support

arguments with the aim of achieving their goals. According to some NGOs, made up of trade unions and journalists, reliable data is more useful for NGOs and associations than political authorities and the government. If on the one hand, making proposals, intervening in the public arena and promoting the issue of legalizing irregular migrants could be raised by public figures, on the other hand, estimates could be exploited by the government for promoting harsher enforcement measures. For this reason, the majority of stakeholders felt that relying on data released by politicians might be dangerous or even inappropriate. Civil society actors believe that governmental representatives in Northern and Southern European countries are fully aware of figures regarding migration but simply do not react in order to avoid taking responsibility.

Due to the reasons mentioned above, some NGOs are rather skeptical about data: while arguing that numbers carry a great risk of distortion and exploitation - since the discussion is often characterized by speculation and assumption - NGOs would rather focus on social data and are convinced that research on the paths into irregularity should be carried out instead of focusing on mere figures which will not provide any reliable nor definite answer to the issue. It was said that only social qualitative data could “give a face to undocumented migrants”. French NGOs for instance, unanimously raised their concern over numbers: feeling that assistance to undocumented migrants will always be provided regardless of the availability of quantitative sources.

Stakeholders identified different paths into irregularity for the various countries studied. While in Italy, three main paths were identified by stakeholders: namely visa overstay, irregular entry and denial of refugee status; in Spain visa overstay seems to be the most significant path, whereas in Greece, irregular entry was identified as the foremost avenue into irregularity.

In the Northern European countries, stakeholders overwhelmingly felt that migrants fall into irregularity in many different ways. In the UK, visa overstay was perceived as the main cause for migrants to lose their regular status; at the same time, civil society actors pointed to the denial of refugee status as another important way. Dutch NGOs believed that the denial of refugee status is the most common path into irregularity; however, visa overstay as well as irregular entry are considered two other key routes. In Germany as well as in France, visa overstay represents the major cause of irregularity; nonetheless, the denial of refugee status and irregular entry were additionally mentioned. Stakeholders in Austria believed that the denial of refugee status corresponds to the principal corridor to slip into irregularity although visa overstay was indicated by some NGOs. From what is mentioned above, it is noticeable that civil society in the North of Europe referred to several paths without being able to map out one specific culprit.

With regard to the Eastern European countries, in Slovakia irregular entry was perceived as the major path into irregularity, visa overstay as well as people who have been trafficked as the two second most important alleyways. While in Poland visa overstay prevails and irregular entry represents another significant avenue, in Hungary civil society actors think that visa overstay is the most common path into irregularity; the denial of refugee status as well as irregular entry were however pointed as two other

important ways. In the Czech Republic, visa overstay came in first, followed by the denial of refugee status as well as the loss of employment which leads to loss of working permit are perceived amid the NGOs as two other important paths to irregularity. It seems that countries in the East of Europe start being characterized by the same trends that we have identified in the North and South of Europe. This may be due to the fact that these countries have entered the Schengen zone and their border controls have tightened up as a result.

Approaching irregular migration by employing a numerical outlook seemed to be applicable for many stakeholders interviewed. However, several criticisms were pointed out as mentioned earlier. Providing estimates and/or guesstimates appears possible to a significant number of civil society actors; nonetheless, some others were not able to point to any figures. In the Southern EU countries, interviewees are quite familiar with data; many reported some educated or rough estimations referring to some important governmental sources. A similar trend is noticeable in the Netherlands, the UK and Germany; in France and Austria respondents were more reluctant in outlining some numbers or simply not capable of doing so. With regard to the Eastern EU countries, estimations provided strictly referred to either asylum seekers – but not rejected - or migrants apprehended while crossing the border or caught by the police.

A similar tendency could be painted for the number of undocumented migrants receiving assistance from NGOs and associations, since organizations often do not keep any data on or record irregular migrants, as the legal status of the migrant is not of interest. While some civil society actors believe that collecting data would enhance the visibility of undocumented migrants, others think that it could be detrimental to the situation of irregular migrants. NGOs are thus divided in their view so far whether and what kind of data are useful to design policies in the field.

## **4.2 Regional Workshops**

### **4.2.1 Regional Workshop in London: Understanding Irregular Migration in Northern Europe**

The Platform for International Cooperation on Undocumented Migrants (PICUM), in cooperation with the ESRC Centre on Migration, Policy and Society (COMPAS) and the Migrants Rights Network (MRN) held a workshop on 27 March 2009 in London, UK, entitled “Understanding Irregular Migration in Northern Europe.” The workshop was felt to be experimental, as the NGO co-organisers were not certain how activists and civil society organisations would receive a research project such as CLANDESTINO. The workshop was promoted widely across diverse user groups and countries to ensure a mixed audience. A format was chosen – limited number of comparative academic summary reports, non-academic discussants, sufficient time for discussion, and breakout sessions - that aimed to provide for maximum interaction between researchers and user groups.

The first part of the day-long workshop consisted of a plenary session with a presentation of the main findings of the CLANDESTINO Project, responses from experts in the field, and discussion with participants. The second part consisted of four parallel workshop sessions, in which participants exchanged information about current developments on various issues concerning irregular migration and strategies for upholding the rights of undocumented migrants. The event concluded with a final plenary session and discussion amongst participants.

In the plenary discussion, the lack of information as well as understanding of public discourses on the subject was seen to be a common gap and thus the CLANDESTINO contribution was generally welcomed. It was emphasized that the CLANDESTINO Project was partly the result of a call from the European Commission for more accurate and comprehensive numbers in relation to immigration. It was felt that current control policies are based on insufficient data which instead needs to be set as some participants pointed out. A discussant however, criticised the imbalanced approach of some expert reports that almost took a governmental perspective and neglected the interests of NGOs. Furthermore, it was felt that data from local NGOs should have been taken into account too. Other participants found there were certain shortcomings in the country reports, e.g. the lack of information of the number of deaths and abuses encountered by migrants. The debate also focused on the lack of rights inherent within immigration policies such as lack of access to health care assistance and infringement of rights while migrants are kept in detention. Doubts regarding state policies implemented by the five countries (Austria, Britain, France, Germany, Netherlands) led participants to ponder over consequences resulting from restrictive measures such as border controls undertaken by those governments.

Following the plenary session, participants discussed various themes relative to irregular migration more in depth in the parallel workshop sessions.

The first workshop focused on the impact of labour market policies and regulations and their link to irregular migration. The main finding was to acknowledge the clash between labour law and immigration law. Legal cases from the UK and Germany were presented and attention was drawn to the consequences and implications deriving from contradictory public policies, while shedding light on the incompatibilities between policies based upon fundamental rights and those on restrictive measures to migration.

Participants in the second workshop shared expertise and good practices concerning regularization in the European Union. They highlighted that this is a most likely a long-term battle, and that sustainable solutions will emerge as the debate develops rather than following dogmatic assertions. This will depend upon civil society being drawn more centrally into the debate than they are currently. Campaigners should not lose heart but maintain commitment. Regularisation would be a critical factor in securing the human rights of millions of people currently outside the system, but there is a need for states to address the deficiencies in immigration systems which produce irregularity among migrants, as well as tackling wider issues around vulnerability in employment. Civil society also needs to better engage with the media, in order to effectively communicate research and put forward positive images of undocumented migrants.

The third workshop discussed barriers and strategies in gaining access to public services for undocumented migrants, such as health care, education and housing. Participants stressed that authorities should develop policies which guarantee equal access for undocumented migrants to public services. NGOs should have a complementary role and should not be burdened with ironing out deficiencies in the mainstream system or being pressurised by authorities to jeopardize their position of trust.

The fourth workshop discussed the role of the media in social policies and political discourse. Participants concluded that more emphasis should be directed to the diversity of roles of the media. Achieving a positive role for media needs work from many angles – in media, alternative technologies, and action on the ground. Activists in the field of migrants' rights and integration often take a one-dimensional view of the media in which their role is always “bad” – conveying a negative image of migrants - but civil society response should try to get positive images into the media instead. Campaigning against misrepresentation and for more positive coverage of migrants, their communities, and the migration process would remain vital. The workshop showed that this issue is very complex and that stakeholders have to respond on several dimensions.

The CLANDESTINO London workshop shed light on various aspects concerning irregular migration but also determined the importance of data in a field still complex and partly unknown. The following points aim to resume the main issues raised during the plenary sessions and workshops:

- Social and labour rights should come first in order to establish a human rights based approach towards the issue;

- More collaboration amongst different actors working in the field, especially between individuals and organizations, should be encouraged to find opportunities to work with researchers; involving NGOs in conducting research and making policies is thus of utmost importance;
- Increased networking and cooperation amongst different actors are therefore encouraged to raise awareness;
- Regularization as a key issue needs to be explored in depth;
- Many human rights instruments have never been properly implemented nor well interpreted; using the legal framework to effectuate change for undocumented migrants such as providing them with free access to public services was identified as a key element;
- Work within media personnel (infrastructures) should be carried out in order to influence journalists' practice – when and if appropriate conveying voices of migrants without mediation. A simple starting point would be to cultivate alliances and networks with media professionals/practitioners, rather than constantly and somewhat stubbornly criticizing and dismissing the media. Establishing sustainable platforms of media support and output should be achievable by building concrete media alliances – with print and broadcast journalists as well as filmmakers, independent radio and new media producers in addition to artists, photographers and creative writers – hence productive networks;
- Developing a progressive narrative for migration is necessary to shed light on the phenomenon; there is a need to perceive irregular migration as a solution and not as a problem;
- A proper use of language is crucial in order to change attitude towards irregular migrants; terminology plays a key role. The terms “undocumented” and “irregular” were then advocated instead of “illegal.”

While taking a numerical outlook to raise awareness, the issue was undoubtedly considered extremely important, at the same time many argued that more research should be carried out about humanitarian issues concerning undocumented migrants and also to envision alternative solutions. Many participants stressed that NGOs play a crucial role in setting a relevant agenda in overcoming the many difficulties of gathering essential information about undocumented migrants, who tend to live in the shadows and in miserable conditions.

#### **4.2.2 Regional Workshop Athens: Irregular Migration in Southern and Central Eastern Europe and the Current Economic Crisis**

This workshop presented current research on the relationship between irregular migration and the informal economy with a particular focus on Southern and Central Eastern EU countries. The workshop was attended by 65 participants including policy makers from the Ministry of Interior, Labour and Social Welfare, representatives of the Municipality of Athens, welfare agencies, journalists from three major national dailies, NGO activists and of course researchers and students, from Greece and abroad.

The event offered an opportunity to paper contributors and other participants to compare findings and exchange opinions on the links between irregular migration and domestic labour markets with special reference to the underground economy with a view to identifying the factors that contribute to the phenomenon and the policies that can address it.

Topics discussed included, the employment pathways of undocumented migrants into various niches of the labour market that are characterized by a high incidence of informalised work arrangements (principally, the construction sector, the domestic service sector, agriculture, and the tourism industry), the factors behind the informal economy - irregular migration nexus and the policies that are and could be implemented towards a disentanglement from this nexus.

During the morning and early afternoon sessions, the discussion concentrated on the segmentation of labour markets in Central Eastern Europe and in Southern Europe. Special emphasis was put on the cases of Poland, the Czech Republic, Hungary, Italy and Greece. Katarzyna Gmaj presented a comparison of Central Eastern European countries and the link between the informal economy and irregular migration, Thanos Maroukis concentrated on the care and domestic sectors looking at non-EU immigrant women working in these sectors in Greece. Antigone Lyberaki reviewed the available evidence on female migrant workers and their 'liberating' role for native women in Southern Europe. Rosanna Cillo discussed the complementarity between the underground economy and irregular migration in Italy, and Evgenia Markova presented results from a recent study on informal work in Europe.

The workshop concluded with a Roundtable chaired by Anna Triandafyllidou, Coordinator of the CLANDESTINO Project, with the participation of NGO representatives and researchers from different European countries:

- \* *Don Flynn*, Platform of International Cooperation on Undocumented Migration (PICUM)
- \* *Apostolos Papadopoulos*, Harokopio University of Athens
- \* *Charalambos Kasimis*, Athens Agricultural University
- \* *Eda Gemi*, Albanian Immigrant Cultural Association "Steki", and University of Athens
- \* *Carmen Gonzalez Enriquez*, UNED and Real Instituto Elcano, Madrid
- \* *Francesco Fasani*, University College London



Participants in the roundtable discussed the current financial crisis and its impact on irregular migration and informal work across Europe. They agreed that the current economic and financial crisis has not reached its zenith, however a stagnation of economic activity and rising unemployment have been felt by countries all over the world. The overall negative climate clearly affects both migrant and native workers. The media has been reporting a situation of dire competition for jobs between native and migrant workers (the title of a news story in the Italian newspaper *Corriere della Sera* published in the Sunday 22nd March edition was eloquent: *Italians Want the Migrants' Jobs Back*). Competition is also present between legal and irregular workers especially in sectors like construction, which have experienced the crisis in more acute ways. It might be logical to assume that the negative economic climate would lead to a reduction of migration inflows towards developed economies as well as a growth in return migration flows. The assumption is that some immigrants will be motivated to return to their home countries while fewer immigrants will be inclined to move given, the negative prospects as regards employment and wages.

