

**MIGRATION PATHWAYS**

**A HISTORIC, DEMOGRAPHIC AND POLICY REVIEW OF  
FOUR EUROPEAN COUNTRIES**

Report prepared for the project

'Does implementation matter? Informal administration practices and shifting immigrant strategies in four member states' (IAPASIS)

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# Chapter 1: Introduction

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## 1. Approaches to the study of migration

The increase of immigration flows towards EU countries during the past decade and the social, economic and political issues related to it have attracted the interest of scholars from various disciplines. Economists have promptly investigated the economic aspects of the phenomenon, the 'push' and 'pull' factors influencing transnational migration, and, in particular, its impact on the labour market and welfare system of the host society (cf. Borjas, 1994; Djajic, 1987; Ethier, 1986; Friedberg and Hunt, 1995; Venturini, 1993). Political and social theorists have discussed the challenge that migration poses to the socio-political order of the nation-state and the functioning of democracy within it (cf. Bauboeck, 1994; Brubaker, 1989; Cesarani and Fulbrook, 1996; Dahrendorf, 1994; Hammar, 1990; Soysal, 1994). New conceptual tools, e.g. denizenship (cf. Hammar, 1989; 1990), have been created in the effort to make sense of the new situation. Sociologists have studied the development of xenophobic and racist attitudes as a reaction to the increasing influx of immigrants in many EU countries (cf. Balbo and Manconi, 1990; 1992; Baumgartl and Favell, 1995). Last but not least, the measures taken by individual states to deal with the problem have been analysed critically (cf. Cornelius *et al.*, 1994; Gould and Findley, 1994; Wrench and Solomos, 1993) and attention has been drawn to the European dimension of the problem (cf. Collinson, 1993; Philip Butt, 1994).

In spite of this growing academic concern and the (presumed) political will of national governments to deal with the issue, illegal immigrants keep defying control measures and border patrols while the integration of legal and/or 'regularised' immigrants seems hard to achieve. The inefficiency of immigration policy in many European countries is, to a certain extent, attributed to the international nature of the phenomenon and the complex and multi-faceted 'push' and 'pull' factors involved in it. Poverty, unemployment and political instability are some of the 'push' factors identified. However, 'pull' factors are also important. In particular, attention is paid to the role of the informal labour market (Loayza, 1994) in providing work opportunities for illegal aliens, especially in southern European countries (cf. Lianos *et al.*, 1996).

Nonetheless, it is worth noting that immigration policy performance varies widely across states. As Freeman (1994) argues, 'this variety alerts us to steer clear of facile claims that the democracies cannot cope with migration pressures and invites a serious attempt to identify factors that account for greater or lesser capacities of individual states'. Serious attempts to fill this research gap have yet not been made, specifically at the European level. Yet, there is no doubt that implementation is among the most important factors. As a matter of fact, the UN review of instruments for fighting undocumented immigration is mostly concerned with the implementation level (United Nations, 1998: 213-229). Furthermore, a recent comparative study of migration control in Germany and the United States (Hailbronner *et al.*, 1997: 203-224) has identified a number of aspects including

- a) the general laws and attitudes towards immigration and integration;
- b) the degree of reliance on internal versus external controls (border control, work and residence monitoring); and
- c) the assignation of responsibilities to different authorities and the co-operation practices between authorities (federal versus state, mono- versus multipurpose agencies, information practices).

Only in very recent years have researchers begun to investigate the relationship between the administrative practices of immigration control agencies, and the strategies adopted by immigrants. Pioneering ethnographic studies of Polish immigrants to Germany (Cyrus, 1997; 1998) and of the strategic thinking and cultural practices of Brazilians in London and Berlin (Jordan and Vogel, 1997) are now being developed into analyses of the interactions between these and their counterparts in the national enforcement agencies (Jordan and Duevell, 1997; 1998). At the same time, comparative studies of immigration policy are recognising a trade-off between the several objectives of immigration control, and how varying practices reflect this (Vogel, 1998a; 1998b). This collective work represents the first step of a project that aims to carry forward the research on implementation practices of immigration policy, continuing the work begun in Britain, Germany and Poland, by some of the partners of this consortium, and combining it with pioneering studies of policy responses in Southern Europe (Triandafyllidou, 1998). Thus, our aim is to contribute not only to scholarly research but also, to the extent possible, to the policy debate, by elucidating the role of differing informal administrative practices in immigration control and enforcement across the European Union.

## **2. A new field of research**

Hitherto the main aim of research in Europe has been to study the most important factors influencing migration flows, and hence determine the broad success or failure of government policies for control. But the actual outcomes of control and enforcement measures are sometimes almost as much influenced by interactions within the immigration services, or between them and other agencies, both statutory and non-governmental. For example, in the UK the number of asylum seekers present in the mid-1990s was more a result of the failure to process appeals against refusal of refugee status than of each year's new applications. This project aims to investigate the impact of the organisational structure and culture of these institutions and the identity processes related to immigration on the actual implementation of specific policies, and relationships between agencies.

As a matter of fact, legal policy provisions are mediated by less formal, administrative routines structuring a bureaucratic organisation and guiding public officials in the accomplishment of their tasks. The particular nature of such practices influences the implementation of a policy measure and determines, at least to a certain extent, its outcomes. It is hypothesised that such practices are to a large extent conditioned by the organisational culture prevailing within an institution. It is also expected that identity processes involved in the interaction between public officials and immigrants may influence these informal practices. More specifically, it is hypothesised that the national self-understanding of the public officials will determine the ways in which they perceive immigrants and their attitudes and behaviour towards them.

