



### Actors Interviewed:

- Civil society: NGOs, trade unions, migrants' organizations: 13
- Media: 1
- Governmental representatives: 2

## 1. DESCRIPTION OF WORK AND TARGET GROUP

### Policy Brief:

*"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 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" (p. 3)*

*"Although a service-based economy, the Netherlands also benefits from sectors such as agriculture and horticulture where low-skilled labour prevails. Currently, irregular labour fills in the labour needs in these sectors". (p. 4)*

According to the interviewees, the majority of undocumented migrants entering the country are men though women represent a significant number. Some amongst the respondents (NGOs in particular and a trade union representative) believed that both genders have an equal share in the overall irregular migrant population. Moreover, some members of NGOs pointed out that many children are undocumented hence vulnerable.

An NGO representative underlined that gender varies in relation to the sector migrants work for. According to the representative, the majority of men are mostly Moroccans and Turkish whereas women come from Philippines and Latin America. A respondent added that elderly as well as people who have been trafficked should be also taken into account. An additional feedback came from another NGO according to which Filipino women employed in the domestic and services' sectors represent 90% of the undocumented migrants that this organization deals with.

**\*Terminology.** Majority used "illegal". The terms "irregular" and "undocumented" were also employed. It seems that most of the interviewees tend to utilize "illegal"; according to them, the Dutch language does not provide a common spoken translation for "undocumented".

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

### Policy Brief:

#### *"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. Others do not succeed to renew their residence permits (...)*
- *Failure to depart after exhausting all the asylum-seeking channels is another source of migrant irregularity (...)*
- *Family formation with Dutch national is theoretically a pathway out of irregularity although its scope is limited. 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; the Netherlands has on average 50% recognition rate". (p. 3-4)*

*"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" (p. 2)*

Dutch Clandestino research time states that family reunification and formation is used among Mediterranean immigrants (Turkish and Moroccans), while other immigrants from countries such as Vietnam, Nigeria, Ghana, Iraq, Somalia, Ethiopia come to the country as asylum seekers. The largest ethnic minorities groups are Turkish, Moroccans, Surinamese, Polish, Chinese and Indonesians.

### Pathways into Irregularity

Irregular migrants seek from NGOs general information and legal advice. In the Netherlands, public awareness raising through information sessions seems to be an important tool in order to empower undocumented migrants. NGOs, migrants' associations and trade unions are mainly focused on policy work through campaign, information and drop-in sessions in order to raise awareness amongst both migrants and the civil society. Moreover, churches and religious associations not only provide direct assistance (e.g. housing and food) but also organize cultural activities and training courses.

The majority of the interviewees (NGOs, trade unions and authorities) felt that the denial of refugee status is the most common pathway into irregularity; at the same time, visa overstay as well as irregular entry are perceived amid the NGOs as two other important pathways by six and five respondents respectively. Amongst few NGO representatives there was consensus in saying that pathways into irregularity vary across nationalities. Moreover, two respondents mentioned that migrants turn out to be undocumented because they have been trafficked while another interviewee remarked that often migrants become undocumented because they are dependents of a regular migrant who lost their visa due to family breakdown and/or another similar reason.



Photo: Flower Fields in Lisse © Francesca

## **Flows of Undocumented Migrants Coming to the Netherlands**

Three interviewees amid the NGOs, a journalist and an authority felt that the total yearly number of irregular migrants is increasing; five (a trade union and four NGO representatives) that it might be decreasing because immigration rules are becoming stricter; yet, five respondents believed it is steady.

Those who thought the number is growing affirmed that their organizations were facing more requests from migrants. According to one interviewee from the civil society, the number of undocumented migrants coming to the Netherlands could vary proportionally to specific ethnic groups.

An NGO representative believed that the trend is steady even though official numbers show a decreasing trend and actually depend on the policy adopted by the government. According to two respondents from the civil society, the number of undocumented migrants coming to the Netherlands is decreasing due to the protectionist legislation implemented, namely the border controls. According to one interviewee, since the laws have become tighter, migrants can more easily become undocumented because they can no longer afford the fee that is required in order to renew their visa. Two NGO representatives were not able to provide any answer to the question.

According to an authority representative, the financial crisis and the increase of restrictive national policies have made undocumented migrants more vulnerable and exposed them to deprived situations. A trade union representative argued that entering the country has become more difficult due to stricter immigration policies and enforcement measures. He stressed that the economic downturn might also have affected the situation as regards the labour market. He quoted and referred to a number of Dutch unions which have been recently commented on and reported that a significant number of Polish workers working in the UK moved to the Netherlands due to the British economic crunch.