In reality, **the situation is more complex and more fluid** than that: first because **the crisis affects different categories of immigrants** and their families **in different ways**, and second because job prospects and wages are probably worsening in source countries too, thus maintaining the pre-crisis idea that one has much to gain from migrating. It may seem logical to assume that long term settled migrants and their families will be effected by the crisis in ways similar to those of natives. They are less likely to lose their papers if they lose their job and they are unlikely to move because of the crisis. Undocumented and mid-term migrants, notably those who have been staying in the destination country 5 years or less and/or whose legal status is insecure or who have left their families behind, are more likely to consider repatriating.

The decision to return is further affected by two factors: on one hand, pressure from their families back home to keep sending remittances and, on the other hand, the job prospects in the source country upon return. If the former are high and the latter are low, these immigrants are more likely to stay in the destination countries and accept worse working conditions, lower wages, or even periods of unemployment. Those who may lose their papers because of lack of employment may also consider staying and going underground, working in the informal market if there are few prospects of economic survival when they go back and especially if prospects of returning to the destination country are bleak because of migration restrictions in developed economies.

These are some of the thoughts with which Anna Triandafyllidou, the CLANDESTINO Workshop Coordinator has introduced the ***Roundtable on Irregular Migration and the Global Economic Crisis*** that took place at the CLANDESTINO workshop on ***Irregular Migration and Informal Employment in Europe*** on 27 April 2009, in Athens.

As **Dita Vogel from the Hamburg Institute of Economics** and partner to the CLANDESTINO Project has noted that it is uncertain whether there are already

observable changes in irregular migration flows the nature of these changes is. This is an open question not least because, as Theodore Lianos from the University of Athens has pointed out, there is a certain time lag for migration flows to react to changing economic and labour market circumstances. Franck Duvell, Senior Fellow at COMPAS, of the University of Oxford and a partner to CLANDESTINO, asks whether we find any policies already developed to address the labour market situation of irregular migrants during the crisis.

In response to this remark, **Carmen Gonzalez Enriquez from *Universidad Nacional de Educacion a Distancia* in Madrid** has noted that a recent Spanish government poll on the labour market situation in Spain with 60,000 respondents across the country, has shown that unemployment has risen to 17% amongst the general population but to 27% amongst foreigners. In terms of policies developed to respond to the situation Gonzalez Enriquez has noted that legal channels are being restricted: the labour market sectors in which foreign workers can be invited to work have been drastically reduced compared to last year. The proposed reform of the Law on Foreigners restricts the right to family reunification: currently, people with a 2-year legal stay can bring in their families including their parents, in the future, a 5-year legal stay will be required for the parents to join families in Spain. Random controls at public places with a view to apprehending irregular migrants, Enriquez Gonzalez added, have occurred in Spain during recent months for the first time ever.

Last but not least, the Spanish Ministry of Labour has introduced a scheme encouraging legal migrants to return to their country of origin by paying them in two installments (first part paid in Spain, second part received at the country of origin). This is more equivalent to the unemployment allowance that they would receive if staying in Spain and unemployed. Migrants who participate in this scheme must promise not to go back to Spain for the next three years. Gonzalez Enriquez has noted that by March 2009 fewer than 4,000 migrants had opted for that scheme - not an impressive count considering that Spain has more than 1 million unemployed immigrants in total. The Spanish expert also has drawn attention to recent evidence from the same comprehensive poll that new migrants still arrive in Spain seeking employment.

**Donn Flynn, Chair of PICUM and Director of the Migrant Rights Network in London** has noted that while the UK appears to have hardly been hit by the recession, it remains unclear whether migrants are leaving the country or still arriving. The incentive to register in the Workers' Registration Scheme are very low for short-term migrants, hence it is impossible to have an accurate count of migrant workers in the country today. He also argued that probably there are differences in the numbers of people registered depending on the country of origin. Migrants from 'young' EU member states may return temporarily to check out the job situation in their countries of origin, while migrants from developing countries most likely stay put because employment prospects and the economic situation in their countries of origin are worse than in the UK. The UK government estimates that the total number of people unemployed has reached 3 million. Don Flynn expected that a rise in irregularity among currently legal migrants that have

been in the UK for a longer period of time is inevitable, as it will become increasingly difficult to secure a job in the formal labour market.

Concerning the situation in Greece, **Apostolos Papadopoulos from Harokopeio University** in Athens, noted that the number of work permits issued has been steadily decreasing in Greece suggesting that the legal status of migrants in Greece is uncertain. This is particularly seen in times of economic crisis when jobs in the formal labour market are scarce, and the possibility to collect the necessary social security stamps for permit renewal is even scarcer. However, Papadopoulos noted that the situation is very different for various categories of migrants. With regards to employment in the countryside, migrants will stay in the areas where they have better networks that help them find employment while otherwise they would have circulated to different areas in search of better job prospects. Those who are more recent arrivals are likely to consider return but those who are in Greece on a long-term basis are not likely to return. Given the relatively difficult economic requirements for family reunification (income that the person applying for her/his family to join her/him is required to demonstrate), and given that it will be harder for migrants to find legal jobs and hence prove their levels of income, he expects that family reunification permits will decrease in Greece. Overall he considers that the main impact of the crisis on the migration situation in the country is to further slow down the process of social and economic integration of immigrants because they will have to resort to the shadow economy for jobs, many will lose their stay permits and hence they will have to start all over again their integration process.

In addition to the above, **Charalampos Kasimis of the Athens Agricultural University** has drawn attention to the fact that irregular migrants have no option of returning to their countries of origin, especially because they are indebted to the smugglers that brought them in, and because by going back to their countries, they forfeit legal avenues to return to Greece or Europe in the future. On a positive note, Kasimis emphasized that Albanian immigrants can rely on their extended family structures for support and hence will be cushioned to a certain extent, like Greeks are, from the impact of the crisis on employment. Of general concern however, is that the crisis will de facto create *the regularization of irregularity*, meaning it will make irregular work, the normal work - at least for immigrants. Such regularization in the work environment should be an enormous concern for policy makers.

**Anna Triandafyllidou** noted the additional effects of the crisis in Greece and in Southern Europe more generally, including the depression of wages among immigrants (especially for those working on daily wages), the expansion of irregular employment, fear among immigrants to remain unemployed but also to be caught by police. She mentioned that the situation in source countries needs to be considered if a government is to design appropriate return policies aiming at mitigating the impact of the crisis. It is unlikely however, that any return policy will be successful, no matter what the incentives are, if the situation in source countries is dire. Last but not least differences between men and women need to be considered: the service sector and in particular domestic employment and the cleaning and caring sector will suffer less from the crisis than

sectors such as construction and unskilled jobs sector will suffer more. In other words, men appear to be more immediately affected by the crisis than women.

**Eda Gemi, a PhD candidate at the University of Athens and Coordinator of the Albanian Immigrant Cultural Association 'Steki'** gave her personal impressions on how the crisis has affected immigrants in Greece. She pointed out that several immigrants have been made redundant from construction and the industrial sector. Banks have started refusing to give loans to migrant entrepreneurs and a climate of fear has already spread among immigrants that they may fall back to irregular status because of unemployment and impossibility to renew their stay permits.

**Thanos Maroukis, Research Fellow at ELIAMEP** and member of the CLANDESTINO team, reminded us that an increase in informal economic activities had occurred in the 1980's as a response to the 1973 oil crisis. In the present circumstances, he thought that it remains to be seen whether immigrants' networks are strong enough to sustain patterns of informal economic growth given the little support and tolerance they experience from host policies and societies across Southern Europe

Indeed, regarding the situation in Italy, **Francesco Fasani author of the CLANDESTINO Study on Italy, based at University College London**, argued that it is difficult to say whether flows are increasing or decreasing. Recent policy developments in Italy relate more to the change in the government from a centre-left to a centre-right-wing coalition than to the onset of the crisis. The annual quota system in Italy mainly refers to temporary legal migration, while the underground economy continues to provide a welfare safety net for migrant workers. Under these circumstances, the Ministry of Labour has issued a circular note to labour inspection offices to apply the law but 'accommodate' labour market needs. In other words, officials are being told to turn a blind eye to irregular employment. The situation is shaped by stringent rules on legal entry, less labour market checks which allow the mechanisms of the labour market to make any adjustments for the crisis, and exposes those most vulnerable: migrant workers, whether legal or undocumented.

Fasani agreed that in Italy like in Spain and Greece, the crisis increases the danger of irregular work and the tendency to return to an irregular status for all migrants, legal and irregular. In Italy as in other Southern European countries, the renewal of migration status is usually short-term and depends completely on the employment situation of the migrant. Fasani also agreed with Gonzalez Enriquez, Kasimis, Flynn and other participants in the workshop that irregular migrants may have less to lose than legal migrants if they return but they will surely find re-entry very difficult. As a result, they will more than likely consider staying and enduring irregular status for the years to come.

**Michele Levoy, Director of PICUM (the Platform of International Cooperation for Undocumented Migrants)**, noted that rejected asylum seekers who feed into the wider pool of irregular migrants are in a dire situation because they have nowhere to go. She also emphasized the need to chart the process by which a migrant becomes undocumented, as this must be part of the policy response to the crisis.

Regarding the situation in Greece, **Eugenia Markova, Senior Research Fellow of London Metropolitan University** and main researchers in the Undocumented Workers' Transitions Project, noted that in the UK there is increased bullying of irregular workers by native workers in sectors like construction with a view to making them leave. It is also worth noting that regular and informal work co-exists in many labour market sectors and often in the same business.

In relation to this, **Apostolis Fotiadis, a journalist at the Greek daily *Kathimerini* and Anouar Ikhbal, vice president of the Greek-Pakistani Association** noted the recent rise of racist attacks against people who look Pakistani in Greece. More than 20 people have suffered such attacks in incidents all over Greece during the last months. This rise in xenophobic and racist violence is apparently spurred by the economic crisis and the fear of unemployment among natives alongside pre-existing racist or xenophobic attitudes. Anouar Ikhbal agreed with other speakers that the crisis in Greece has led to the lowering of daily wages for immigrant workers rather than leaving them unemployed. Employers seem to take advantage of talk on the crisis to pressurize workers to accept lower wages, to not pay overtime or weekends, or their welfare contributions. Moreover, Ikhbal has noted how migration policy affects the employment situation of migrants: in Greece immigrants from non-EU countries need to invest 60,000 Euro to start a business and obtain an independent work permit. This sum is prohibitive for most, and the result is that people who could have started a small legal business, a shop for instance, are obliged to work as street-vendors without papers. He also emphasized the concern of all immigrant associations regarding irregular migrants and how they will survive during the crisis. If for legal migrants the informal labour market is the welfare safety net as Fasani suggested earlier, what is the safety net for people who are already in this secondary, low pay and high-risk market?

Although the CLANDESTINO Roundtable may have raised more questions than it could provide answers, it did reach **some important conclusions that can be of relevance for policy makers and civil society actors:**

- The likelihood that legal or irregular migrants will return to their countries of origin depends on the situation in countries of origin as well as on the family and other safety nets that migrants have at their disposal in the country of residence.
- Legal migrants have more to lose than irregular ones if obliged to return, but irregular migrants may find it not feasible to go back because they are indebted to smugglers.
- The crisis leads less to unemployment and more to the normalization of irregularity: informal work is likely to become commonplace among immigrant workers both legal and irregular in the coming months.
- Wage decreases are also a big issue in all the countries discussed as migrants, especially those without legal status, may be willing to accept the lowest of wages and the worst of working conditions by fear of remaining completely unemployed and with no means at all for subsistence.

- Xenophobic and racist incidents have increased in countries where they previously did not exist. Random identity checks in public places by police forces have become more frequent in countries where there were no such checks. These developments contribute to a sense of insecurity among immigrants while legitimizing the view of irregular migration as a crime.
- Overall the impact of the economic crisis in terms of flows between source and destination countries is uncertain and very difficult to measure because of lack of data and because a time lag is necessary for us to see how the crisis evolve.
- The crisis does shape flows within countries between the formal and informal labour market and between stocks of legal and irregular migrants: the crisis is likely to increase the overall share of irregular migrants among the total immigrant population.
- The CLANDESTINO Workshop suggests that there have been policy developments in some countries aimed at reducing legal flows and seeking to encourage return migration, but with few results so far.
- Policies are needed to help labour markets react to the crisis in ways that do not excessively penalize the most vulnerable and exploitable workers - notably irregular migrants.
- Policies are needed to cater for those most vulnerable among the immigrant population: there is a need to provide for basic social support protecting irregular migrants from extreme poverty and from falling prey to networks of organized crime (e.g. prostitution and child exploitation for instance).

### 4.2.3 Policy Workshop Brussels: Undocumented and irregular migration: policy developments, data and social implications

Brussels, Friday, 13<sup>th</sup> November 2009, Centre Borschette. Rue Froissart. Room 1A

Although not a recent phenomenon, regular and irregular migration remains a major challenge for the European Union as it affects its political, socio-economic and cultural processes in profound ways. The emphasis of research to present day has been on particular countries and ethnicities, and has concentrated mostly on legal immigration. There is a lack of information and in-depth comparative analysis on the size, profiles and strategies of irregular residents throughout the EU as well as on the ways that they become legal and vice versa. The research projects CLANDESTINO "*Undocumented migration: counting the uncountable, data and trends across Europe*" (<http://clandestino.eliamep.gr/>), and UWT "*Undocumented Worker Transitions*" (<http://www.undocumentedmigrants.eu/>) were developed in response to the Call for proposals on "*Legal and illegal immigration towards the EU*" that the DG Research published in 2005 aiming to tackle this knowledge deficit.