This first collective report offers a panoramic view of the phenomenon of immigration in the four member-states studied: Germany, Greece, Italy and the United Kingdom. Having collected

and analysed both primary (policy documents, legal texts, administrative circulars, interviews and notes of the researchers) and secondary (bibliographical sources, grey literature, newspaper material) data, the national research teams offer here a first, comprehensive report of the immigration situation in their individual countries. The history of post-war immigration to each country, the recent flows, concentrating on the last two decades and the main demographic and socio-economic features of the immigrant population are presented. Moreover, attention is paid to the territorial distribution of immigrants in the different host countries and their integration, through regular or illegal employment, into the labour market. National immigration policies are reviewed critically and particular attention is paid to their distorted implementation and/or effects, especially as regards the regulation of immigrant stay and labour. More specifically, in line with our research focus, the main public bodies, authorities and social services involved in immigration policy development and implementation are presented and the different types of procedures and rules that govern immigrant stay and work are analysed. Under the light of this analysis, the particularities of national policies, the administrative structure and organisational culture(s) of each country are highlighted with a view to informing the comparative framework of the research. Also, recent literature on immigration in the countries examined is reviewed.

The aim of this report is twofold. On the one hand, we have sought to present a concise picture of the immigration situation in each of the countries studied providing thus for the background knowledge, necessary to our co-operation in this project, but also useful to researchers and students of immigration in various European countries and/or the European Union as a whole. On the other hand, these reports already explore the new area of research in which our project will further develop. Thus, here, we present also original material on the administration structure and culture of immigration authorities in each country, highlighting the modes (horizontal, vertical and formal, informal) and levels (national, regional, local) of co-ordination and co-operation among them. Moreover, a first assessment of the outcomes of the most recent developments in immigration policy in Germany, Greece, Italy and the UK is given.

The report is divided into six chapters. Chapter two presents the German case concentrating on the main features of German immigration policy as well as the legal framework and organisational structure that lies behind it. Attention is paid to the different offices involved and their particular competencies as well as the co-operation among them. The report also reviews the post-war migration flows towards Germany and their classification into different categories by the German state. The main demographic and socio-economic features of immigrants currently present in the country are presented. In conclusion, a brief overview of the main currents in immigration research in Germany is provided.

The third chapter concentrates on Greece. The report starts with a historical overview of migration flows in Greece with special reference to the recent flows from the 1970s onwards, highlighting also related studies in the fields of sociology, anthropology, economic geography and political science. Emphasis is put to the transformation of Greece from an emigration to an immigration country and to the role of global migration networks as well as economic restructuring in both the countries of origin and Greece. The demographic profile of the registered immigrant population is presented in the following section, including the territorial distribution of immigrants. The problem of obtaining data and using estimates for undocumented migration (a large portion of the total immigration in Greece) is highlighted. Despite existing difficulties, the report provides for a concise and comprehensive overview of the main features of the immigrant population in Greece, the policy framework, the main authorities involved in policy implementation and their field of competence.

The fourth part of the report refers to the Italian case. After presenting briefly the main parameters of the phenomenon and its national and international context, the authors concentrate on the Italian immigration policy framework and its development during the past 15 years. The main characteristics of the immigrant population in Italy are presented in the following section, including demographic and socio-economic data concerning the size of the population, the countries of origin, the territorial distribution of immigrants, and the sectors of immigrant regular and irregular employment. Emphasis is put to the distorted relationship between immigration and the informal economy in Italy, a feature that is identified also in the Greek case and to a lesser extent in Germany. The report reviews also the administrative structure and main procedures regulating immigrant stay and labour in Italy, identifying the public bodies and social services involved as well as communication and co-operation links between them. The particularities of the Italian case are highlighted at the end of the report and existing literature on immigration in Italy is discussed critically.

Chapter five examines the British case. The relationship between immigration policy, national identity and enforcement practices is highlighted in the first section of the report so as to point to the specificity of Britain as a host country. The second section concentrates on the ethnic minority population and its history, the size of undocumented migration and overall the main features of immigration in the 1990s. The policy framework including social provisions and related asylum regulations is also presented in this section. Attention is paid to the work restrictions for some categories of immigrants and asylum-seekers and also to the settlement policy adopted by the UK government. The organisational structure of immigration authorities and enforcement agencies is reviewed in the following section. In reviewing this last, the authors discuss critically the relationship between nationality and immigration policy, the antiracist legislation and the state of civil liberties in Britain. The report concludes with a brief overview of the literature on immigration control implementation and a summary of the particularities of the British case.

In the concluding chapter, we discuss the comparative framework of the research under the light of the particularities identified by these first country reports. We thus seek to enrich our theoretical insights with empirical data and, hence, further refine our axes of comparison, highlighting also their relevance for other European countries.



## Chapter 2: Immigration as a Side Effect of other Policies. Principles and Consequences of the German Non-immigration Policy

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### 1. Introduction

Immigration issues are a frequent element of the public discourse in the Federal Republic of Germany. The most recent example is the debate on recruitment and employment of foreign computer experts. Responding to a demand raised by the information industry, Chancellor Schröder announced the introduction of a 'Green Card' for foreign computer specialists. The public reaction highlights once again the general treatment of immigration issues in Germany: The recruitment of foreign experts is handled as a necessary evil that should not lead to permanent immigration. Thus the new regulation grants 10,000 work permits only for the particular group of IT-professionals and limits the permits to a period of five years.