A journalist underlined that the percentage of undocumented migrants has grown in the last 20 years due to globalization, implying thus the big contrasts in the economic welfare. The war in the former Yugoslavia, which forced many people to leave the country, also contributed to the trend. He noted that the methods employed to estimate the amount of irregular migrants (that have improved in the past few years) gave more visibility to the issue. He believed that the Dutch government has never been able to properly face and cope with the issue except for the amnesty it recently provided (in 2008) for 27,500 refugees, the so called "General Pardon".

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

NGOs and authorities are likely to provide exact figures regarding the number of undocumented migrants receiving their assistance. Nonetheless, sometimes NGOs are not sure how many undocumented migrants they provide assistance to, because they are not interested in knowing their legal status or keeping record of their data. However, this does not apply to the majority of the interviewees. According to an NGO representative, 100% of the people receiving assistance by her

organization are undocumented. She noted that since her NGO started four months ago, there are 50 undocumented migrants supported every week (200 per month). She emphasized that the number of 'visitors' is increasing due to the activities and courses provided by the NGO while stressing that the denial of refugee status could be contributing to the trend.

One respondent pointed out that 40 undocumented migrants visit weekly his association which offers consultation hours; usually 20 is the number of people which attend the drop-in sessions organized two afternoons a week. Another interviewee from the civil society noted that 10 undocumented migrants per month regularly contact the NGO by phone since a public line has been made available to help them. Between 30 and 40 undocumented people attend the afternoon sessions the NGO has recently held in order to make migrants aware of the basic social rights they are entitled to.

According to an NGO representative, 150 is the number of undocumented migrants based in Amsterdam that are assisted by her organization yearly. A policy maker underlined that the City of Amsterdam receives letters from undocumented migrants or asylum seekers who ask for help every month. Apart from these individual requests, this local authority provides assistance to 500 vulnerable people (asylum seekers and undocumented migrants) on a yearly basis through the allocation of relevant grants. According to an additional governmental representative, the Municipality of Utrecht provides financial assistance, consisting of food, clothes and housing, to approximately 80 former asylum seekers, 50 of whom are former unaccompanied minors. This local authority also subsidizes a few number of NGOs (the Refugee Council, an organization for undocumented migrants, two centres which support undocumented women and children) in order to enable them to assist approximately 100 undocumented migrants per year. Furthermore, some of the centres the municipality of Utrecht has set for homeless people and women support yearly about 100 undocumented migrants. According to some data collected by the municipality<sup>1</sup>, 1,500 undocumented migrants are assisted by the NGOs based in Utrecht.

### **Figures and Percentages of Undocumented Migrants Living in a Given Geographical Area (Amsterdam, Rotterdam and Utrecht)**

According to several NGOs, estimating the total population of undocumented migrants in the working region of the interviewees is rather impossible; for this reason, only guesstimates were attempted by some respondents.

A respondent from the civil society believed that estimates cannot be provided because of lack of accuracy in the field and due to the fact that many different aspects should be taken into account. A trade union representative stressed that the data provided in the past, were not reliable and paved the way to presumptions only. One interviewee highlighted the importance of interpreting the existent figures.

- According to a survey carried out within the framework of the City of Amsterdam in March 2007, approximately 15,000 to 20,000 of the migrants who currently reside in Amsterdam are undocumented<sup>2</sup>.
- An interviewee believed that there are approximately 20,000 undocumented migrants living in Amsterdam according to some official estimates (not specified) provided by the government.
- According to a respondent, recent estimates (no further information was provided) for the number of undocumented migrants in the Netherlands suggest a figure of 150,000 people living in the region, of whom 10%, or 15,000 to 20,000 people, live in the Rotterdam area.
- Based upon her personal assumption, an NGO representative estimated a number of 4,000 Filipinos living in Amsterdam.

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<sup>1</sup> Several documents were provided by Jan Braat, Municipality of Utrecht, as regards data mentioned in his interview. Only the Dutch version is available.

<sup>2</sup> See the investigation attached to the field visit report.

