



#### Actors Interviewed:

- Civil society: NGOs, trade unions, migrants' organizations: 13
- Media: 1
- Governmental representatives: 3

## 1. DESCRIPTION OF WORK AND TARGET GROUP

#### Policy Brief:

*"The Czech Republic hosts a large pool of irregular migrant. However, the size of the irregular migrant population rests unknown. Recent expert estimates indicated that it could range from some 40,000 to more than 200,000". (p. 2)*

*"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". (p.2)*

*"Ukraine is the most important source country sending undocumented economic migrants to the Czech Republic as indicated not only by Police data on foreigners apprehended for illegal migration, 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 and 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 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". (p.2-3)*

According to the interviewees, the majority of undocumented migrants entering the country are men. Some amongst the respondents (in particular, NGOs and the governmental representatives) believed that women represent a significant number even though men predominate the overall percentage. Moreover, two NGO representatives pointed out that people who have been trafficked should be also

taken into account whereas two additional respondents noted further that there exist undocumented minors living in vulnerable conditions.

According to the majority of respondents, irregular migrants mainly come from the following countries: Ukraine, Vietnam, China, Mongolia, Russia, Moldova, Belarus and Georgia.

\***Terminology.** The majority used the three following terms: "illegal", "irregular" and "undocumented". Although most of the interviewees use the terms "regular" and/or "undocumented", governmental representatives predominantly used the term "illegal".

## 2. ESTIMATES, DATA, ASSESSMENT OF SIZE AND COMPOSITION OF THE IRREGULAR MIGRANTS' POPULATION

### Policy Brief:

*"The Czech Republic hosts a large pool of irregular migrants. However, the size of irregular migrant population rests unknown. Recent expert estimates indicated that it could range from some 40,000 to more than 200,000". (p. 2)*

*"The size of the irregular migrant population rests unknown. According to official data on illegal 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, which compared to the number of foreigners' apprehensions in 2000 (53,116) indicates a large decrease by almost 86%. Especially, the volume of apprehended for illegal border crossings has dramatically decreased from 30,761 in 2000 to 2,837 in 2007.". (p.2)*

*"There are two main data sources on irregular migration. Data of the Alien Police informs us about apprehended foreigners for illegal border crossing or illegal residence in the territory. Next to that, 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". (p.2)*

*"There are several 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 license (trade license 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 given usually an administrative expulsion.*
- *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". (p.3)*

### **Pathways into Irregular Status**

Irregular migrants seek general assistance and legal advice, including social counselling from NGOs. Public awareness raising through information sessions and policy work are the main tools aiming to empower both undocumented migrants and the civil society. Furthermore, one NGO focused on research intended to further assess migrants' needs and develop projects aiming to design policies.

The majority of the interviewees (NGOs, media and authority) argued that visa overstay is the most common pathway into irregularity; at the same time, the denial of refugee status as well as the loss of employment, hence of working permit, are perceived as two other significant pathways by NGOs. In the Czech Republic, the working permit strictly relies on holding a residence permit. Moreover, four respondents (three NGO representatives and a journalist) mentioned that migrants become undocumented because they have been trafficked while another interviewee pointed out that migrants often become undocumented because they enter the country irregularly.

### **Flows of Undocumented Migrants Coming to the Czech Republic**

One journalist and an NGO representative working on policy level believed that the number of undocumented migrants is increasing due to the economic crisis (they lose their jobs and thus the working permit). On the other hand, three policy makers from the MINISTRY of INTERIOR argued that it is decreasing since the Czech Republic entered the Schengen area.

Eight interviewees amid the NGOs felt that the total yearly number of irregular migrants who approach their organizations is increasing due to the current financial downturn; a lawyer pointed out that his organization was simply facing more requests from migrants. Another interviewee said that the size of irregular migration might be decreasing because of the economic crisis and the increase of unemployment; one other respondent believed that it is steady.

It seems that the financial crisis represents both a pull and push factor for migrants in terms of flows and stocks. On the one hand, the number of migrants coming to the Czech Republic is increasing and NGOs provide more assistance to them. On the other, these migrants are simultaneously willing to move to other countries due to the economic crisis.