The recent discussion illustrates again that Germany is still not ready to consider immigration as an integral aspect of contemporary affairs that has to be accepted. This is remarkable taking into account that experts like Klaus Bade estimate that until 1990 about 30 % of the people were born outside the territory of the (old) Federal Republic of Germany thus becoming the country with the highest share of immigrated population in the second half of the twentieth century (Bade, 1992a: 16). This estimate includes Germans from former German territories and Eastern Europe, but also foreign nationals. The foreign national population increased from less than 700,000 in 1960 to 7.3 million in the United Germany in 1998, including more than 1.5 million foreign nationals born in Germany. But until today the German government refuses to speak of a situation of immigration:

‘According to her self-perception, the long lasting or permanent sojourn of aliens did not turn the Federal Republic of Germany into a country of immigration. For a characterisation of a country of immigration it is not decisive whether aliens stay in a country for longer or permanently - what is the case in nearly every country - but whether the state needs immigration because of its demands and economic development and declares this as such. This is undeniably not the case for the Federal Republic of Germany, one of the most densely settled and most developed countries in the world’ (Bundesministerium des Innern, 1997: 59 [translation by the author N.C.]).<sup>1</sup>

Immigration is not the consequence of a conscious immigration policy but the side effect of other policies, especially compensation of post-war refugees of German ancestry, protection of

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<sup>1</sup> ‘Durch den langwährenden oder dauernden Aufenthalt von Ausländern ist die Bundesrepublik nach ihrem Selbstverständnis nicht zu einem Einwanderungsland geworden. Für die Kennzeichnung als Einwanderungsland ist nicht maßgeblich, ob sich - wie in nahezu sämtlichen Staaten - Ausländer lange Zeit oder auf Dauer aufhalten, sondern ob ein Staat wegen seiner Erschließung und wirtschaftlichen Entwicklung der Einwanderung bedarf und dieses auch erklärt. Das ist für die Bundesrepublik Deutschland, die eines der am dichtesten besiedelten und wirtschaftlich am weitesten entwickelten Länder der Welt ist, unbestreitbar nicht der Fall’ (BMI, 1997: 59).

asylum seekers, protection of the family, European integration and the recruitment of foreign workers (Vogel, 2000a). Such categorisations support the self-perception of the German government not to be a country of immigration. However, German policy hesitatingly had to accept the fact that at least the resident foreign population resulting from the recruitment of 'guest workers' in the 1960s had gained rights, which are comparable to immigrant rights in other countries.

Policy goals of federal migration policies have not been changed considerably since 1982 when they were first formulated by the Federal Ministry of the Interior as the leading office. In spite of a government change in 1998, which included the immigration-friendly Green party in the government coalition, main policy goals are still valid (BMI, 1997: 59):

- The integration of the legally admitted foreigners, in particular the recruited foreign guest workers and their families
- The limitation of further inflow of foreigners from non-EU-member states and countries not belonging to the European Economic Area
- The fight against illegal employment and residence

Thus the officially stressed policy goals are twofold: The consistent prevention and limitation of permanent immigration (*Zuzug*) of foreigners on the one hand and the policy to promote the integration of the foreign population holding an undeniable right to unlimited residence. The German government stresses that the integration of the lawfully present foreign population depends on the limitation of further immigration: 'Integration is only possible with a consistent limitation of further immigration from countries outside the European Union and the European Economic Area' (Bundesministerium des Innern, 1997: 7 [translation by the author N.C.]).<sup>2</sup> In the political discourse, pictures of a territory overcrowded with foreigners or a boat overloaded with people are common to illustrate this position.

However, temporary and permanent labour influx has never been stopped completely. There have always been exceptions for highly skilled personnel, people with country-specific skills and citizens of other industrial states outside the EU which apply for jobs which cannot be filled in the German market, but it needs a certain amount of determination by employee and employer to cope with bureaucratic requirements. When seasonal work and contract work for people from neighbouring countries in the East was facilitated in the 1990s, it was still framed rather as development aid although it undoubtedly also corresponded to labour market demands, especially in agriculture and construction. With the debate on 'Green Cards' for foreign computer experts, labour demand appeared for the first time since the recruitment stop in 1973 as a legitimate reason for migration on the political agenda.

## **2. Basic features of immigration policy**

This chapter gives a brief overview over post-war immigration policy in Germany, followed by a more detailed description of the legal framework at present.

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<sup>2</sup> 'Integration ist nur möglich, wenn der weitere Zuzug aus Staaten außerhalb der Europäischen Union und der Europäischen Wirtschaftsraums konsequent begrenzt wird' (BMI, 1997: 7).

For the purpose of this report, we define immigration as the inflow of new residents over international borders into Germany. However, it should be noted that immigration is framed differently in political discussions of different states and recorded differently statistically (see also (4.1)). The German discussion focuses mainly on the difference in citizenship status (German - foreign national), while other countries frame discussions on similar issues such as immigrant status (native - foreign born), race, or ethnic minority.

## 2.1 A brief history of immigration policy

The first phase was characterised by the massive influx of Germans from all over Europe into the remaining German territory, firstly into all four occupation zones and later also from the newly founded German Democratic Republic into the Federal Republic of Germany. Altogether about 12 million Germans changed residence to the Western part of Germany.