The Workshop organised on the 13<sup>th</sup> of November 2009 by the DG Research of the European Commission aimed to disseminate the main results of the two projects to the policy community in Brussels. The experts Anna Triandafyllidou, Dita Vogel and Franck Duvell (coordinator and partners of CLANDESTINO) and Tessa Wright (member of the coordinating team of UWT) brought the following issues to the discussion with various members of the DGs of the European Commission (namely, DG JLS, DG Employment, DG RELEX, DG AIDCO, DG RTD, BEPA), and members of the EU Council, the European Socio-Economic Council, FRONTEX, EUROPOL and the Fundamental Rights Agency: the size of irregular migration in the EU, the sift between legal and irregular status, the irregular migrants' experiences and strategies, their impact on labour markets, and finally the role of policies on irregular migration in dealing with the phenomenon.

In particular, Dita Vogel (Hamburg Institute for International Economics, HWWI), scientist responsible for the CLANDESTINO Database, after aggregating information from the 27 member states argued that the total number of irregular migrants residing in the EU27 is likely to be in the range of 1.9 million to 3.8 million. Dita Vogel noted that this most recent estimate is based on an improved methodology and should replace the estimate of up to 8 million irregular migrants, used until recently in European policy documents.

In the context of dealing with unfounded numbers informing the debate on irregular migration, Dita Vogel stressed the effort made by CLANDESTINO to provide a systematic analysis of existing data and estimates on irregular migration. In particular, the Database on irregular migration produced by CLANDESTINO has been the main output of this effort that started with the review of all existing methods of estimation of irregular migrants and concluded with the finding that, despite the wide range of available methods, no sophisticated method can be applied in all EU countries. The reasons for this range from lack of data and differentiated data collection practices to a lack of a minimum of

systematic data analysis for many EU countries. As a result, an aggregation approach was qualified by the CLANDESTINO consortium towards the production of EU-level estimates like the above. Assuring a minimum of comparability (in issues like estimate description, definition of irregular migration, time selection criteria) and transparent documentation of estimates, developing a differentiated quality assessment (high, medium, low quality of an estimate) and encouraging scientific dialogue were the other key elements of the CLANDESTINO approach.

As regards the flows contributing to the abovementioned decreasing trend of irregular migration, Dita Vogel distinguished between three types of flows: demographic, geographic and status-related flows. With regard to the former (births and deaths in irregularity) there are hardly any quantitative estimates. The second, mostly indicated by border apprehensions, attracts most media attention even though it involves much smaller numbers compared to the last type referring to the changes between regular and irregular status of a migrant within the same country.

Following up from the latter point, Franck Duvell (COMPAS, UK), partner of CLANDESTINO, highlighted that the main pathways into irregular migration regard more the legal entry and overstaying, the withdrawal or loss of status, the restricted granting of asylum applications across the EU and less the highly visible and dramatised clandestine entry in EU territory.

Indeed, he noted further a nexus between migration policy and irregular migration. Indicative of this nexus are the examples of the EU enlargement or various regularizations that have decreased substantially the irregular migrant population and the restricted legal migration channels (for work or family reunification), inefficient bureaucracies and asylum procedures that produce irregularity.

Tessa Wright (London Metropolitan University and UWT project) agreed that irregular entry is not the main pathway into irregularity and that migrants often *become* undocumented. She also added that there is a strong correlation between undocumented work and poor working conditions. As regards regularization, according to the UWT findings, it does not necessarily improve conditions immediately but may do so in time. The impact of regularisation on working conditions and job opportunities actually depends on the industrial relations' context in the receiving country. Care sector and private work at homes as well as subcontracted labour represent a high degree of vulnerability and exploitation. The main recommendations coming from the UWT project consist in the following: employment rights should be granted separately from migration status; invest more in enforcement of labour rights and standards; engage more civil societies towards this effort; develop sustainable regularization processes; start issuing labour search permits; improve social welfare, health care and education access to migrants and their children, and improve access to information on these matters.



## **Discussion:**

In the discussion that followed with the EC representatives, Dita Vogel and Franck Duvell respectively highlighted the incomparability of data and definitions on irregular migration across the EU. In particular, it became clear that on the EC level there may well be a common definition of illegally staying foreigners (see article 3 of the Return Directive); however, on the level of individual member states there is no harmonisation of the terminology on irregular migration. As Anna Triandafyllidou added, situations where migrants are given deportation and are not leaving, or limbo situations further undermine EU recommendations on the national level.

The demographic and social profile of irregular migrants is another aspect of irregular migration that is particularly important for inclusion policies and in general the administrative management of these populations. Dita Vogel stressed that the profile of irregular migration differs strongly between countries and nationalities. In general, the indication is that the male percentage has been overestimated in the past. In many countries there may be more men than women but not for certain regions. CLANDESTINO, she further noted, did not particularly look on educational backgrounds of irregular migrants; nevertheless, she pointed out that qualitative studies indicate that low level of education is not associated with low status employment.

As regards regularization programs, it was noted that they (along with the EU enlargement processes) have contributed greatly to the decrease of irregular migrant population in Europe. Albert Kraler, partner of CLANDESTINO and coordinator of PROMINSTAT project, argued that no systematic evidence on regularizations causing a pull effect is established. After all, regularizations are conditional and usually people have to prove that they fulfil certain requirements, he pointed out in addition. On the contrary, though, the EU takes a negative stand on mass regularisations.

The share of clandestine entry in the overall flows into irregularity has also been debated. EUROPOL representative, in particular, wondered whether the number of irregular entrants goes higher if one adds to that the refused asylum seekers that mostly enter irregularly in EU territory. Franck Duvell replied that asylum seekers may indeed represent both types of flows (geographic and status-related). However, adding refused asylum seekers to irregular entrants would mean counting them twice in many countries.

With regard to the issue of double counting encountered in data on irregular migration, Dita Vogel noted that medium quality estimates of the CLANDESTINO Database tend not to be based on apprehensions' data, which usually involve double-counting.

Pierre Valette of DG Research remarked that it remains difficult to establish whether irregular migration is on the increase or the decrease. According to Dita Vogel and Tessa Wright different outcomes derive from different operational definitions of irregular migrant adopted. For example, UWT included the irregular foreign worker in their definition while CLANDESTINO referred only to the irregular foreign resident. Irregular foreign workers involve citizens from EU member states who are not eligible for deportation if detected and, thus, were not included in the CLANDESTINO estimates.

Ann Singleton from the University of Bristol noted the importance for policy makers and researchers of maintaining and supporting further outputs like the CLANDESTINO

database. A DG JLS officer pointed out the usefulness of the research projects presented in tackling the hard data deficit that EU policies are criticised of relying on. Yet member states are not ready to take up all EC suggestions and this is to a certain extent related to the still difficult task of dispelling common perceptions.

Following up from this point, Anna Triandafyllidou, CLANDESTINO coordinator, suggested that due attention should be paid to the needs of irregular migrants and their families as regards health care and education, especially for minors but not only. Some of the misunderstandings about the costs of providing comprehensive (including preventive) health care and education to irregular migrants, as opposed to not providing these to undocumented persons because they are breaching the law and do not contribute to the welfare state, can be misspelled if researchers and policy makers undertook feasibility studies on these questions to find out the real costs of either solution. In particular she warned of the consequences that arise from irregular migrants non-access to health care (such as overall poor health, increasing need for emergency assistance, spreading of contagious disease) as well as of the consequences of children of undocumented migrants not being able to attend school (such as low human capital and poor opportunities for improving their lives, finding jobs and integrating in the receiving society).

Anna Triandafyllidou added in a final note that often legislation and administrative systems are extremely rigid and that labour markets prove more dynamic than the administration systems they have. Indicative of the situation is the legislation of most countries not leaving a person who came for cleaning to switch to tourism, for example. Steps are needed to improve legislation so that it responds better to labour market needs while upholding the rights and obligations of workers and preventing migrants from falling into irregularity because they found a job in a different sector or with a different type of contract than the one initially foreseen in their permit.

### 4.3 Other Dissemination Activities Targeting Media and Policy Users

Below we have included a list of activities and events organized by the CLANDESTINO partners at the national or local level and/or activities and events in which CLANDESTINO partners have presented the project findings to policy and media audiences.

#### ELIAMEP

##### Dissemination Activities:

ELIAMEP has launched a new collective blog section: [Blogs@eliamep](mailto:Blogs@eliamep) and <http://blogs.eliamep.gr/en/>. This blogs section aims to enrich public dialogue and promote research-based analysis in order to encourage and strengthen interaction between the wider research community and informed citizens. Maroukis and Triandafyllidou have contributed several articles in this blog section:

See in particular:

Anna Triandafyllidou in English

<http://blogs.eliamep.gr/en/author/triandafyllidou/>

with contributions on:

Undocumented Muslim Immigrants in Athens

The Impact of the Economic Crisis on (Irregular) Migration.

And in Greek:

<http://blogs.eliamep.gr/author/triandafyllidou/>

contributions concerning migration and the informal and formal labour market, the second generation of migrants in Greece, legal and irregular migration in Europe, migration and criminality, among other topics.

Thanos Maroukis in Greek

<http://blogs.eliamep.gr/author/maroukis/>

contributions on: Border management, asylum policy and Greek foreign policy migration flows, migration policy and criminality.

And in English:

<http://blogs.eliamep.gr/en/author/maroukis/>

with contributions on migration policy and second generation of immigrants in Greece.

#### Media Exposure and Policy Consultations

##### Triandafyllidou, Anna:

- Policy consultation with **Ms Tanja Gren, First Secretary, Unit for Central, Western and Southern Europe, Ministry of Foreign Affairs of Finland**, on Greek migration and asylum policy, 30 September 2009, 15.00-16.00 hours, Athens.
- Interview with Marloes de Koning, Balkans' correspondent of *NRC Handelsblad*, one of the leading newspapers in the Netherlands, on issues of irregular migration and asylum policy in Greece and Europe. The relevant article was published on page

- 5 of the newspaper, August 2009.
- Interview with Renata Vujica, for **Swiss weekly L'Hebdo**, on migration and security issues, 23 July 2009.
  - Interview with journalist Maria Kalyviotou, published at Athens daily **Avgi**, 12 July 2009, with title: Six Measures for Immigration and Asylum, in Greek.
  - Participation in television programme of journalist **N. Hatzinikolaou**, **Alter TV**, 6 July 2009, 21.00-23.00, on migration in Greece.
  - Interview to journalist **Niki Kitsantonis** for **Athens Plus** English-speaking weekly, Athens, Greece, see page 4 at: <http://wwk.kathimerini.gr/kath/entheta/extra/AthensPlus/03-07-2009.pdf> (MAY WANT TO INCLUDE A DATE HERE)
  - Participation in television programme **Anihnefseis on ET 3**, Public Broadcast TV channel, on 17 June 2009, journalist Mr. Savvidis, at 23.40 until 01.00 am, on Greek policy on migration in general and on Greek and European policies combating irregular migration.
  - Participation in television programme **Antapokrites (Reporters) on NET TV**- public broadcast TV channel in Greece, on 16 June 2009 from 23.00 to 24.00 hours, journalist Mr Filios Stangos, on the rise of the extreme Right in the last European elections and the related increase of xenophobia and racism in various European countries.
  - **Blog article** in [http://www.foreignpress-gr.com/2009/06/blog-post\\_6948.html](http://www.foreignpress-gr.com/2009/06/blog-post_6948.html) on a realistic Greek migration policy, 11 June 2009.
  - Radio interview with Mr. Provis and Mr. Kottakis, journalists at **City Radio 99.5 FM**, 11 June 2009, on legal and irregular migration in Greece, 11.50 am.
  - Radio interview with the **Red radio** station on irregular migration in Greece, 11 June 2009, 08.15 am.
  - TV interview at **Sky TV** on the Greek policy for tackling irregular migration, 11 June 2009, Evening News Bulletin.
  - Phone interview with journalist Ms. Garnelli in the Athens daily **Eleftheros Typos**, 11 June 2009.
  - Full page article in Athens daily **Kathimerini** on our research, 11 June 2009, page 3, see also: [http://news.kathimerini.gr/4dcgi/ w\\_articles\\_ell\\_1\\_11/06/2009\\_318190](http://news.kathimerini.gr/4dcgi/ w_articles_ell_1_11/06/2009_318190)  
[http://news.kathimerini.gr/4dcgi/ w\\_articles\\_ell\\_1\\_11/06/2009\\_318189](http://news.kathimerini.gr/4dcgi/ w_articles_ell_1_11/06/2009_318189)  
[http://news.kathimerini.gr/4dcgi/ w\\_articles\\_ell\\_1\\_11/06/2009\\_318188](http://news.kathimerini.gr/4dcgi/ w_articles_ell_1_11/06/2009_318188)  
[http://news.kathimerini.gr/4dcgi/ w\\_articles\\_ell\\_1\\_11/06/2009\\_318187](http://news.kathimerini.gr/4dcgi/ w_articles_ell_1_11/06/2009_318187)  
[http://news.kathimerini.gr/4dcgi/ w\\_articles\\_ell\\_1\\_11/06/2009\\_318186](http://news.kathimerini.gr/4dcgi/ w_articles_ell_1_11/06/2009_318186)
  - Article in Athens daily **Eleftherotypia** on our research on migration, 11 June 2009, <http://www.enet.gr/?i=news.el.ellada&id=53181>
  - Phone interview with **Panorama** (Italian monthly) journalist Franca Roiatti, article published on 23 May 2009, available at: <http://blog.panorama.it/mondo/2009/05/23/immigrati-tutti-a-casa-forse/>
  - **Briefing** on Greek Migration Policy to a group of **7 Swedish MPs**, ELIAMEP Seminar Room, 20 March 2009, Athens.
  - Participation in TV programme on Greek public broadcast **TV channel NET**, 5 April 2009, journalist Mr. Serafeim Fyntanidis, at 16.00 hours.
  - Participation in TV programme 'Europe' on Greek Public Broadcast **TV channel**,

- *ETI*, 19 February 2009, at 18.30 hours, journalist Mr. Periklis Vassilopoulos.
- Radio interview at *Athens 9.84* municipal **radio station** on asylum seekers in Greece, 10 February, 08.30 am.
- Radio interview at *NET 105,5*, short interview on EU migration policy and employment sanctions, Journalist Perkilis Vassilopoulos, 6 February, 11.45-12.00.
- Televised interview with *Russia Today TV* (English speaking Russian TV channel), 30 January 2009, Athens, at ELIAMEP, journalist Ms Darya Lidak.
- Phone interview with Ms. Shelley Emling, *Cox Newspapers*, a chain of 17 daily newspapers across the United States, on irregular migration in Greece, 13 October 2008.
- Interview with Ms. Camilla Markvardsen, *Danish freelance journalist*, on irregular migration in Greece, 10 October 2008.
- Phone interview with Mr. Roman Maruhn, journalist for the *German national television*, based in Munich, on the question of coastguard and police practices in dealing with irregular migrants in the islands of the Aegean, 25 September 2008.