### **Numbers of Undocumented Migrants Receiving Assistance from Organizations**

Most NGOs provide some figures regarding the number of undocumented migrants receiving their assistance. Yet there are some NGOs that cannot establish how many undocumented migrants they provide assistance to, mainly because they are not interested in knowing their legal status or keeping record of their data. According to a lawyer, approximately 10 to 20 undocumented migrants visit his office monthly.

An NGO representative said that 2% of the people receiving assistance from his organization are undocumented and that this percentage roughly represents one person per month. Another noted that in 2008, 10 out of the 180 people who asked support from her association were irregular migrants.

One respondent could not determine the number of undocumented Vietnamese visiting her NGO since it recently started providing direct assistance and counselling to migrants while drop-in sessions are offered only once a week.

According to a survey carried out within the framework of their association in collaboration with some other NGOs, two NGO representatives pointed out that from June 2007 until December 2008 there were overall 1535 consultations provided to undocumented migrants.

Two additional NGO representatives noted that half of the people that visited their counselling centre in 2008 were irregular migrants. The two respondents mentioned that 300 phone calls were received from both trafficked people and irregular migrants.

One interviewee argued that the assistance provided by her organization is strictly anonymous. "If a client comes to our advisory centre in Prague, he is not asked to show his passport; we just help him. We go once a week to the detention centre based in Bela, Jezova. The majority of people staying there are undocumented, especially those from Ukraine, but I would not be able to say how many they are", she concluded.

"We do not ask whether or not migrants are documented", a respondent was quoted while stressing that counting is not in the interest of migrants.



### **Figures and Percentages of Undocumented Migrants Living in a Given Geographical Area (Prague)**

According to seven NGOs, estimating the total population of undocumented migrants in their working region is impossible; no guesstimates were attempted by any of the respondents as regards the number and/or percentage of irregular migrants living in the capital city of Prague.

Apparently estimates cannot be provided because of lack of information in the field and due to the fact that interviewees said to be not familiar with figures.

### **Estimates of Undocumented Migrants in the Czech Republic**

#### **Policy Brief:**

*"The Czech Republic hosts a large pool of irregular migrants. However, the size of irregular migrant population rests unknown. Recent expert estimates indicated that it could range from some 40,000 to more than 200,000". (p. 2)*

Providing estimates is hardly feasible due to lack of reliable data. Nevertheless, some 'guess estimates' were pointed out by the following interviewees.

- According to a journalist, 40,000 to 200,000 is the figure representing more closely the total population of undocumented migrants living in the Czech Republic. She classified her 'guess estimate' as extremely 'broad' and could not back it up. She agreed with the estimations provided by CLANDESTINO considering them "close to the truth".
- One NGO representative suggested a figure of 200,000 undocumented migrants living in the region but did not specify any source through which such data may come from.
- According to another interviewee, 200,000 is the number of undocumented migrants living in the Czech Republic. Her speculation stemmed from various

(not specified) governmental data that were studied within the framework of a research. She emphasized the lack of information in the field and the lack of legal avenues for migrants to maintain their regular status.

- Another pointed out that, according to government estimates, there are around 60,000 Vietnamese people regularly staying in the Czech Republic out of which 15,000 might be irregular.
- Three governmental representatives from the MINISTRY of INTERIOR indicated a decrease in migrant apprehensions: from 168 migrants apprehended in 2008 the number reduced to 65 in 2009. The decrease was attributed to better control enforcement by the police. They also said that in 2008, 3,661 irregular migrants were irregularly living in the country whereas only 1,564 such cases were reported in 2009.

To sum up, there is little variety in the estimates given. At the same time, most respondents were not able to refer to any particular data source their estimates might come from.