Post-war immigration to Germany can be roughly differentiated in four phases:<sup>3</sup>

|           |   |
|-----------|---|
| 1945-1961 | From End of World War II to the Berlin Wall: Mass influx of Germans   |
| 1961-1973 | From the Berlin Wall to the Recruitment Stop: Worker recruitment  |
| 1973-1989 | From the recruitment stop to the fall of the Berlin Wall: Family migration and consolidation of foreign population  |
| 1989-2000 | From the fall of the Berlin Wall to the new Naturalisation Law: Struggling with immigration demands of a new Europe |
| 2000 onw. | Towards a split immigration policy?   |

The beginning of the second phase can be set with the building of the wall between Eastern and Western Germany and the virtual stop of immigration from Eastern Europe. In the face of a booming economy, guestworker recruitment, which had started somewhat earlier, gained importance. Between 1962 and 1973, around 6 million foreign workers from other parts of Europe moved to the Federal Republic, nearly two thirds of them returning in the same period.<sup>4</sup>

Guestworker recruitment stopped abruptly 1973 with the beginning of the first oil crisis and the related economic downturn. Workers with continuing employment were allowed to stay. The third phase can be characterised by increasingly secure residence rights of the foreign population, often under the pressure of court rulings. Inflows were dominated by family reunification. EU enlargement did not change this pattern substantially. After a last return encouragement programme in 1983-84, it became largely accepted that foreign nationals from the former recruitment countries should be integrated in the German society. A new and more comprehensive Aliens Act was prepared (which finally came into force in 1991) which basically codified rights of entry and stay. These had formerly been part of administrative practice with a high degree of discretion.

<sup>3</sup> For more detailed and partly differing periodisations see Meier-Braun (1995) and Schmidt, Zimmermann (1991). For a comprehensive description of post-war migration to Germany see Münz, Seifert and Ulrich (1997).

<sup>4</sup> This estimate is derived from residence registration data (all inflows of foreign nationals from other parts of Europe in employable age into the territory of the Federal Republic without Berlin minus all outflows in the category, Statistisches Bundesamt, Fachserie A, Reihe 3, 1963 and 1973).

In 1988-89, the communist order in Eastern Europe broke down, and with it emigration restrictions. The fall of the Berlin wall in November 1989 is in every respect an important event in German history, including migration history. In the first half of the 1990s, the Federal Republic of Germany faced a massive influx of immigrants with a right to housing and basic income support, putting local communities under immense pressure: East Germans and ethnic Germans from Eastern Europe, and asylum seekers from all over the world, but mainly from Europe. The 1990s were dominated by efforts to cope with the new border situation. Eastern German immigration was regulated in the course of German unification in the mid-1990s, when Eastern Germans lost the right to require housing in a west German municipality of their choice. At the same time, ethnic German immigration was restricted by a de facto quota, while substantial legislative restrictions were put into force in 1993. Beginning in 1993, a number of legislative and administrative measures made access to the asylum procedure in Germany much more difficult, and curtailed social and judicial rights during the procedure. During the same period, border control was completely reorganised: At the Western border, border police turned from an inspection unit sitting at ports of entry to mobile units looking for illegal entrants. At the Eastern border, a completely new border control regime was built up, integrating police of the former GDR. The goals to prevent or at least to limit immigration and settlement of foreigners stands to some extent in contradiction with the necessity to establish a more flexible migration policy regime in accordance with the political requirements of the European Union and the economic demands of the national economy. The result of these ambivalent legal structures is a 'muddling through' approach in migration policy (Blaschke, 1993) with permanent settlement as an unintended side effect.

The evaluation of the migration related legislation reveals that the legislator usually only reacted defensively when changed circumstances undermined the taken for granted perception of laws and regulations in the four main areas of concern: The definition of German citizens, the treatment of foreigners, the reception of political refugees and the prevention of illegal immigration within the legal framework of the European Union.

1) The breakdown of the German National Socialist *Reich* created a situation in which millions of Germans were living outside the reduced German territory. The constitution of the Federal Republic of Germany grants them German Citizenship in case of settlement in its territory, the specific circumstances being defined by the Federal Displacement and Refugee Act. After 1961 until 1989, only few Germans were able to use this privilege, but with the collapse of the communist states numbers multiplied rapidly. The subsequent 1990 Ethnic Germans Reception Act and the 1993 Law to settle the Results of the War both aimed to channel and to reduce the inflow of ethnic Germans and introduced a new definition of ethnic Germans that refused inclusion to those born after 1993.

2) A federal legislation on foreigners was released for the first time in 1965. With the inflow and the settlement of recruited guest workers and their families the act became more and more inadequate and was replaced by the 1990 Aliens Act.

3) The right to asylum for political refugees was rooted in the basic law 1949. With the increase of refugees applying for asylum the liberal asylum procedure became the target of legislation. First restrictions concerned the opportunity to claim asylum with the programme to the limitation of so-called 'false' asylum seekers in 1980, the law on the Procedure in Asylum Cases in 1982, the Law on the amendment of the Basic Law in 1993 and the Law on Benefits for asylum seekers in 1997.

4) Legislation was also introduced in response to Europeanisation and the introduction of freedom of movement for services, capital, goods and labour since 1993.

Has this period of reactive restrictionism come to an end? The new nationality and naturalisation laws, which is not very liberal in comparison with many other countries but a break-through in the German context, might indicate a change. The IT-Green-Card-debate might open the agenda for new discussions, especially if the now envisaged complicated temporary schemes fail to fulfil the expectations of the relevant industries. Nonetheless, restrictionist tendencies are strong, and all major political parties favour a hard hand and substantive resources for combating illegal immigration.