#### **Maroukis, Thanos:**

- Interview on Greek migration policy with journalist Vasilis Kostoulas, *TV Without Borders*. [www.tvxs.gr](http://www.tvxs.gr), Thursday 11 June 2009
- Interview at the radio programme *Magazino*, with Andreas Papadopoulos and Boulika Michalopoulou of the radio station *ΕΤΟ ΚΟΚΚΙΝΟ (RED) FM* 105.5, <http://www.left.gr/radio.php>, on the issue of irregular migration, Friday 12 June 2009.
- Article presenting the findings of my research on migrant workers being subcontracted as cleaners and carers in various hospitals of Athens in the *newspaper Eleftherotypia*. Title: *Exclusive...exploitation*, Thursday 30 April 2009, available at <http://www.enet.gr/?i=news.el.article&id=39761&ref=search>
- Article presenting the findings of study on irregular migration in Greece in the *newspaper Eleftherotypia*. Title: *205.000 the irregular migrants in Greece in 2007*, 29 December 2008, available at <http://www.enet.gr/?i=news.el.article&id=3384&ref=search>
- Interview with Esa Aallas, *Finnish Broadcasting Company (Yle Radio 1)*, on Thursday 4 October 2007, on irregular migration in Greece

#### **Centre for International Relations**

In order to present the CLANDESTINO Project findings to the Polish audience, Krystyna Iglicka gave a speech at the seminar organised for NGOs in the CIR premises (June 2009).

In June 2009, the Commissioner for Civil Rights Protection (Polish Ombudsman) appointed a think-tank on return migration and immigration to Poland. Prof. Krystyna Iglicka is Head of the team while Katarzyna Gmaj is among its members. Results of the CLANDESTINO Project will be present in the final report produced by the team.

Since this new interdisciplinary enterprise is a policy-oriented one, it will have an impact not only on academics and researchers. It will gain practitioners' and, hopefully, politicians' attention. The team will produce a report that will be used by the Commissioner for Civil Rights Protection in both national and international affairs, as well as, other public events.

## **HWWI**

### **Website**

Database on Irregular Migration: <http://irregular-migration.hwwi.net>, Website was launched in February 2009. Database contains 12 country profiles and a Europe-wide profile, database explanations, background information with links library and organisations, and global, European and country (12) specific projects, links to CLANDESTINO research products.

### **Other dissemination activities:**

Participation in the National Contact Point Meeting of the German partner of the **European Migration Network**, Nuremberg, October 20-21 2008

Participation of Dita Vogel in one hour radio Discussion on Irregular Migration in Europe, February 2 2009, **SWR-Forum** (in German)

HWWI Press release, 20.02.2009: Weniger illegale Migration in Europa als angenommen. Neue Datenbank zu irregulärer Migration

HWWI Press release, September 2009: Illegal in Deutschland – Zahlen sinken. (German estimate)

Radio Interview on irregular migration in Europe, **Saarländischer Rundfunk – ARD**, August 11 2009

Individual background briefings for journalists

## **COMPAS**

Düvell addressed several academic conferences (see below), was invited to sit on the Board of the Strangers into Citizens Migration Advisory Committee/UK and the Border Monitoring Project, Zakarpattya/Ukraine. He also advised several International Organizations and national and international NGOs such as United Nations' Human Development Report Office; UNHCR (Geneva, UK, Germany); Office of Immigration Statistics, Department of Homeland Security/USA; Border Security Group, Immigration/New Zealand; Medicin sans Frontiere; British Refugee Council; Human Rights Watch; German Institute for International and Security Affairs (SWP); Hilfswerk der Evangelischen Kirchen der Schweiz; the Egyptian Initiative for Personal Rights

(EIPR) and others. Finally, several journalists were advised on issues to do with irregular migration.

## **ICMPD**

### **Dissemination Activities**

ICMPD informed several national actors in the area of (irregular) migration in Austria about the outcomes of the project. The Austrian Research Brief was distributed at a meeting of the Austrian Focal Point of the EMN. ICMPD provided PICUM with contacts for the fieldtrip in Austria and in Slovakia. David Reichel also attended some meetings with national actors. ICMPD was also involved in the preparation of an upcoming FRA project on fundamental rights of irregular migrants (expert advice, participation in an expert meeting at FRA 14 May 2009) and ICMPD also liaised with FRONTEX and the Council of Europe on the CLANDESTINO Project.

As a consequence of the dissemination activities, ICMPD received extensive feedback from Austrian Ministries (Ministry of the Interior, Ministry of Labour and Social Affairs) and from NGOs (Asylkoordination).

Upcoming events:

- Undocumented Migrants and Human Rights: Whose Area of Freedom, Security and Justice Under the Stockholm Programme? European Economic and Social Committee, Brussels, 22 October 2009, coorganised by CEPS, the European Economic and Social Committee and Picum
- Radio broadcast on undocumented migrants in Austria (Austrian Broadcasting Corporation – ORF)

## **PICUM**

### **Dissemination of CLANDESTINO Results at External Events**

- **Consultation on Compensation for Trafficked Persons**, meeting organized by La Strada International, Anti Slavery International and the Global Alliance against Traffic in Women, 3-5 September 2008, Berlin, Germany. PICUM board member George Joseph represented PICUM at this meeting which wanted to set a basis for a European Coalition on Compensation for Trafficked Persons.
- **Human Rights Perspectives in the Global Forum on Migration and Development**, panel discussion organized by the Geneva office of the Friedrich-Ebert-Foundation (FES) and Migrants Rights International, 16 September 2008, Geneva. PICUM Director Michele LeVoy discussed how the issues of fair working conditions and access to health care for undocumented migrants, regularization, and the situation of undocumented children in countries of destination were viewed by civil society and

governmental participants at the first Global Forum on Migration and Development held in Brussels, July 2007.

- **European Governance of Migration: The Political Management of Mobility, Economy & Security**, 17-19 September 2008, Berlin, organized by the Heinrich-Böll-Stiftung. George Joseph, PICUM board member, made a presentation in the round table entitled “Protecting the Vulnerable: “Refugees, Asylum & Resettlement and Undocumented in the European Union.”
- **International Conference on Gender, Migration and Development: “Seizing Opportunities, Upholding Rights,”** 25-26 September 2008, Manila, Philippines, organized by UNIFEM, ILO, UNICEF, MFA, NCRFW, WAGI and LGF. PICUM Director Michele LeVoy made a presentation on the human rights of undocumented migrants in Europe in the plenary on “Regional Discussions”. She was also a chair for the workshop on “Gender Issues in Formal and Informal Recruitment Processes and Working Conditions” and a speaker in the workshop on “Improving Health Services and Social Protection for Women Migrant Workers.”
- **First meeting of the Fundamental Rights Platform**, 7-8 October 2008, Vienna. PICUM Director Michele LeVoy participated in this meeting in which civil society participants discussed the Fundamental Rights Agency (FRA)’s strategic objectives and work plans in the coming years, and the role of the platform in relation to the agency. Asylum, immigration and integration of migrants are one of nine priority areas for the agency from 2007-2012.
- **Promoting decent work in the EU, Seminar of the PES Group in the Committee of the Regions (CoR)**, 7 October 2008, Brussels. The seminar explored the contribution of local and regional authorities towards ensuring decent work and fair wages in the EU and brought together PES Group members of the CoR, European and international labour organisations, and NGOs. PICUM member Sabine Craenen and coordinator of OR.C.A. (Organization for Undocumented Workers) made a presentation about undocumented workers in Europe.
- **OSCE/ODIHR Annual Human Dimension Implementation Conference, Sessions entitled “Focus on Identification, Assistance, and Access to Justice for All the Victims of Trafficking,”** 8 October, Warsaw, Poland. PICUM board member Reyes Castillo participated in the working session and on a side event organized by the ODIHR on compensation for people who have been trafficked.
- **Meeting of the Migration and Asylum Working Group of the Euromediterranean Human Rights Network (EMHRN)**, 10-12 October 2008, Rabat, Morocco. PICUM board member Reyes Castillo participated in this meeting which aimed to enhance networking and facilitate future cooperation between NGOs in the Euromed region on migration and asylum issues, and to launch a "Migration and Asylum Alert Mission" (MIAAMI).



- **7th European Round Table on Poverty and Social Exclusion. Active Inclusion: an Opportunity for All**, 15-16 October 2008, Marseille, France. PICUM Director Michele LeVoy represented PICUM's concerns about undocumented migrants being invisible in social inclusion measures and advocated that access to health care should not be determined by immigration status.
- **Citizens' Summit on Migration: Bridges, Not Walls (« Sommet Citoyen sur les migrations: Des ponts pas de murs »)**, 17 October 2008, Paris. PICUM Programme Officer Eve Geddie represented PICUM at this Second Euro-African non governmental conference on migration and development, attending workshops on 'Selective Migration Policy: which impact on migrants' rights in host countries' and 'Migrant Women'. PICUM signed on to the call for this citizen's summit on migration and joined the "Bridges Not Walls" coalition to express joint concern about the treatment given to migration flows, which essentially focused on security and is responsible for thousands of deaths(????). More information on this initiative is available at <http://www.despontspasdesmurs.org/>
- **Quality of health services in a pluri-cultural context**, Emilia Romagna, Italy, 9 October 2008, organized by the Regional Health Authority of Emilia-Romagna. PICUM Programme Officer Eve Geddie made a presentation entitled 'Undocumented Migrants' Access to Health Care in Europe.' The meeting highlighted the barriers facing undocumented migrants when trying to access healthcare with specific emphasis on Italy and was attended by over 200 healthcare professionals, medical students as well as those working in NGOs.
- **First Preparatory Conference for the 17th OSCE Economic and Environmental Forum, "Migration Management and its Linkages with Economic, Social and Environmental Policies to the Benefit of Stability and Security in the OSCE Region"**, Prague, 16-17 October 2008. PICUM chair Don Flynn represented the organization.
- **People's Global Action (PGA) on Migration, Development and Human Rights**, 22-30 October, Manila, Philippines. The PGA is an alternative movement by migrants, trade unions, development advocates and others to pressure governments and international bodies to respect migrants' rights and was held parallel to the 2nd Global Forum on Migration and Development (see item below). PICUM contributed in the following workshops:
  - **Workshop and Policy Debate on the Protection of Migrant Children and Children Left Behind**, 24 October 2008, organized by Save the Children-UK, Unicef Philippines, ILO/IPEC and ASIA Acts. PICUM board member Edel Mc Ginley spoke about undocumented children in Europe.
  - **The Triangular Model of Managed Migration, Trade and Development, and Repressive Enforcement Policies: An Emerging Global Paradigm**, 26

October 2008, organized by MFA, MRI, NNIRR, PICUM, HAS. PICUM Director Michele LeVoy spoke about undocumented migrants in Europe.

- **Undocumented Migrant Workers, Challenges and responses in protecting their rights**, 26 October 2008, workshop organized by BWI, GAATW, MFA, FIDH & FES. PICUM board member Edel Mc Ginley spoke about undocumented workers in Europe and in Ireland.
- **Trafficking/Reception and Care of Unaccompanied Minors**, 23-24 October 2008, seminar organized by the University of Ghent. PICUM program officer Luca Bicocchi presented findings of PICUM's research on undocumented children, with a particular focus on access to health care for undocumented children.
- **Global Forum on Migration and Development (GFMD), Civil Society Days. Protecting and Empowering Migrants for Development**, 27-28 October 2008, Manila, Philippines, organized by the Ayala Foundation. PICUM Director Michele LeVoy was the rapporteur for the workshop on "Managing Migration and Minimizing the Negative Impacts of Irregular Migration." Edel Mc Ginley, PICUM board member from Migrants Rights Center Ireland, also participated in the civil society days.
- **13th International Metropolis Conference: Mobility, Integration and Development in a Globalised World**, 27-31 October 2008, Bonn, Germany. PICUM Chair Don Flynn spoke at the workshop entitled "The Future of Regularisations in Europe," held on 30 October 2008 and organized by the International Centre for Migration Policy Development (ICMPD).
- **Gesundheit in der Illegalität ("Health in Illegality")**, Auswandererhaus Bremerhaven, 7-8 November 2008, Bremerhaven, Germany, organized by ZERP - University Bremen - Center for European Law Policy. PICUM member Gisela Penteker made a presentation on access to health care for undocumented migrants in Europe. All of the presentations will be published in book format.
- **Shelter in Europe? 25 Years of Church Asylum in Germany**, Berlin, 7 November 2008, organized by Asyl in der Kirche. PICUM board member Didier Vanderslycke made a presentation entitled "Under the Shadows of Your Wings" at this meeting to celebrate a 25-year history of churches in Germany offering refuge to undocumented migrants. PICUM member Rian Ederveen, Stichting Los, Netherlands, was also one of the speakers.
- **ENAR Policy Seminar "Framing a Positive Approach to Migration,"** 6-7 November, Paris, organized by the European Network Against Racism (ENAR). PICUM director Michele LeVoy made a presentation in the session on human rights and migration. The seminar was attended by ENAR sections from throughout Europe.