### **Assessment Regarding Estimates and Views on their Reliability**

#### **Policy Brief:**

*"There are two main data sources on irregular migration. Data of the Alien Police informs us about apprehended foreigners for illegal border crossing or illegal residence in the territory. Next to that, 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 offices controls or data on expulsions, are of very limited use to the discussion of the size of irregular migration. On the other hand, surveys and research in general may serve as a useful data source on irregular migration and its features". (p.2)*

Most of the interviewees believed that reliable data would be useful in raising awareness on the topic. The majority of the respondents noted that figures in the field could represent a powerful tool towards the inclusion of irregular migration in the political agenda.

According to one respondent, data, reliable or not, may prove dangerous since politicians would probably pursue a strict policy of expulsion of all the irregular migrants.

While being aware of the importance of statistics, one NGO representative argued that they are not an important instrument for her organization whose aim is simply to offer irregular migrants a safe informal environment. Two interviewees expressed their concerns as regards usefulness of data. "It is not clear yet to the public opinion what data mean and this might pave the way for misusing them", they were both quoted.

Two additional respondents believed that estimates would contribute greatly to mapping out the needs of this target group. "We would use figures to lobby, provide good arguments to policy makers in order to change the current legislation and say how much irregular migrants are badly affected by it", the two NGO representatives concluded. A journalist pointed out that statistics would indeed be helpful in order to disseminate correct information regarding the issue; "I try to use estimates provided by academics, governmental authorities from the Ministry and the Alien Police, but of course I would like to offer objective data", she was quoted.

One NGO representative reported that according to the Czech Statistics Office, in 2007 the police registered 7,549 cases of irregular migration. She believed that estimating the real number of irregular migrants would be extremely challenging since no 'serious' research on irregular migration is carried

out in the country. "There is only a rough estimation from thousands (according to the Ministry of Interior) to hundred of thousands (as said by NGOs) of undocumented migrants", she said.

A lawyer argued that any estimates provided by academics could show how big the problem is. However, reliable numbers are not an important tool for his field of work and NGOs in general. One interviewee believed that data collected by experts and NGOs working with irregular migrants should be the most reliable to refer to. At the same time, she noted that it is unlikely for the alien police and other governmental bodies to effectively control irregular migrants and their trajectories in the Schengen area. The interviewee observed that many irregular migrants enter the country with valid documents but lose their legal status because they continue to stay in the country after their visa expires. In these cases, NGOs are amongst the few actors that have direct contact with them.

To another respondent, trustworthy numbers would be a good tool to raise politicians awareness of the phenomenon and push them to take action. "Figures are important to understand migration patterns and discuss which policies should be implemented and how", she was quoted. Data would also be a key instrument in showing how many irregular migrants become undocumented. An NGO representative made the same point, underlining that estimates could contribute towards a more informed public debate on the matter and a more successful lobbying of politicians.

Three governmental representatives from the MINISTRY of INTERIOR affirmed that statistics are a crucial basis for the development of several related measures in the field of migration. "Data could be useful to design policies; any methodology which could provide reliable figures would indeed be very welcome by us", they were quoted.



### 3. DISCUSSION AND POLICY IMPLICATIONS

#### Policy Brief:

*"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 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). More legal labour migration channels should open.*
- 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". (p.4)*

#### **State Policy Responses and their Implementation on the Ground. Examples of State Beneficial Policies Employed**

Most interviewees stated that there are no beneficial state policies as regards irregular migration in the Czech Republic. Restrictions and repressions are the main policy responses of the Czech government. Detention and expulsions have been pointed out mostly amongst them.

The majority amongst the respondents were very concerned about the lack of policies in the field and the restrictive measures undertaken by the government.

According to two NGO representatives, although irregular migration is not an important issue in the political agenda, the current financial crisis might have raised awareness on the topic. The loss of work not only of migrants but also of nationals has intensified the Czechs' concerns about their employment prospects. As reported by the two interviewees, the significant rise of racism and xenophobia in the country worsens the current situation.

Two additional NGO representatives raised a similar point. They argued that irregular migration is not a topic in the country and that the government is not prepared to deal with it and has no long term perspective on the matter. Each ministry has its own policy and there is no coordination among them. While believing that repression represents the main governmental approach, a lawyer pointed out that there are a few attempts aiming to prevent irregular migration; namely the setting of criteria for regular entry into the country.