## 2.2 The legal framework

The current 'Law on the Entry and Sojourn of Aliens in the Territory of the Federal Republic of Germany' (Aliens Act) entered into force on 1 January 1991. Its regulations concern all people without German nationality. Ethnic German immigrants from Eastern Europe are not subject to this law as they are considered to have German nationality as soon as they arrive and are accepted.

The Aliens Act is the legal basis, which sets out the conditions which foreigners must fulfil to enter and reside legally in the country. The Aliens Act also regulates the relationship between the legal status - the type of permit to stay (*Aufenthaltsgenehmigung*) - and the type of work permit (*Arbeitsgenehmigung*) a foreigner may obtain. The basic prescriptions for the entry and stay of foreigners set in the Aliens Act are complemented and elaborated in at least 45 further national laws and ordinances. Additionally a vast number of ordinances (*Verordnungen*), decrees (*Erlasse*), administration orders (*Weisungen*) at the state level and laws and directives at the supranational level contribute to a situation hard to overview even for lawyers experienced in Aliens Law.

In principle, every alien needs a residence permit in order to enter the territory of the FRG and to reside in it. The requirement of a residence permit for entry is the basic rule. Important modifications of the general regulations laid down in the Aliens law are made by the Law on the Entry and Sojourn of Nationals of the Member States of the European Economic Community (Residence Law EEC). Nationals of EU-member states are exempted from principal requirements of the Aliens Law but they are still considered to be aliens and registered in the statistics. Furthermore, the Federal Ministry of the Interior has the power, by ordinance principally requiring the consent of the federal states, to make further exceptions from this rule. By ordinances a number of exemptions are formulated that regulate the entry of foreigners. All citizens of richer industrialised states may enter visa-free for the purpose of visits and tourism for usually three month, but also citizens of a number of states like Poland, Czech and Slovakian Republic. Citizens from basically the same countries are exempted from the rule that residence permits for a longer stay may only be required in the country of origin before entry.

The Aliens Act provides for different types of *Residence Status* (*Aufenthaltsgenehmigung*) and also provides for different types of toleration/leave to remain. The status differs according to the purpose of stay, date of entry and length of stay (Federal Government Commissioner, 1999a: 19f). There are five regular residence statuses:

- A *Residence Title for Specific Purposes (Aufenthaltsbewilligung)* makes a person's stay conditional upon the reason for which it is issued. The holder must always leave Germany as soon as the reason for his or her stay expires. For example, foreign students allowed to study in Germany under development aid schemes can apply for this residence title and, if granted, may not remain in Germany for any other purpose.
- A *Limited Residence Permit (Befristete Aufenthaltserlaubnis)* is for example issued to spouses of permanent residents. It establishes a basis for permanent residence. The holder's residence status becomes more secure the longer he or she stays.
- An *Unlimited Residence Permit (Unbefristete Aufenthaltserlaubnis)* is the second step towards a secure residence status. Holders of a Limited Residence Permit can apply for an unlimited one after five years if they satisfy certain other criteria, specifically if they can afford to live without recourse to public funds.
- A *Right of Unlimited Residence (Aufenthaltsberechtigung)* is the best and most secure residence status under the Aliens Act. Holders of a Residence Permit can apply for a Right of Unlimited Residence after eight years provided that they satisfy certain other criteria.
- A *Residence Title for Exceptional Purposes (Aufenthaltsbefugnis)* can be granted on humanitarian grounds. In practice, it is mostly granted to civil war refugees. It can only be renewed if the humanitarian grounds still obtain, though holders may apply for a Right of Unlimited Residence after eight years. The *Residence Title for Exceptional Purposes* is rendered to refugees under the Geneva Convention on Refugees.

There are two types of recognised statuses for people who would otherwise be threatened by expulsion and deportation:

- The *Permission to Reside (Aufenthalts gestattetung)* is the status accorded to an asylum seeker whose application is being processed. Asylum seekers who are granted asylum receive an unlimited residence permit.
- A *Toleration (Duldung)* is not a residence permit. It merely means that the state has abstained from deporting the person concerned. It may be granted on application when a foreigner is legally obliged to leave the country but there are legal or factual reasons against deportation (for example, the person's own country refuses entry or the person faces the death sentence there).

Residence status hierarchically differ with regard to the prospect of permanent settlement. Some titles as a rule include the possibility to settle permanently from the beginning, others open a right to stay only in particular cases and some titles definitely exclude the right to settle.

Furthermore it is worth to mention that all residents – Germans and foreign nationals alike – have to register their residence with the Local Registration Office. The landlord or whoever allows taking up a residence in his or her house must assist in registration (Cremer, 1997: 54). As a federal rule every residence over two months' length has to be notified. Many regulations by the federal states have shorter periods: In Berlin for instance a period of seven days is set.

Although principally all foreign nationals are subject to work permit duty, the vast majority of foreign residents is exempted from this duty, either as EU citizens, holders of a Right of Unlimited Residence (*Aufenthaltsberechtigung*) or minors educated in Germany.