- **Joint associative meeting for members of Médecins sans Frontières (MSF) sections in the OCB-group (MSF-Belgium, Denmark, Hong Kong, Italy, Luxemburg, Norway and Sweden), 7-8 November 2008.** The meeting was attended by some 300 persons (Heads of Mission and Medical Coordinators, national and headquarters staff, board members and individual members). PICUM Director Michele LeVoy made a presentation in the panel entitled “What Involvement Should or Could MSF Have with Migrants?”
- **Zugang zur Gesundheitsversorgung von Menschen ohne Aufenthaltsstatus in Deutschland: Möglichkeiten, Grenzen und Lösungsansätze (“Access to health care for people without residence status in Germany: possibilities, limitations and approaches”)**, 19 November 2008, Munich, Germany, organized by Doctors of the World, Café 104, and IPPNW. In addition to her presentation about her organization’s work in Munich, Margret Spohn, Stelle fuer interkulturelle Arbeit Muenchen, who was a member of PICUM’s previous EU project on undocumented migrants’ access to health care, briefly presented some of the findings of PICUM’s research on this issue.
- **International Trade Union Conference on Combating Forced Labor and Human Trafficking**, 21-23 November 2008, Athens, organized by the ITUC, ETUC and GSEE. At this conference, which was organized on the 90th anniversary of the founding of the Greek General Confederation of Labor, PICUM Director Michele LeVoy made a presentation in the panel entitled “Trade Unions, NGOs and Civil Society Cooperate to Fight Forced Labor and Human Trafficking.”
- **Seminar for the Promotion of Sexual and Reproductive Health Rights of Refugees and Asylum Seekers in Europe and Beyond**, 21 November 2008, organized by the International Centre for Reproductive Health, Ghent, Belgium. PICUM Programme Officer Eve Geddie gave a presentation on ‘Access to Health Care for Undocumented Women in Europe’ with specific emphasis on sexual and reproductive health. The event provided a forum for a wide range of experts to present on the sexual and reproductive health of migrants in the EU and also served as the launch of the ICRH network (EN-HERA). More information on this network is available at: <http://www.icrh.org/>
- **ILO-ICMPD project “Elimination of Human Trafficking from Moldova and Ukraine through labour based measures”, Regional Workshop to prepare a network of Trade Union Focal Points in source and destination countries**, 25–26 November 2008, Kiev, Ukraine. PICUM member Sabine Craenen and chair of PICUM’s working group on fair working conditions made a presentation entitled “Trade Union and NGO Cooperation in the Case of Exploitation of Migrant Workers.”
- **Gesundheitliche Versorgung von Menschen ohne Papiere: Kongress Armut und Gesundheit 2008, Forum Migration. 7. Interdisziplinäres Migrations-Symposium der Alice Salomon Hochschule Berlin und der Charité-Frauenklinik**

**(Health Care for Undocumented Migrants: Conference on Poverty and Health 2008, Forum Migration. 7th Interdisciplinary Migration Symposium of the Alice Salomon University of Applied Sciences Berlin and the Charité Women's Ward),** 5-6 December 2008, Berlin. Gisela Penteker, PICUM member from Flüchtlingsrat Niedersachsen, Ottendorf, Germany, made a presentation on access to health care for undocumented migrants in Europe. The proceedings from this workshop will be published in book format.

- **Shaping European Policies on Immigration, Borders and Asylum: Giving a Voice to Civil Society,** 9-10 December 2008, Brussels, organized by the Center for European Policy Studies (CEPs), ENAR, and the European Economic and Social Committee. PICUM director Michele LeVoy made a presentation on the employers sanctions directive in the roundtable on irregular migration.
- **Third European Forum on the Rights of the Child,** 9 December 2008, Brussels, organized by the European Commission. PICUM program officer Luca Bicocchi attended the forum and advocated for the rights of undocumented children.
- **AMAC Project “Assisting Migrants and Communities: Analysis of Social Determinants of Health and Health Inequalities,” 2nd Thematic Workshop,** 16-17 December 2008, Brussels, organized by the International Organization for Migration (IOM). PICUM Program Officer Eve Geddie participated in the workshop and Director Michele LeVoy gave an overview of the CLANDESTINO Project in the panel on “Perspectives for Health Care for Undocumented Migrants.”
- **II Jornadas de Inmigración, Salud y Voluntariado (“Symposium on Immigration, Healthcare and Voluntary Work”),** 18 December 2008, Algeciras (Cádiz), Spain, organized by the Servicio Andaluz de Salud, Consejería de Salud. PICUM board member Reyes Castillo made a presentation on undocumented migrants’ access to health care in Europe.
- **Promoting Social Inclusion of All – the Case of Undocumented Migrants,** 18 December 2008, Brussels, organized by Caritas Europa. PICUM Director Michele LeVoy made a presentation entitled “The European Union and the Promotion of Social Inclusion for All – What Place for Undocumented Migrants?” at this seminar which was attended by Caritas organizations from Europe.
- **“Bridges, Not Walls” Steering Committee and the CRID Working Group members,** 5 January 2009 at CRID, Paris. Eve Geddie, PICUM Programme Officer, attended this steering committee meeting to provide feedback on the Second Euro-African non-governmental conference held in October and share views and suggestions on the future of the “Bridges, Not Walls!” initiative.
- **Meeting of the partners of the Médecins du Monde “Averroès” European project,** 28-30 January 2009, Paris. PICUM Director Michele LeVoy made a presentation about undocumented migrants in Europe at this meeting of the Averroès

project, which was attended by Medecins du Monde sections throughout Europe. One of the Averroès' project aims is to improve access to health care for undocumented migrants in Europe.

- **Samahan Forum and film session on OFWs (Overseas Filipino Workers)**, 1 February 2009, Brussels, Belgium. Eve Geddie, PICUM Programme Officer, participated on the panel discussion along with other NGOs and a representative from the Filipino consulate following the viewing of the film 'Ina...Anak, Pamilya' which covered the effects of family separation caused by the emigration of Filipino parents to find work abroad. PICUM noted the vulnerable situation of undocumented migrants in Europe and gave information on its new gender strategy which would seek to address the specific situation of undocumented migrant women.
- **Tripartite Regional Conference in Tbilisi to address all forms of Trafficking in Human Beings in the Caucasus and related destination countries**, 19-20 February 2008, Tbilisi, Georgia, organized by the ILO, ICMPD, OSCE, UNDP, ODIHR and IOM. PICUM Director Michele LeVoy participated in this conference and co-led the NGO Forum, which was attended by representatives of NGOs and trade unions from more than 20 countries of origin, destination and transit in the Caucasus region, Central and Eastern Europe, as well as Israel and Turkey.
- **Meeting to discuss Russian research on good practices to protect migrant workers**, 10 February 2009, Warsaw, Poland, organized by the Anti-Trafficking Program of the ODIHR/OSCE. Participants discussed how PICUM's model for protecting undocumented workers ("Ten Ways to Protect Undocumented Migrant Workers") could be applied to the situation in Russia, and how feasible it would be to collect examples of good practices from NGOs, trade unions as well as local authorities in protecting workers in Russia.
- **First meeting of the EU Stakeholders Expert Group on the 2010 European Year for Combating Poverty and Social Exclusion**, 3 March 2009, Brussels, Belgium. PICUM Director Michele LeVoy participated in this meeting which was organized by the European Commission on the state of play and planned activities concerning the 2010 European Year.
- **Federal Working Group on Health and Irregular Migration, German Institute for Human Rights**, Berlin, 4 March 2009. PICUM's Project Officer Martina Fava made a presentation on the EU CLANDESTINO Project, and provided the participants, mainly NGOs, GPs and academics, with an overview of PICUM's aims and activities.
- **Meeting of the Mainstreaming Group on Discrimination, European Anti-Poverty Network (EAPN)**, 20 March 2009, Brussels, Belgium. PICUM Director Michele LeVoy made a presentation about PICUM's priorities in 2009 and avenues for potential collaboration with national members of the EAPN network focusing on social inclusion and anti-poverty mechanisms.

- **International Dialogue on Migration, Intersessional Workshop on “Effective Respect for the Human Rights of Migrants: A Shared Responsibility,”** 25 - 26 March 2009, Geneva, Switzerland, organized by the International Organization for Migration (IOM). PICUM Director Michele LeVoy made a presentation in the panel entitled “Fighting Discrimination and Promoting Integration: Human Rights Challenges for Migrants and Societies” this event was attended primarily by governmental and missions representatives in Geneva.
- **First Meeting of the European Integration Forum,** 20-21 April 2009, Brussels, Belgium, organized by the European Commission, DG Justice, Freedom and Security, and the European Economic and Social Committee (EESC). PICUM Director Michele LeVoy attended this meeting and raised issues concerning the lack of inclusion of undocumented migrants in the official integration policy of the EU.
- **Durban Review Conference, OHCHR Side Event on “Discrimination, Migration and Economic, Social and Cultural Rights,”** organized by the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO) and the International Organization for Migration (IOM), 24 April 2009, Geneva, Switzerland. PICUM Director Michele LeVoy was the only civil society representative on a distinguished panel which included the chair of the Migrant Worker’s Committee of the UN, the UN Special Rapporteur on the Human Rights of Migrants, and the Head of the ILO’s Migration Program.
- **European Union Agency for Fundamental Rights (FRA) Second Meeting of the Fundamental Rights Platform,** 5-6 May 2009, Vienna, Austria. PICUM Director Michele LeVoy attended this meeting at which participants gave feedback on the FRA’s 2010 Work Program and discussed other issues of relevance to the FRA’s work.
- **The 5<sup>th</sup> Annual World Health Care Congress Europe 2009, Leadership Forum on “Addressing Patient Population Disparities: Managing Diversity to Optimize Care,”** 13 May 2009, Brussels, Belgium. PICUM Director Michele LeVoy made a presentation on access to health care for undocumented migrants in Europe at this conference which was attended primarily by government officials, hospital directors, IT innovators, decision makers from private and public insurance funds, pharmaceutical and medical device companies, and health care industry suppliers.
- **Final Meeting of the ‘MIGHEALTHNET’ Project,** Brussels, 15 April 2009. PICUM Programme Officer Eve Geddie attended the closing meeting of the Mighealthnet Project of which PICUM has been a collaborative partner since 2007. Supported by the EC's Directorate-General Health and Consumer Protection (DG SANCO), the project established an information network on good practice in health care for migrants and minorities in Europe. For more information visit: [http://mighealth.net/index.php/Main\\_Page](http://mighealth.net/index.php/Main_Page)

- **Nowhereland Project Interim Partner Meeting, 21-22 April 2009**, Vienna, Austria. PICUM Programme Officer Eve Geddie attended this working meeting to finalize the practice and people questionnaire.
- **Humanity in Action (HiA) Training Seminar on Campaigning for Minority Rights in Europe**, Brussels, 24 April 2009. PICUM Programme Officer Eve Geddie represented PICUM at the closing keynote address of this seminar alongside 35 of HiA's Senior Fellows and keynote speaker Mr. Morten Kjaerum, Director of the EU Agency for Fundamental Rights (FRA).
- **Roundtable Discussion on Migrant Women**, Brussels, Belgium, 13 May 2009, organized by GERME (Groupe d'Etudes sur l'Ethnicité, le Racisme, les Migrations et l'Exclusion), ULB. As part of a research consortium on migration and integration of migrant women in Belgium, GERME will carry out research on Latin American women in Belgium. Martina Fava, PICUM program officer, contributed to the round table by discussing some of the preliminary findings of PICUM's 3-year strategy on protecting undocumented women.
- **Second Symposium on Migration, Diversity and Human Rights (II Jornadas sobre Migraciones, Diversidad y Derechos Humanos)**, 9 May 2009, Valencia, Spain, organized by the CeiMigra Foundation School of Intercultural Citizenship (Escuela de Ciudadanía Intercultural de la Fundación CeiMigra), an entity of the Autonomous Community of Valencia. PICUM board member Reyes Castillo contributed to the round table on "Social Participation, Human Rights and Immigration" with an analysis of social movements and PICUM's experience in defending undocumented migrants' rights.
- **8th European Meeting of People Experiencing Poverty**, 15-16 May 2009, Brussels, Belgium, supported by the European Commission and Czech Presidency of the EU and organized jointly with the European Anti-Poverty Network (EAPN). PICUM Director Michele LeVoy attended this meeting which sought to listen to people experiencing poverty, and to establish a dialogue with policy and decision-makers in the field of fighting poverty and social exclusion at the European and at national levels.
- **Expert Meeting to Discuss the Upcoming FRA Research on the Situation of Irregular Immigrants in the EU**, 20 May 2009, Vienna, Austria, organized by the Fundamental Rights Agency (FRA). PICUM Director Michele LeVoy attended this meeting which aimed to discuss categories of non-removable persons to be covered by the research, research deliverables and methodology of the upcoming FRA research on this issue.
- **3<sup>rd</sup> Nowhereland project meeting**, Malmo, Sweden, 27 May 2009. PICUM Director Michele LeVoy and PICUM project officer Eve Geddie participated at this meeting to discuss PICUM's work package and present the template PICUM would use in its interviews with NGOs.