- According to figures provided by the Municipality of Utrecht and based upon several research studies, between 5,000 and 7,000 undocumented migrants reside in Utrecht. According to the Ministry of Housing, the overall number of undocumented migrants living in the four principal cities, Amsterdam, Rotterdam, The Hague and Utrecht is estimated at around 50,000<sup>3</sup>.
- Moreover, another interviewee, while stressing that “everybody guesses” indicated that 13,000 could be the number of undocumented migrants living in Utrecht, and 16,000 up to 18,000 in Amsterdam. No explanation was provided in order to back up this argument except referring to (but not specifying) official data released by the government.

## **Estimates of Undocumented Migrants in the Netherlands**

### **Policy Brief:**

*“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”. (p.2)*

Although providing estimates is not considered feasible due to lack of reliable data, some ‘guess estimates’ were pointed out by the following interviewees.

- According to a journalist, 120,000 approximately could be the figure representing the total population of undocumented migrants living in the Netherlands. While stressing that data in the field are just guesstimates, he was unable to back up his argument because of lack of reliable sources.
- According to an NGO representative, recent estimates (not specified) for the number of undocumented migrants in the Netherlands suggest a figure of 150,000 people living in the region, of whom 10%, or 15,000 to 20,000 people, live in the Rotterdam area.
- According to a trade union representative, 100,000 up to 200,000 is the number of undocumented migrants living across the Netherlands. This estimation stemmed from various (not specified) governmental data carried out within the framework of some research.
- A respondent from the civil society pointed out that estimates provided by the Institute of the Ministry of Justice (WODC) for the number of undocumented migrants in the Netherlands suggest a figure of 85,000 to 175,000 people living in the region.

From the above it is clear that there is no great variety in the estimates given. Yet respondents were not able to refer to any particular data sources these estimates might come from.

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

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<sup>3</sup> See note number 1.

## Policy Brief:

*"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 rich scientific experience with estimating the numbers of illegally residing foreigners. The aspects that are researched in this regard are irregular residence and labour performed by irregular migrants. Estimations 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.".. (p.2)*

Most of the interviewees believed that reliable data do not constitute a useful base upon which policies could be drafted. The majority of the respondents noted that research in the field should shift from mere figures to the causes and the main pathways into and out of irregularity.

According to a local authority, data even if reliable will not be as useful as knowing the movements and pathways into and out of irregularity or the causes of undocumented migration in the Netherlands. "It is somehow necessary to have figures but certainly not enough", he was quoted.

"The problem is that there are estimates in the Netherlands but since the last 10 years, researchers most of the time came up with the same figures", another policy maker from a local authority said. He highlighted the importance of a more in depth research which could study the situation undocumented migrants live in, since figures are not sufficient for designing good policies. He also stressed that there must be research as regards the individual stories of undocumented migrants. "Good research must consider both aspects while encompassing the national policies implemented", he was quoted.

A trade union representative underlined that having reliable data could pose a risk for undocumented migrants to be sent back to their country of origin. Instead, he suggested analysing the sectors they work for in order to bring down wages rather than providing figures. A respondent stressed that she would be more interested in finding out which target group lives in vulnerable conditions and how many migrants are becoming undocumented. She said numbers work out negatively if applied to policies. An additional interviewee emphasised that the national policies implemented in the Netherlands do not allow to count how many undocumented migrants live in the country due to the complexity of the state machinery. She said she would use figures in order to lobby for fighting diseases and preventing epidemics as well as providing housing.

According to one respondent from the civil society, numbers are important in order to understand the phenomenon, to become aware whether irregular migration is increasing or not and to discuss which policies should be implemented and how. "Nevertheless, what is happening to migrants should be the following step, since it will not be realistic to approach the issue without considering their personal stories", she was quoted. Although affirming that it would be "nice" if statistics were more reliable, a journalist showed perplexity on the methodology employed in order to count people who are not visible. One interviewee also expressed concerns with regard to the methods that figures are provided. In order to be reliable, data should consider several parameters such as nationality and background of migrants.

A consultant stressed that trustworthy statistics could be a risk because policy makers would exploit and misuse them to expel undocumented migrants. Unless cases of indignity against human values are proved, having data will not be worthy. He believed that undocumented migrants constitute an important workforce supply upon which the economy relies, especially the informal economy. Another NGO representative highlighted how much numbers are related to the media and their communication strategies "since nowadays we are in a working market", he added.

According to three NGOs, reliable information could be a useful tool to lobby and campaign "stronger", to be conscious of the situation as regards irregular migrants and identify the problems it may imply. Moreover, two additional NGO representatives added that trustworthy figures could help NGOs to foster their actions in supporting undocumented migrants while noting that the government knows these figures very well.