In principle foreign workers entering with the purpose to work have to apply for a residence permit that includes the allowance to work and a work permit both before entering the country and taking up a job. The competent authority for work permits is the local Labour Office. Two

kinds of work permits can be granted: The *Work Permit for Specific Employment (Arbeitserlaubnis)* is only granted if the labour office cannot place nationals or preferred foreign resident for the job. Thus a strict priority rule is practiced. The work permit is principally relevant for those who seek employment in Germany from abroad, but also for asylum seekers and tolerated persons. For refugees and relatives immigrated for family reunification waiting periods restrict the entry to the labour market. The other kind of work permits is the *Right to Work*. The Right to Work can be claimed by foreigners who possess a *Residence Permit (Aufenthaltserlaubnis)* or a *Residence Title for Exceptional Purposes (Aufenthaltsbefugnis)* and reside in Germany for six years without interruption or worked in Germany for five years in an employment liable to social insurance.

The short overview already illustrates that the legislator has introduced a sophisticated range of residence and work permits (cf., for instance, Rittstieg, 2000).

Although Germany does not accept people as immigrants, it strongly follows the notion that somebody 'can earn her/his way into the country'. Lawful residents with a record of payment into the social security systems are accepted as permanent residents, usually after five to eight years. But: Most people do not get the chance to earn their way into the country.

### **3. Basic features of the organisational structure**

The formation and implementation of German immigration policy is characterised by its vast heterogeneity. This results from some general features of German federalism and the fact that immigration has always been seen as a side effect of other policies. With regard to their functions in making and implementing laws, we distinguish broadly between organisations in legislation, interpretation, administration and enforcement of laws.

#### **3.1 The general model**

##### *3.1.1 Legislation*

Generally, immigration legislation (i.e. the regulation of admitting or refusing entry and sojourn of foreigners) rests with the German parliament (*Bundestag*). The influence of federal government and the governments of the federal states (*Laender*) is nonetheless big. The government uses its ministerial staff capacities in the Ministry of the Interior to prepare and initiate laws. The *Laender* can influence legislative acts through the second chamber of the parliament (*Bundesrat*) which consists of representatives of the sixteen *Laender* (and often has a different political majority than the *Bundestag*).

A further agent becoming more and more important is the European commission, which releases directives that have binding force for the national frame setting institutions.

##### *3.1.2 Interpretation*

The main power of the *Laender* in immigration matters lies in the interpretation and implementation of laws. The German model of federalism implies that nearly all public

functions are fulfilled exclusively by the *Laender* and, within the *Laender*, by the local communities (*Gemeinden*). The federal level exercises its power mainly by legislatively restricting the discretion of lower levels of government. The interpretation of laws through rules and ordinances rests at the *Laender* level.

All laws and administrative interpretations of laws are subject to court control. In Germany, it is mainly the administrative jurisdiction which is in charge of immigration related matters. Administrative courts have frequently corrected administrative decisions on immigration cases, sometimes resulting in a need to amend general ordinances.

### 3.1.3 Administration

The main administrative bodies in immigration matters are the 660 alien's offices at the community level. They are increasingly bound by rules and ordinances of the *Laender* and closely co-operate with other community offices as residence registration offices or welfare offices. Nonetheless, they influence outcomes of laws by exercising the remaining discretion and independently allocating personnel to tasks and thus setting implicit priorities.

### 3.1.4 Enforcement

Enforcement of all laws including laws concerning immigration questions is generally the task of the *Laender* state police. Police are subject to state legislation and state government with little influence of the central government. Thus, the state police forces are also responsible for all immigration related crimes and for arresting foreigners without residence permit. It should be noted that illegal residence is considered a crime under the German Aliens Law, while illegal work is considered to be a regulatory offence only. The *Laender* criminal police have specialised departments responsible for illegal work and foreigners without status.

## 3.2 Exceptions

Nonetheless, the general principle of *Laender* administration and enforcement is broken by a considerable number of exceptions, as far as immigration matters are concerned. Three exceptions concern merely administrative functions:

- Firstly, visa issuance is administrated by the embassies and consulates abroad under the direction of the Federal Foreign Office (*Auswärtiges Amt*).
- Secondly, the admission of ethnic Germans from the former Soviet Union is administrated by the Federal Administration Office (*Bundesverwaltungsamt*).
- Thirdly, a separate administration has been build up to deal with asylum cases, the Federal Office for the Recognition of Refugees (*Bundesamt zur Anerkennung ausländischer Flüchtlinge*).

Two further exceptions, which are of major importance for implementation of foreigners' policies, will be presented in more detail.



### 3.2.1 Policing international travel

Besides from the general *Laender* police forces, there are also some specialised units on the federal level. The only independent Federal Police is the *Bundesgrenzschutz* (border police) whose migration-related tasks involve virtually unlimited identity controls. To detect undocumented entries, identity controls can be conducted, without initial suspicious facts, within thirty kilometres from the border and also, since 1998, at train stations and airports. In the first half of 1999, because of the extended control rights, 30,800 Federal Border Police officers conducted about 370,000 controls. It was stated that altogether 40,000 suspect were detected ranging from statutory offence to capital crime [without further specification so that undocumented migrants are included as well as, for instance, German soccer hooligans], of those about 50 % in the interior. To render the extended inland controls more legitimate the Federal Border Police announced that 3,500 undocumented migrants were detected in the interior (Innenpolitik IV, 1999: 2). The Federal Border Police also assist deportations from the point of departure over federal borders onwards, e.g., they receive deportees at the airport and see that they do not leave the plane or guide their flight to another country. Additionally, they may also be deployed to supplement state police forces on major events.