- **Buiten de lijntjes? Mensen zonder wettig verblijf in het algemeen welzijnswerk (“Outside the lines? Undocumented migrants within social work”)**, organized by the Steunpunt Algemeen Welzijnswerk and the Vlaams Minderheden Centrum, 29 May 2009, Brussels, Belgium. PICUM Director Michele LeVoy made a presentation at this seminar which brought together social workers and local authorities from Brussels and Flanders, Belgium.
- **COST Meeting - The Role of NGOs and CSOs in Health Care for Migrants and Ethnic Minorities**, Lisbon, Portugal, 3-4 June 2009. PICUM Programme Officer Eve Geddie gave a presentation on the role of civil society organisations in guaranteeing undocumented migrants’ right to health care in Europe.
- **Side Event to the UN Human Rights Council on “Migrant Children: Unprotected and Neglected in Migration Policies?”** Organized by Migrant Forum in Asia (MFA), Migrants Rights International (MRI), National Network for Immigrant and Refugee Rights (NNIRR) and PICUM, 4 June 2009, Geneva, Switzerland. PICUM Director Michele LeVoy presented PICUM’s research on undocumented children on a panel which included UN Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante.
- **European Forum “The Distinctive Contribution of the Arts to Intercultural Dialogue. A View from and on the Arts”**, organized by the Platform for Intercultural Europe, 8 June 2009, Brussels, Belgium. PICUM member Joanne Evans-Boiten of the Scots International Church made a presentation about the project *Status: A Stage for People Without Papers* a play produced by the Mamre project and the Rotterdams Wijktheater. Through the play, undocumented people were given the opportunity to share their experiences with other uprooted and interested people. (See also April 2009 PICUM Newsletter for more information about the play).
- **Fighting Poverty, Creating Opportunities: European Foundation Center (EFC) 20<sup>th</sup> Annual General Assembly and Conference**, 14-16 May 2009, Rome, Italy. PICUM board member Pede Saija was one of the keynote speakers at a **special plenary session entitled “Migration and Poverty: Where Are Foundations When You Need Them?”** The conference was addressed by the Italian President and on the same day, legislation concerning undocumented migrants was considered by the Italian Parliament. This led to the conference approving, by acclamation, a statement in which they proclaimed their support for a human rights approach to the issue of immigration (see <http://www.efc.be/agenda/event.asp?EventID=6617>)
- **Protéger les plus vulnérables : les mineurs sans-papiers, (Protect the most vulnerable : undocumented children)**, 6 May 2009, Paris, France, round table discussion organized by the Colégio de España (College of Spain). PICUM Program Officer Martina Fava presented the organization’s research and findings on undocumented children in Europe. Other keynote speakers included a representative of the Spanish Defensor del Pueblo (Ombudsman) for immigrants and for children.



- **L'accès aux soins de santé des sans-papiers: un droit respecté et appliqué en Belgique? (Access to health care for undocumented migrants: a right which is respected and applied in Belgium ?)**, conference organized by Siréas and Médecins du Monde, Brussels, 23 June 2009. PICUM member Veerle Evenepoel of Medimmigrant made a presentation on the entitlements and obstacles faced by undocumented migrants in gaining access to the mainstream health care system in Belgium, as well as the situation in other EU member states.
- **European Program on Integration and Migration (EPIM) Workshop on Advocacy on Immigration and Integration Issues**, 10-11 June 2009, London, UK. PICU Director Michele LeVoy made a presentation on “Strategies to Promote the Social Inclusion of Undocumented Migrants: PICUM’s Advocacy within the EU Social Inclusion – Social Protection Process” this workshop which was organized by the Network of European Foundations (NEF) EPIM project, was to bring together grantees.
- **Hearing on Fundamental Rights and Immigration**, European Economic and Social Committee, 16 June 2009, Brussels, Belgium. PICUM Director Michele LeVoy was invited to make a contribution on undocumented migrants’ human rights in order to contribute to the opinion elaborating process of the EESC on its own initiative opinion on *Respect for fundamental rights in European policies and legislation*.
- **“Ze komen, blijven en blijven komen” op zoek naar een duurzaam migratiebeleid een oplossing voor illegaliteit? (“They come, stay, and keep coming”: In search of a sustainable migration policy as a solution to illegality?)**, conference organized on 17 June 2009, Rotterdam, Netherlands, by the Rotterdams Ogedocumenteerden Steunpunt (Stichting ROS). PICUM member Rian Ederveen of Stichting LOS made a presentation about the rights of undocumented migrants in Europe, in areas including health care, education, admission rights, regularization, etc.
- **“Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in the Western Balkans”**, Skopje, the former Yugoslav Republic of Macedonia, 22-26 June 2009, organized by the International Labor Organization (ILO), International Organization for Migration (IOM) and the European Commission. PICUM board member Edel Mc Ginley gave a **2-hour training session entitled “Best Practices and Policies to Address Irregular Employment of Foreigners in the EU”** at this labor migration training which was addressed to a group of approximately 30 policy makers, social partners and practitioners included in the implementation of the Macedonian National Labor Migration Policy.
- **The Debate: Is Climate Change an Opportunity or a Threat for Swedes? Europarl TV program**, 8 July 2009. PICUM Director Michele LeVoy was one of three panelists on Europarl TV, which addressed the upcoming priorities of the Swedish Presidency, including immigration as foreseen in the upcoming Stockholm

Program. The debate was chaired by Jim Gibbons, and the two other panelists were Swedish MEPs Gunnar Hokmark, Group of the European People's Party, and MEP Christian Engström from the Group of the Greens.

- **The Open Society Institute (OSI) Migration Strategy Development Meeting, “Determining Principles & Areas of Engagement for the Network, 2010-2015,”** 14-16 July 2009, New York, USA. PICUM Director Michele LeVoy was one of five external experts invited by OSI to provide input to the discussions amongst its network members about their current level of engagement in the area of migration and identification of areas for further involvement. Michele made a presentation in the session entitled “Promoting Access to Justice for Migrants: Protecting the Full Range of Human Rights—Political, Economic, and Social Rights—of Migrants Before, During, and After the Migration Process.”

## 4.4 Academic Dissemination of Project Findings

### ELIAMEP Publications

#### Triandafyllidou, A.

##### Themed Issues

- 2010 (guest editor with D. Vogel and F. Duvell) *Irregular Migration: Data, Discourses and Policies*, Theme Issue, *International Migration*, under review.
- 2009 (guest editor with C. Gonzalez Enriquez) *Migration Management and Control Policies in Southern Europe: Laws, Processes and Outcomes*, Theme Issue, *European Journal of Migration and Law*, 11, 2, summer 2009.
- 2008 *The Governance of International Migration in Europe and North America: Do Migration Policies Meet the Migrants?* Theme Issue, *Journal of Immigrant and Refugee Studies*, 6, 3, fall/winter 2008.

##### Journal Articles and Chapters in Edited Volumes

- 2010 'Irregular Migration in 21<sup>st</sup> Century Europe' in A. Triandafyllidou (ed) *Irregular Migration in Europe. Myths and Realities*, Aldershot: Ashgate, in press.
- 2010 (with M. Ilies) 'EU Policies on Irregular Migration' in A. Triandafyllidou (ed) *Irregular Migration in Europe. Myths and Realities*, Aldershot: Ashgate, in press.
- 2010 (with D. Vogel) 'Irregular Migration in the European Union. Evidence, Facts and Myths' in A. Triandafyllidou (ed) *Irregular Migration in Europe. Myths and Realities*. Aldershot: Ashgate, in press.
- 2010 'Immigration to Greece' in Uma A. Segal, Nazneen S. Mayadas, and Doreen Elliott (eds) *Immigration Worldwide*. New York, NY: Oxford University Press, in press.
- 2009 (with Daria Lazarescu) The Impact of the Recent Global Economic Crisis on migration. Preliminary Insights from the Southeastern Borders of the EU (Greece), Report prepared for the CARIM project, available at [www.carim.org](http://www.carim.org), Athens, August 2009, last accessed on 5 September 2009.
- 2009 (co-authored with B. Papadodima) 'Políticas de control en Europa del Sur. ¿Una tarea de Sisifo?', *Recorridos Migratorios*, spring 2009, in Spanish.
- 2009 'Greek Immigration Policy at the Turn of the 21<sup>st</sup> Century. Lack of Political Will or Purposeful Mismanagement?', *European Journal of Migration and Law*, 11, 2, 159-178.
- 2009 (with C. Gonzalez Enriquez) 'Introduction: Comparing the New Hosts of Southern Europe,' *European Journal of Migration and Law*, 11, 2, 139-158.
- 2009 'Adjusting the EU's Immigration Policy: Between the Demographic and the Economic Challenge' in O. Cramme (ed) *An EU "Fit for Purpose" in the Global Age*, London: Policy Network, October 2009.
- 2009 (with F. Düvell and B. Vollmer) 'Ethical Issues in Irregular Migration Research in Europe' *Population, Space and Place*, in press, end 2009.

- 2009 *Managing Migration in the EU: Mobility Partnership and the European Neighbourhood*, ELIAMEP Thesis, 1/2009, Policy Paper available at [www.eliamep.gr/en/](http://www.eliamep.gr/en/)
- 2008 'European Migration Policy and the Labour Market. Thinking Outside the Square' in E. Fabry and G. Ricard-Nihoul (eds) *Think Global Act European. The Contribution of European Think Tanks to the French, Czech and Swedish Presidencies of the European Union*, Paris: Fondation pour l'innovation politique Notre Europe, pp.174-180 available at: [http://www.tgae.eu/fileadmin/Stockage/TGAE/Etude\\_Think\\_Global\\_Act\\_European\\_Eng.pdf](http://www.tgae.eu/fileadmin/Stockage/TGAE/Etude_Think_Global_Act_European_Eng.pdf).
- 2008 (with T. Maroukis) 'Irregular Migration Flows and the Management of the EU's Southern Maritime Borders: The Case of the Greek Islands' in *Documentos CIDOB Migraciones*, No. 16, Barcelona: CIDOB.
- 2008 'The Governance of International Migration in Europe and North America. Looking at the Interaction Between Migrants' Plans and Migration Policies' in *Journal of Immigrant and Refugee Studies*, 6, 3, 281-297.
- 2008 (with A. Lyberaki, M. Petronoti and R. Gropas) 'Migrants' Strategies and Migration Policies. Towards a Comparative Picture' in *Journal of Immigrant and Refugee Studies*, 6, 3, 475-488.
- 2008 *Controlling Migration in Greece: Policies, Problems and Opportunities*, Policy Analysis Paper (ARI), Real Instituto Elcano, 1 April 2008, available at: [http://www.realinstitutoelcano.org/wps/portal/rielcano\\_eng/Content?WCM\\_GLOBAL\\_CONTEXT=/Elcano\\_in/Zonas\\_in/ARI35-2008](http://www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/Elcano_in/Zonas_in/ARI35-2008)

### Conference Papers and Chairing of Conference Panels/Workshops

#### Triandafyllidou, Anna

- 2009 Chaired a Seminar on '*Strengths and Weaknesses of the US Immigration System*' by Robert Divine, Former US Secretary of State, Immigration Lawyer, 29 September 2009, ELIAMEP, Athens, see also: <http://clandestino.eliamep.gr/strengths-and-weaknesses-of-the-us-immigration-system/#more-802>2009 (with R. Gropas) '*Political Challenges Arising from Migration-Related Diversity in Greece*' presented at the 5<sup>th</sup> ECPR Conference, Potsdam, Germany, 10-12 September 2009.
- 2009 (with E. Recchi) '*Westbound: The Changing Face of Intra-EU Migration After the Union's Enlargement*' paper presented at the European Sociological Association Annual Conference, Lisbon 2-5 September 2009.
- 2009 **Invited** to chair a session on 'Managing Migration in the European Union' and to participate in a Roundtable on 'The Way Forward' at a Conference on '*The Pathways and Experiences of Undocumented Migrants*' organized by the London Metropolitan University, in London on 4 February 2009.
- 2008 **Invited** to give a talk on '*Irregular Migration and the Management of the EU's Southern Maritime Borders: the Case of the Greek Islands*', in a workshop on *Climate Change and Migration. The Human Security Risk in the Mediterranean Region*, at the 13<sup>th</sup> International Anti-Corruption Conference, 30 October-2 November 2008, Athens.

- 2008 **Invited** to give a talk on ‘Discrimination in the Greek Labour Market. The Case of Immigrant Workers’ at a conference on ‘Employment and Integration of Migrants into Local Contexts’ organized by Harokopio University of Athens, in Athens, 31 October 2008.