According to one respondent, politicians are not interested in and willing to deal with irregular migration. She said that repression remains the major policy response pursued by the Czech government. "Migration as such is not an issue; the level of xenophobia is growing and the image of irregular migrants is therefore mistaken. They are in fact considered as criminals although it is not true",

she was quoted. Another NGO representative argued that irregular migration represents a potential labour source for the informal economy.

One interviewee added that sanctions for employers of irregular migrants and strict rules for labour recruitment agencies should be enforced. According to an NGO representative, the attitude of the Czech government towards irregular migration will remain repressive even in the long term. She argued that the Ministry of Interior merely aims to prevent irregular migrants from entering the territory and does not pursue any cooperation with the sending countries. "Acknowledging that for many people migration is not a choice but an obligation does not concern the government", she was quoted.

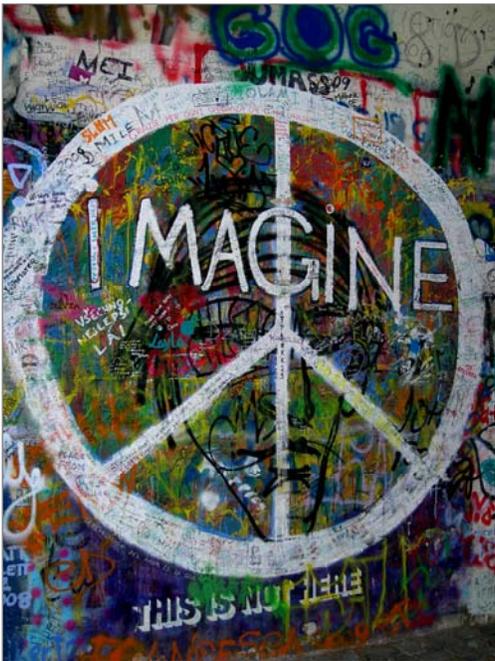
While discussing the complications of the Czech immigration law, she pointed out that obtaining a work and a stay permit is extremely difficult due to bureaucratic delays. "We need open policies toward foreigners in order to reduce formalities and simplify the process of gaining legal status, because easy access to the legal labour market means reducing irregular activities and the informal economy", she argued.

She underlined that the negative attitude of the Ministry of Interior towards regularization works as a pull factor for informal economic activity and workers

"In the Czech Republic, foreigners without valid documents if caught are forced to leave the country", she ended the interview.

Some governmental representatives from the MINISTRY of INTERIOR warned that preventing 'illegal' migration is the main goal envisaged by the government. They argued that reinforcing the number of controls at the borders and drafting a good legislation in the field are the most suitable political responses in managing irregular migration.

The majority (NGOs, one journalist and the three governmental representatives) said that education for all children until the age of 18 is the only beneficial state policy provided by the Czech government as regards irregular migration. An NGO representative based in LITOMERICE added that the issue of unaccompanied minors has only recently and sporadically come to the fore. Some interviewees noted that no basic social rights are guaranteed except education to undocumented children. Nonetheless, it was argued that there are cases where irregular migrant parents might not send their children to school for fear of being detected.



It is extremely important to point out that free education for undocumented children is a recent major accomplishment of several NGOs that are active in the field. Through extensive pressures they made it possible to provide children of undocumented parents with this basic social right.

On the other hand, free access to health care is limited to emergency aid only. While urgent care is always provided to everybody, often doctors and nurses denounce irregular migrants to the police. Moreover, due to compulsory insurance, accessing the health care system is provisional upon paying the required social insurance fees.

Furthermore, a respondent added that the Department for Asylum and Migration Policy at the Ministry of Interior is currently preparing a project focused on voluntary return of irregular migrants that is due to start in September 2009.

On the whole, all the interviewees agreed that there are no beneficial state policies; only restrictive ones. The majority of the respondents (NGOs and a journalist) are convinced that policy makers should identify irregular migration patterns first, and then envisage further measures accordingly.