### 3.2.2 Labour market issues

The second exception has to do with a second feature of German federalism. It is not only characterised by strong administrative decentralisation, but also by functional differentiation, especially in the social policy field. Specifically, the social security system is largely organised in statutory compulsory social insurances, with only supplementary functions resting with the private sector and the states and communities (in immigration: welfare for asylum seekers and other non-deportable aliens). These statutory insurances are semi-state organisations under the supervision of the Federal Ministry of Work and Social Order.

For immigration matters, the Federal Labour Office is of specific importance. It is mainly responsible for unemployment insurance and employment services. Nonetheless, it is also responsible for the administration of labour permits and the detection of benefit fraud and work without work-permit. Staff for these enforcement units has been beefed up since the 1980s. Enforcement staff has almost complete discretion in their choice of work sites, but they act mostly on tips from competitors, neighbours and other authorities, and concentrate on the construction sector (Vogel, 2000b).

A number of other offices are concerned with the control of labour market regulations: In Berlin for instance over 50 different offices are competent for the control of certain aspects of labour market regulations. Among these co-operating offices, customs authorities are most important. They were redirected to combat illegal employment after the abolition of EU internal borders in 1991.

Today, at least 3,500 labour office and customs inspectors check the identity papers of more than 600,000 persons annually during workplace raids.<sup>5</sup> In current considerations on the rearrangement of the institutional structure of labour market control, customs authorities are a candidate to become the centralised agency in the field of labour market regulations.

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<sup>5</sup> Own calculation based on limited data, partly based on a three years average. Data from Bundesregierung (1996: 54), Lüpke (1997: 31).

### 3.3 Co-operation and information sharing

As has been described, the organisational structure in Germany is characterised by a high degree of decentralisation and fragmentation. On the other hand, strictly public authorities and quasi-public intermediaries in Germany are generally supposed to co-operate closely with each other. With many organisations involved, information sharing is of central importance for the implementation of immigration-related laws. Generally, the German Aliens Act requires all public employees to inform the Aliens Authorities if they come across a lacking residence status in the course of their work (Cremer, 1997: 55). Some requests are standardised, e.g.: residence registration offices routinely inform aliens authorities; and visa issuing posts routinely require information from the concerned local aliens authority if they have to decide on a visa for a longer stay.

The Central Aliens Register is an important means of information exchange. It consists of two files, one including visa applications which is fed by consular posts abroad, and another one which includes basic personal and status related data on all foreign national residents and other foreign nationals of some importance for the administration, especially asylum seekers (who are not considered residents) and expelled persons.<sup>6</sup>

Public authorities dealing with matters of the laws on aliens, asylum seekers, and refugees are not only entitled to request specified information from the Central Aliens Register but under certain conditions may also extract this information via on-line connections for data transmissions (Cremer, 1997: 57). The Register receives about 1 million inquiries per month (Bundesregierung, 1995: 2). It is of central importance for the local Aliens Offices, which have to inquire into the database before granting or denying a residence permit.

In conclusion, there are a number of administrative offices and police services that are in charge of the various aspects of immigrant entry, stay and work regulation in Germany. The administration is rendered complex because of the inherent complexities of the German system deriving from its de-centralised government, which includes central, *Laender* and local authorities and services. Furthermore, the system allows for a number of exceptions, while its smooth functioning requires co-operation between the various services. In studying the impact of organisational culture on immigration policy implementation, these complexities as well as the specific practices and modalities of the co-operation need to be taken into account.

## 4. Migration flows: A general account of different categories

In the following chapter, we give a quantitative overview over migration to Germany during the 1990s, the decade of high immigration and intensive efforts to regulate and restrict these migration flows. We start with a presentation of important categories with regard to entry. Secondly, we show how total migration streams developed under the influence of the presented categories.

Quantitative presentations can easily be misunderstood by readers not familiar with the statistical categorising in Germany, as the collection of statistics differs significantly from other

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<sup>6</sup> Only since 1994 is this highly sensitive database regulated by law. For more information see Streit (1996).

countries. Therefore we start with a preliminary remark on the characteristics of German migration data.

#### **4.1 Preliminary remarks on German migration data**

The presentation of migration data is strongly influenced by the German organisational structure of migration control. Nearly all data are procedural data which were collected in the course of administrative acts and not for statistical purposes. Basically, there are three types of statistics:

##### *4.1.1 Data from the registration offices*

These data include all registered migration over international borders. They are compiled from data in all German municipalities, allowing only a broad differentiation by nationality (including German nationality) and country of origin. It has to be noted that it is a case statistic. An example: If a Polish woman registers in June, because she does a seasonal job in agriculture for two months, she has to de-register in August on return. If she comes back in October to marry a German citizen, this will again be counted as an inflow in the same year. As a result, inflows usually overestimate the number of *persons* regularly entering the country, and outflows are usually underestimated, as people without intent to return to Germany often do not take the hassle to de-register. Total flows presented in 4.3 are based on these statistics, as well as some estimates.

##### *4.1.2 Case data of administrating authorities*

As has been shown in the preceding chapter, different authorities are responsible for the administration of different migrant categories. These organisations present data on case management in the yearly reports, which are used to present inflows in selected migration categories.

##### *4.1.3 Data from the Central Aliens Register*

Other categories of migration can only be estimated by comparing stock data for different points in time in the Central Aliens Register. Three types of migration data, which are often used in other countries, do *not* influence German statistics:

**Entries at the border:** Entries at German borders are neither counted nor registered or differentiated in any way. With a low estimate of 666 million entries in 1996 (Vogel, 2000a), it can be stated that there is a huge amount of traffic over German borders, indicating its high degree of international integration.