### **Maroukis, Thanos**

#### **Book**

- Maroukis, T. (2009), ‘*Economic Migration in Greece: Labour Market and Social Inclusion*’, Athens: Papazisi, (in Greek), (in print)

#### **Journal articles and chapters in edited volumes**

- Maroukis, T., Iglucka, K. & Gmaj, K. (forthcoming) (2010), Irregular Migration and Informal Economy in Southern and Central-Eastern Europe: Breaking the Vicious Cycle?, *International Migration*
- Maroukis, T. & Triandafyllidou, A. (forthcoming) (2010), Muslim Immigrants in Greece: Insights into the Role of Religion in a Context of Socio-Economic Marginalisation, *British Journal of Sociology*
- Maroukis, T. (forthcoming) (2009), Irregular Migration in Greece: Size and Features, Causes and Discourses, in Anna Triandafyllidou (ed.), *Irregular Migration in Europe: Myths and Realities*, Aldershot: Ashgate
- Maroukis, T. (forthcoming) (2009), ‘Informal Domestic Labour and Migration: An Opportunity for a Different Labour Market Perspective’, *Journal Social Cohesion and Development*, Athens: Dionikos (in Greek)
- Maroukis, T. (forthcoming) (2009), Albanian Immigrants: The Close ‘Strangers’, in Anna Triandafyllidou & Thanos Maroukis (eds), *Migration in 21<sup>st</sup> Century Greece*, Athens: Kritiki (in Greek)
- Maroukis, T. & Triandafyllidou A.(2008), Immigration Flows and the Management of the EU’s Southern Maritime Borders: The Case of the Greek Islands, in *Documents CIDOB – ImmigrationFlows and Management of the EU’s Southern Maritime Border*, No. 17, Barcelona: CIDOB, pp. 63-82

#### **Conference papers**

##### **Thanos Maroukis**

- 2009 ‘Irregular migration and informal economy in Southern and Central-Eastern Europe: breaking the vicious cycle?’, paper presented at the Workshop *Irregular Migration in Europe in Comparative Perspective* organized by the Hellenic Foundation for European and Foreign Policy in the context of the research project CLANDESTINO in Athens, 28 April 2009
- 2009 ‘Subcontracting and Irregular Migration: the case of cleaners and carers in Greece’, paper presented at the Workshop *Irregular Migration and Informal Economy: lessons from Southern and Central-Eastern Europe*, organised by the Hellenic Foundation for European and Foreign Policy and PICUM (Platform of International Cooperation for Undocumented Migrants) in the context of the CLANDESTINO research project in Athens, 27 April 2009.
- 2008 ‘Social Capital in Low Status Jobs: Staying In, Moving Out and How? Reflections on the Migrant-Supplied Care and Domestic Services Industry in

- Greece’, paper presented at the Conference *Post-Immigration Minorities, Religion and National Identities* organised by the University of Bristol in the framework of the Leverhulme Programme on Migration and Citizenship, in Bristol, 14-15 November 2008
- 2007 ‘Greek Public Administration, Immigrants and Research Challenges’ paper presented at a Conference on *International Practices for the SocioEconomic Integration of Migrants* organized by the consortium *Xenios Dias*, Athens, 22-23 November 2007.
- 2007 ‘Migrants’ Rights and Our Rights: Between Holistic and Fragmented Policies’, paper presented at the EuroMesco annual conference *A Common Agenda Against Intolerance: Human Rights as a Shared Concern*, in Lisbon, 3-4 October 2007.

## Centre for International Relations

### Project Publications

- Iglicka K. and Gmaj K. (2008) *Undocumented Migration. Counting the Uncountable. Country Report - Poland* , <http://clandestino.eliamep.gr/clandestino-country-reports>
- Iglicka K. and Gmaj K. (forthcoming). *POLAND* in: Triandafyllidou A. (ed.), *Irregular Migration in Europe. Myths and Realities*, Ashgate.
- Maroukis T, Iglicka K., Gmaj K. (forthcoming). *Irregular Migration and Informal Economy in Southern and Central-Eastern Europe: Breaking the Vicious Cycle?*, for special issue of *International Migration*.

### Other Publications

#### Krystyna Iglicka

- Iglicka K. (forthcoming), *Powroty Polaków po 2004 roku. W pętli pułapki migracji*, Warsaw, Scholar
- Iglicka K (2009) *Bilans kosztów i korzyści najnowszej fali migracji zarobkowej z Polski oraz konsekwencje tego odpływu* , in: *International Migration and State Policy for Families*, Biuletyn RPO, Materiały. Zeszyty Naukowe: 47-55
- Iglicka K. (2008), *Kontrasty migracyjne Polski. Wymiar transatlantycki*, Warszawa: Scholar
- Iglicka, K., Weinar, A. (2008), *Ukrainian Migration in Poland from the Perspective of Polish Policies and Systems’ Theory*, in *Journal of Immigrants & Refugee Studies*, vol. 6, no 3:356-366 .
- Iglicka, K., (2008), ‘Rola polityki migracyjnej Polski w kształtowaniu migracji z Ukrainy z perspektywy teorii systemów’, w K. Słany (red), *Migracje kobiet. Perspektywa wielowymiarowa*, Wydawnictwa Uniwersytetu Jagiellońskiego, Kraków.

#### Katarzyna Gmaj:

Gmaj K. (2008), *Chechens in Poland – Life in a Vacuum or on the Highway to the West*, in: Finklestein M. I Dent-Brown K. (eds) “Psychosocial Stress of Immigrants and Minority Groups, as a Factor of Terrorist Behavior”, IOS Press, seria: NATO Science for Peace and Security Series - E: Human and Societal Dynamics, Amsterdam.

## HWWI

### Project Publications:

- Cyrus N. (2008). CLANDESTINO Country Report Germany: Undocumented Migration Counting the Uncountable. Data and Trends across Europe, final version, December 2008 ([http://irregular-migration.hwwi.net/Germany\\_Database.5795.0.html](http://irregular-migration.hwwi.net/Germany_Database.5795.0.html))
- HWWI (2009). 12 Country Tables with Quality Assessment of Stock Estimates, <http://irregular-migration.hwwi.net>
- Kovacheva V., Vogel D. (2009). Neue Datenbank: illegal in Europa, in: Migration und Bevölkerung Ausgabe 3, März-April 2009
- Kovacheva V., Vogel D. (2008). Wie viele irreguläre Migranten gibt es in Europa?, *HWWI Update*, 09, Hamburg: Hamburgisches WeltWirtschaftsinstitut (HWWI), Oktober 2008
- Kovacheva V., Vogel D. (2009). The Size of the Irregular Foreign Resident Population in the European Union in 2002, 2005 and 2008: a Dynamic Aggregate Country Estimate, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.4, [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)
- Vogel D. (2008). Classifying the Quality of Estimates, Chapter 4, in: Methodological Report for CLANDESTINO, final version, November 2008
- Vogel, D., and Kovacheva, V. (2009): The Size of the Irregular Foreign Resident Population in the European Union in 2002, 2005 and 2008: a Dynamic Aggregate Country Estimate, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.4, [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)
- Vogel D. (2009). How Many Irregular Residents are There in Germany? Estimates on the Basis of Police Criminal Statistics, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.3, [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)
- Vogel D., Kovacheva V. (2008). Classification Report: Quality Assessment of Estimates on Stocks of Irregular Migrants, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.1., [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)



Vogel D., Kovacheva V. (2009). Illegal in Europa - Neue Datenbank liefert Zahlen und Dokumentationen, *HWWI Update*, 02, Hamburg: Hamburgisches WeltWirtschaftsinstitut (HWWI), February 2009

Vogel D., Jandl M. (2008). Introduction to the Methodological Problem, Chapter 1, in: Methodological report for CLANDESTINO, final version, November 2008

### **Related publications:**

Cyrus N., Vogel, D. (2008). [Irregular Migration in Europe – Doubts About the Effectiveness of Control Strategies](http://www.focus-migration.de/index.php?id=2874&L=1), focus Migration Policy Brief No. 9 <http://www.focus-migration.de/index.php?id=2874&L=1>

Cyrus N., Vogel, D. (2007). Briefing Note for the Hearing on Economic Migrant Workers. European Parliament. DG Internal Policies of the Union. Policy Department Economic and Scientific Policy. IP/EMPL/2007-058 [http://www.europarl.europa.eu/hearings/20071008/empl/cyrus\\_en.pdf](http://www.europarl.europa.eu/hearings/20071008/empl/cyrus_en.pdf)

Vogel D., McDonald W., Düvell F., Jordan B., Kovacheva V., Vollmer B. (2009). Police Cooperation in Internal Enforcement of Immigration Control: Learning from International Comparison; in: William McDonald (ed.) Immigration, Crime and Justice. Sociology of Crime, Law, and Deviance, Volume 13. Bingley, UK: Emerald/JAI Press, 205-241

Vogel D. (2009). How Many Irregular Residents are There in Germany? Estimates on the Basis of Police Criminal Statistics, Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.3, [http://irregular-migration.hwwi.net/Working\\_papers.6113.0.html](http://irregular-migration.hwwi.net/Working_papers.6113.0.html)

Vogel D. (2009). Irreguläre Migration. Sperrklinkeneffekte verstärkter Grenzkontrollen. In: Insights, Das Magazin für Freunde und Förderer des Hamburgischen WeltWirtschaftsinstituts (HWWI), Heft1/2009, pp.23-25.

Vogel D., Assner M. (2009a). Menschen ohne Papiere - Stand der Forschung und daraus resultierende Erwartungen für Hamburg; Leben in der Schattenwelt. Studie zur Situation von Menschen ohne gültige Papiere in Hamburg. Eine Feldstudie im Auftrag des Diakonischen Werks Hamburg. Arbeitspapier 2 / Februar 2009.

Vogel D., Assner M. (2009b). Logicom-Methode – eine Methode zur Schätzung der Zahl der Menschen ohne gültige Papiere in einem Gebiet, Studie zur Situation von Menschen ohne gültige Papiere in Hamburg. Eine Feldstudie im Auftrag des Diakonischen Werks Hamburg. Arbeitspapier Nr. 6 / August 2009

Vogel D., Assner M. (2009c). Daten und Berechnungen zu Menschen ohne Aufenthaltsstatus in Hamburg, Studie zur Situation von Menschen ohne gültige Papiere in Hamburg. Eine Feldstudie im Auftrag des Diakonischen Werks Hamburg. Arbeitspapier Nr. 7 / August 2009

Vogel D., Assner M. (2009d). Menschen ohne Aufenthaltsstatus in Hamburg. Schätzungen zu Umfang und Strukturen, Studie zur Situation von Menschen ohne gültige Papiere in Hamburg. Eine Feldstudie im Auftrag des Diakonischen Werks Hamburg. Arbeitspapier Nr. 8 / August 2009



### **Manuscripts:**

- Cyrus N., Kovacheva V. (forthcoming). Undocumented Migration in Germany – Many Figures, Little Comprehension, in: Triandafyllidou A. (ed.), *Irregular Migration in Europe. Myths and Realities*, Ashgate
- Kovacheva, V. (2009, draft). Security Challenges and the Composition of Irregular Resident Populations in Europe: Overestimating the Young Men?, a manuscript prepared for the Conference on Security, Insecurity and Migration in Europe in Leicester, 18-19 September 2009
- Vogel, D. (forthcoming) Unsichtbare Kinder - Illegal in Deutschland, legal in der Schule? in: Heft 2009: Leben und Lernen in der Einwanderungsgesellschaft. Erhard Friedrich GmbH. Publikationsreihe SCHÜLER. Wissen für Lehrer (Publication with material for teachers)
- Vogel D. (2008, draft). Qualitative Methods for Quantitative Results? (?? Should it be here?) The Case of Estimating the Size of Irregular Migrant Populations in Europe, presentation at the Workshop EuroQual, Using Multi-Methods in Social Sciences, 1 – 3 September 2008, Vienna, Austria
- Vogel D., Kovacheva V., Prescott H. (forthcoming). How Many Irregular Migrants are Living in the European Union - Counting the Uncountable, Comparing the Incomparable?, *for special issue of International Migration*

### **Presentations:**

*Dita Vogel:*

- 14.10.2008, Koblenz (Germany) “Irreguläre Migration als Herausforderung für die Sicherheit”; presentation prepared for an internal training seminar of the Federal Armed Forces (Bundeswehr)
- 27.11.2008, St. Gallen (Switzerland) “Managing the demand for a migrant workforce - perspectives and limitations”. Presentation prepared for the Convention on International Law and Politics CILP
- 1.12.2008, Brussels (Belgium) Participation and short presentation of CLANDESTINO plans on the European Migration Network conference workshop on asylum and migration statistics
- 9.1.2009, London (U.K.) Preliminary results of the CLANDESTINO project. Presentation prepared for informal discussion at the London Metropolitan University
- 19.2.2009, Elmshorn (Germany) Illegal in Deutschland. Presentation prepared for the Lions Club Elmshorn
- 28.4.2009, Athens (Greece) “Irregular Migrants in Europe – Counting the Uncountable, Comparing the Incomparable?” Presentation prepared for CLANDESTINO Workshop: Irregular Migration in Europe in Comparative Perspective