### 3. DISCUSSION AND POLICY IMPLICATIONS

#### Policy Brief:

*"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". (p.4)*

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

Most interviewees stated that there are no state policies implemented on the ground that are beneficial to undocumented migrants; yet responses on the local level are much more effective. Enforcement, detention, deportation, exclusion and criminalization are the main policy responses of the Dutch government.

The majority amongst the respondents were very concerned about the official Dutch policies consisting of stopping migration and depriving migrants of their basic social rights.

According to one respondent, valuing the contribution of migrants would make a significant step forward since "the more people stay in a legal way, the more they will contribute to the society", he was quoted. "If migrants had rights, their perspectives hence the possibility to make a better life would also improve", he carried on saying. From his viewpoint, as long as they remain undocumented, they would stay in the country without any perspective whereas if the government legalized them, they could travel freely. He stressed that policy makers should apply a fair and rights-based approach while being fully aware that fully tackling the problem will remain an 'illusion'. An interviewee stated that if rights are neither provided nor guaranteed, migrants will get more and more exploited and vulnerable.



Photo: Street Art in Amsterdam © Francesca

Another NGO representative expressed her disappointment regarding the lack of beneficial policies toward irregular migration, emphasizing that exclusion by means of restrictive measures remains the main goal the Dutch government is pursuing.

According to a trade union representative, while fighting exploitation is the Dutch official policy (e.g. sanctions to employers as well as inspections), workers' rights remain neglected. Another interviewee argues that a distinction should be made amid local and national governments: on the one hand, there are local authorities that support and give assistance to undocumented migrants, on the other, at the national level, no favorable measures or actions of assistance have been taken hitherto.

A journalist pointed out that the amnesty, the "General Pardon", which in 2008 regularized 26,000 irregular migrants who came to the Netherlands before 2001 was the only measure the Dutch government carried out for migrants. "More prisons have been built up whilst shelters closed down; (...) after 6 months spent in jail, 60% of migrants are sent back to the street; besides, we should stress that

those prisons are bad for Dutch standards”, he added. Since the aim of the government is to expel irregular immigrants, he noted that the above strategy is done on purpose; he believed that due to globalization and open borders migrants will continue to come.

Criminalizing the environment is currently perceived as a new trend considerably increasing in the Netherlands; the argument was raised by an NGO representative. One respondent noted that putting undocumented migrants in jail is a dubious way to expel them from the system.

One interviewee said that laws make things difficult, stressing how much it has become complicated to stay in the country. A policy maker from a local authority stated that making undocumented migrants leave the country by their own or through expulsion while letting high skilled migrants stay to profit from their labour are the two basic state lines followed by the government.

Another local authority pointed out that at the national level all the policy responses have aimed to worsen the life of undocumented migrants; mainly by depriving them of work (e.g. higher sanctions to employers who hire irregular migrants, absence of rights in case they claim their wages, no assistance if they are victims of crimes). “Over the last 10 years deportation has been the only state policy pursued so far while opening detention centres has become the new goal the Dutch government wants to achieve in order to fill the empty cells with undocumented migrants”, the respondent was quoted.

However, the majority argued that, when implemented, access to health care and free education to be provided to children until the age of 18 are the only two beneficial state policies. A representative of an organization with expertise on undocumented migrants as well as on access to health care for undocumented migrants said that it is not true that GPs have a discretionary power for undocumented migrants and with regard to some diseases. According to her, “it is more that in all cases, be patients undocumented or not, GPs have a discretionary power”, she said. Nevertheless, the majority of respondents were unclear about the real meaning of the law, and stated that if medical needs are provided for, this is not the case for certain illnesses which remain under the discretion of general practitioners (GPs). By and large, though, most doctors treat people irrespective of their legal status.

Moreover, some interviewees particularly amongst the NGOs and a journalist stressed that access to health care is getting difficult; besides, migrants are not aware of their rights because of lack of information. According to a trade union representative, health care and education cannot be guaranteed since migrants are afraid of detection hence deportation by the authorities. One respondent underlined that access to law advice is another exception from governmental exclusive policies. A policy maker from a local authority stressed that in every region specific medical structures have the responsibility to provide health care to undocumented migrants albeit restricted to the necessary health care treatment.

All the interviewees agreed in saying that enforcement legislation is the only policy implemented in the Netherlands. The majority amid the respondents (NGOs, authorities and a journalist) are convinced that research on the pathways into irregularity should be carried out instead of a mere focus on data which will not provide any reliable or definite answer to the issue.