- 5.3.2009, Berlin (Germany) „Schätzdaten zu den Dimensionen irregulärer Migration in der Europäischen Union“, 5. Jahrestagung Illegalität „Irreguläre Migration – zwischen Grenzüberschreitung und Ausgrenzung“, Katholische Akademie in Berlin, March 4-6 2009
- 18.3.2009, Hamburg (Germany) “Außen vor und mitten unter uns –Menschen ohne Papiere“. Presentation prepared for the Hamburger Frauenring (a women’s organisation)
- 27.3.2009, London (U.K.) “Feedback-Session: Northern Countries in a European Perspective”, CLANDESTINO Workshop: Understanding Irregular Migration in Northern Europe, March 27-28 2009
- 14.5.2009, Rotterdam (Netherlands) “Irregular Migrants in Europe – Counting the Uncountable, Comparing the Incomparable?” Presentation at the Erasmus University of Rotterdam
- 23.6.2009, Berlin (Germany) „Schätzungen zur Zahl der Ausländer ohne Aufenthaltsstatus. Ergebnisse und Perspektiven“. Presentation prepared for the Sachverständigenrat der deutschen Stiftungen für Migration und Integration (Expert Council of the German Foundations on Migration and Integration)
- 10.7.2009, Bremen (Germany) “Chances of Inclusion and Risks of Exclusion for Migrants in Europe”, Presentation prepared for RECWOWE-ESPAnet, Summer School 2009
- 12.9.2009, Manchester (U.K.) Impregnable Borders: Immigration as a Challenge or a Chance for German Society? Seminar of the German Academic Exchange Service for Former Scholarship Holders from the UK

### **Planned presentations**

- 22.10.2009, Brussels (Belgium) Seminar on Undocumented Migration, organized by Centre for European Policy Studies (CEPS) and Picum
- 13.11.2009, Brussels (Belgium) Presentation on numbers of undocumented migrants in Europe: main research findings of CLANDESTINO and methods used to make sense of the estimates, Conference on Undocumented and Irregular Migration: Policy Developments and Social Implications, Brussels
- 14.1.2009, Leiden (Netherlands) Ever increasing numbers? Estimates of irregular migrant populations in public and scientific discourses, The language of difference: mechanisms of inclusion and exclusion of migrants 1945-2005, Conference at Leiden University (The Netherlands), January 14-15 2010

*Vesela Kovacheva:*

- 29.01.2009, Hamburg (Germany) “Deutschland als Hauptzielland bulgarischer Migranten”, Workshop in Diakonisches Werk, Hamburg, January 29 2009

- 28.03.2009, London (U.K.) “How Do Labour Markets "Create" Irregular Migration? The impact of Policies and Regulations”, CLANDESTINO Workshop: Understanding Irregular Migration in Northern Europe, London, March 27-28 2009
- 28.04.2009, Athens (Greece) “Irregular Migrants in Europe – Counting the Uncountable, Comparing the Incomparable?”, CLANDESTINO Workshop: Irregular Migration in Europe in Comparative Perspective, Athens, April 27-29 2009
- 19.09.2009, Leicester (U.K.) Security Challenges and the Composition of Irregular Resident Populations in Europe: Overestimating the Young Men(??)?, Conference on Security Insecurity and Migration in Europe, at University of Leicester (U.K.), September 18-19 2009

## COMPAS

### CLANDESTINO

- Düvell, Franck, Triandafyllidou, Anna and Vollmer, Bastian, forthcoming 2009, ‘The Ethics of Researching Irregular Migration’, *Population, Place and Space*.
- Düvell, Franck, Flynn, Don, 2008, ‘Undocumented Migrants. Symptom, Not the Problem’, Picum policy paper, Brussels: Picum.
- Düvell, Franck, 2009, *Political and Epistemological Conflicts in Migration Studies: The Case of Transit Migration*; paper presented at IMISCOE workshop Migration flows in Europe: Empirical evidence and theoretical implications, Central European University, Budapest, 25-26/6/2009.
- Düvell, Franck, Vollmer, Bastian, 2009, *Research Findings*, Oxford: Centre on Migration, Policy and Society.
- Vollmer, Bastian, 2010, Irregular Migration and its Implications on Control Measures in the EU – Political Discourses, *International Migration*, forthcoming 2010.
- Vollmer, Bastian, 2009, *Irregular Migration and Transit Migration in Morocco, Turkey and Ukraine*, paper presented at IMISCOE workshop Migration Flows in Europe: Empirical evidence and theoretical implications, Central European University, Budapest, 25-26/6/2009.
- Vollmer, Bastian, 2009, *Comparing Public Discourses on Irregular Migration in Europe*, paper presented at the CLANDESTINO Project Conference, Irregular Migration and Informal Economy/Labour Market - Lessons from Southern and Central Eastern European Countries, Athens, 28/4/2009.
- Vollmer, Bastian, 2009, *Political Discourse and Media Nexus: Examples for Northern European Countries*, paper presented at the CLANDESTINO Project Conference, Understanding Irregular Migration in Northern Europe, London, 27/3/2009.
- Vollmer, Bastian, 2009, *CLANDESTINO Project - Counting the Uncountable: The Case of the UK*, paper presented at the IMES research seminar series, University of Amsterdam, Amsterdam, 24/2009.
- Vollmer, Bastian, 2008, *Ethical Issues in Irregular Migration Research*, paper presented at the COMPAS research seminar series, University of Oxford, Oxford, 6/11/2008.

Vollmer, Bastian, 2008, *Paths into Irregularity in the UK: a Legal Perspective*, paper presented at the COMPAS research seminar series, University of Oxford, Oxford, 29/5/2008.

### **Related**

- Düvell, Franck, Molodikova, Irina (eds) (2009), *Tranzitnaia migratsia i tranzitnie strani: teoria, praktika i politika regulirovania* [Transit Migration, Transit Countries: Theories, Cases, and Politics]. Moscow: University book.
- Düvell, Franck (2009), *Irreguläre Immigration nach Europa: Eine Einführung*. In Christiane Falge, Andreas Fischer-Lescano, Klaus Sieveking (eds), *Gesundheit in der Illegalität. Rechte von Menschen ohne Aufenthaltsstatus*. ZERP-Schriftenreihe 54. Baden-Baden: NOMOS, 2009, 23-44.
- Düvell, Franck, 2009, *Evidence from Central and Eastern Europe and CIS Countries*, Brief, to European Policy Centre, Brussels, Seminar on Asylum Protection vs. Border Control: An Unattainable Balance?, 3/6/2009.
- Düvell, Franck, 2008, 'Clandestine Migration in Europe', *Social Science Information*, 47(4): 479-97.
- Düvell, Franck, 2008, 'Irregular Migration in Europe: Patterns, Causes and Consequences', in Timmerman, Christiane, Bocklandt, Yves, Lodewyckx, Ina (eds), *Grenzlose solidariteit? Over migratie en mensen zonder papieren*. Leuven: Acco, , p. 17-30.
- Düvell, Franck, *Migrants and Refugees on the Fringes of Europe: Transit Migration, Mixed Flows and New Policy Challenges*, *Metropolis World Bulletin*, 8(Oct 2008), 29-32.
- Düvell, Franck, 2008, *Transit, Migration and Politics: Trends and Constructions on the Fringes of Europe*, IMISCOE policy brief 12. Amsterdam: IMISCOE, <http://www.imiscoe.org/publications/policybriefs/index.html>
- Düvell, Franck, 2008, *Transit Migration: A Politicised and Blurred Concept*, keynote, IMISCOE conference on '(Irregular) Transit Migration in the European Migration Space', Istanbul, 18-20/4/2008.
- Düvell, Franck, 2008, *Transit Migration: A Politicised and Blurred Concept*, paper presented at 'First Conference on Irregular Migration', Libyan Academy of Graduate Studies, Tripoli/Libya, 6-7/6/2008.
- Düvell, Franck, 2008, *Ukraine – Immigration and Transit Country for Chechen Refugees*. In Janda, Alexander; Leitner, Norbert; Vogl, Mathias (eds) *Chechens in the European Union*. Vienna: Österreichischer Integrationsfonds, Federal Ministry of the Interior, pp. 79-92.
- Düvell, Franck, 2007, *Irreguläre Migrant/innen in den Städten Europas: wirtschaftliche, ethische und politische Implikationen*; paper presented at '6. Züricher migration conference', Zurich, 14/9/2007.
- Düvell, Franck, 2007, *Irregular Immigration in Europe: Patterns, Causes and Consequences*; Keynote, Antwerp, 'Solidarity Without Borders Conference', Council Hall, 14/11/2007.
- Düvell, Franck, 2007, *Irregular Immigration in Europe: Patterns, Causes and Consequences and (Irregular) Transit Migration in Europe*, Alexander-von-Humboldt lecture, Nijmegen, 26 -28/11/2007.

- Düvell, Franck, 2007, *Between Scylla and Charybdis: Asylum Seekers and Migrants Trapped Between Insufficient Protection Regimes in Ukraine and Inaccessible Safe Countries in Western Europe*, paper presented at 25th Refugee Studies Conference, Oxford, 7-8/12/2007.
- Düvell, Franck, Vollmer, Bastian et al., 2009, Police Cooperation in Internal Enforcement of Immigration Control: Learning from International Comparison. In William McDonald (ed), *Immigration, Crime and Justice*. Sociology of Crime, Law and Deviance, vol 13, Emerald, 207-244.
- Vollmer, Bastian et al. 2009, *Irregular Migrants – The Urgent Need for a New Approach*, London: Migrants' Rights Network.
- Vollmer, Bastian, 2008, *The Making of Policies to Combat Irregular Migration in Germany – Discourses Between 1973 – 1999*, paper presented at ASEF Conference, Defining irregular migrants in Europe in Asia (??), Kuala Lumpur 7-9/1/2008.

### Presentations

- Ice&Fire theatre play, 'The Illegals', Ruskin College, Oxford, 12/3/09.
- Vollmer, Bastian, Workshop Chair, *Role of the Media in Social Policies and Political Discourse - Media and Political Discourse on Irregular Migration and Policy Implications and Challenges Ahead*, CLANDESTINO Project Conference, Understanding Irregular Migration in Northern Europe, London, 27/3/2009.
- Düvell, Franck, *How Migrants Become Irregular: Overview and Comparison of the European Case*, CLANDESTINO Project Conference, Athens, 27/4/2009.
- Panel at IMISCOE workshop Migration Flows in Europe: Empirical Evidence and Theoretical Implications, Central European University, Budapest, 25-26 June 2009, Düvell, Franck, paper, *Political and Epistemological Conflicts in Migration Studies: The Case of Transit Migration*; Vollmer, Bastian, paper, *Irregular Migration and Transit Migration in Morocco, Turkey and Ukraine*.
- Workshop participation, Undocumented Migrants: Policy, Politics, Motives and Everyday Lives, Department of Sociology, City University, London, 10/9/2009.

### Franck Düvell:

- Brief presented on *Evidence from Central and Eastern Europe and CIS Countries*, to European Policy Centre, Brussels, seminar on Asylum Protection vs. Border Control: An Unattainable Balance?, 3/6/2009.
- Participation, Expert Seminar, Undocumented Migrants and Human Rights: Whose Area of Freedom, Security and Justice Under the Stockholm Programme?, Centre for European Policy Studies, Brussels, 22/10/2009.
- Strangers into Citizens, UK, Member of Academic Advisory Board
- *Irreguläre Migrant/innen in den Städten Europas: wirtschaftliche, ethische und politische Implikationen*; paper presented at '6. Züricher migration conference', Zurich, 14/9/2007.
- *Irregular Immigration in Europe: Patterns, Causes and Consequences*; Keynote, Antwerp, 'Solidarity without Borders Conference', Council Hall, 14/11/2007.

- *Irregular Immigration in Europe: Patterns, Causes and Consequences and (Irregular) Transit Migration in Europe*, Alexander-von-Humboldt lecture, Nijmegen, 26 -28/11/2007.
- *Between Scylla and Charybdis: Asylum Seekers and Migrants Trapped Between Insufficient Protection Regimes in Ukraine and Inaccessible Safe Countries in Western Europe*, paper presented at 25th Refugee Studies Conference, Oxford, 7-8/12/2007.
- *Transit Migration: A Politicised and Blurred Concept*, keynote, IMISCOE conference on '(Irregular) Transit Migration in the European Migration Space', Istanbul, 18-20/4/2008.
- *Transit Migration: A Politicised and Blurred Concept*, paper presented at 'First Conference on Irregular Migration', Libyan Academy of Graduate Studies, Tripoli/Libya, 6-7/6/2008.

#### *Bastian Vollmer*

- Advice provided for the Ice&Fire theatre play, 'The Illegals', London, 2008.
- Participation, IMISCOE conference on '(Irregular) Transit migration in the European migration space', Istanbul, 18-20/4/2008.
- *The making of policies to combat irregular migration in Germany – Discourses between 1973 – 1999*, paper presented at ASEF Conference, Defining irregular migrants in Europe in Asia, Kuala Lumpur 7-9/1/2008.

## **ICMPD**

### **Publications**

Albert Kraler, David Reichel, Christina Hollomey (2008): Austria. CLANDESTINO Country Report. CLANDESTINO. Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe. Available at: <http://CLANDESTINO.eliamap.gr/>

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D. Reichel (2009): Czech Republic. In: M. Baldwin-Edwards. and A. Kraler (eds.) : REGINE. Regularisations in Europe. Amsterdam: Pallas Publications

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## **PICUM**

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## **NATIONAL EXPERTS**

### **Clandestino related publications by National Experts**

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**Fasani Francesco** (2007) ‘Cittadini senza diritti: abitare e lavorare a Milano da clandestini’ Dati Naga 2000-2006, [http://www.econpubblica.uni-bocconi.it/folder.php?vedi=4191&tbn=albero&id\\_folder=1306](http://www.econpubblica.uni-bocconi.it/folder.php?vedi=4191&tbn=albero&id_folder=1306), Econpubblica - Bocconi University, WP. 125 (in Italian), last accessed on 7 November 2009.

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