**Immigration data:** Germany does not make any comprehensive effort to know how many people have entered the country with the prospect of medium or long-term residence. A categorisation of immigrants and non-immigrants in a single year cannot be presented. Data in some migration categories are estimates derived from the comparison of different statistics.

Census data: For many countries, censuses and official representative surveys form the most important basis of population statistics. This is not the case in Germany. The last census has been in 1987. Yearly micro-censuses include little information useful for analysing migration flows.<sup>7</sup>

Furthermore, German statistics are always differentiated by nationality, but never by country of birth or ethnic or racial criteria. It is official statistical policy that these questions are not asked.

## 4.2 Migration flows by categories

For the purpose of this report, we categorise migration flows into *four broad categories*:

The categories of inflow having a right to settle permanently constitute the first group. The categories with a prospect to gain a right to stay permanently when certain conditions are fulfilled constitute the second group. The third category is strictly temporary, i.e. being excluded from the prospect to gain a right to stay. The fourth group consists of asylum seekers and other people seeking protection from deportation in Germany. Only a small proportion of this group has the chance of moving to group 1 or 2 after recognition of their application.

### 4.2.1 Inflow with the Right to settle

Even if Germany has not developed a deliberate immigration policy, it still opens three gates of immigration for foreign nationals.

#### a) Ethnic Germans

The inflow of ethnic Germans is the most important immigration category for Germany.

It will be included in this overview for two reasons: Firstly, although ethnic Germans are considered German citizens as soon as they are accepted and move to Germany, they still do not have German citizenship before and have to apply for naturalisation if they want to exercise political rights. They are born abroad with a foreign nationality and have to be categorised as immigrants in a material sense of the word. Secondly, German immigration draws further immigration from the same regions as ethnic Germans may bring their spouses. 'Because of the increasing number of interethnic marriages, a considerable share of the accompanying family members are in the meantime of non-German origin' (Lederer, 1999a: 21; [translation by the authors]).<sup>8</sup>

In the period from 1950 to 1996, altogether about 3.7 million ethnic Germans were accepted into the territory of the Federal Republic of Germany. The peak of immigration was the year 1990 with a number of 397,073 registered entries. The introduction of a factual quota in 1990, the restriction to Germans from the CIS and people already born in 1993, and the introduction of language tests in the country of origin led to a significant reduction in numbers and a shift in

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<sup>7</sup> They include interesting information on the stocks of foreign population, but are still rarely analysed under migration aspects (see Velling, 1995)

<sup>8</sup> 'Aufgrund der wachsenden Zahl interethnischen Ehen ist mittlerweile ein beachtlicher Anteil der mitziehenden Familienmitglieder nichtdeutscher Herkunft' (Lederer, 1999a: 21).

origin countries. The most important areas of origin were Poland and Romania for the 1980s and the successor countries of the USSR for the 1990s.

Today Kazakhstan is the most important country of origin: In 1996, 52 % of all ethnic Germans came from there. In the 1990s the immigration of Kazakh citizenship rose considerably. It is worth mentioning that the ethnic Germans of the 1990s are less qualified and less fluent in German than the former. Thus in Germany these Ethnic Germans are perceived by the local population as ‘Russians’ and by the local authorities as ‘difficult to integrate’.

**Table 1: Inflow of ethnic Germans**

| 1990    | 1991    | 1992    | 1993    | 1994    | 1995    | 1996    | 1997    | 1998    |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 397,073 | 221,995 | 230,565 | 218,888 | 222,591 | 217,898 | 177,751 | 134,419 | 103,080 |

Source: Lederer, 1999a: 64.

#### b) EU-Immigration

With the realisation of the Treaty of Rome, EU-citizens have the right to immigrate and to settle without restrictions in the European Union, provided that they can live without welfare during early periods of residence. Thus the residence status of 25 % of the foreign population is secure. In the period 1993 to 1998, population with EU-nationality rose because of the accession of Finland, Austria and Sweden to the EU by about 300,000 with significant in- and outflows. A good share of the registered turnover in migration can be attributed to the temporary employment of estimated 200,000 contract workers from EU-member states on construction sites in Germany (mostly not according to the set conditions).

#### c) Immigration of Quota refugees

The *Act on Measures for Refugees admitted in the course of humanitarian programmes (Contingent Refugee Act)* released in 1980 is a gate of entry to permanent settlement. The Contingent Refugee Act is reserved for exceptional situations in which all German Laender agree to take part in an international programme to admit a limited number of refugees who cannot be saved otherwise. Admitted contingent refugees receive an unlimited residence permit and can participate in integration programmes like language courses, professional training courses.

Until 1995 Germany admitted 37,099 contingent refugees from Vietnam, Laos, Cambodia (35,464), Chile (1,456), Argentina (88), Cuba (4) and Kurds from the Iraq (87). In the 1990s, Germany also introduced quotas for Jewish citizens from the former USSR in an effort to stop uncontrolled migration into the asylum system and avoid deportations of Jews, who do not qualify for asylum.

**Table 2: Immigration of Quota Refugees from former Soviet Union with Jewish origin**

| Until 31.12. 1993 | 1994  | 1995   | 1996   | 1997   | 1998   |
|-------------------|-------|--------|--------|--------|--------|
| 25, 132           | 8,811 | 15,184 | 15,959 | 19,437 | 17,788 |

Source: Lederer, 1999a: 24

#### 4.2.2 *Inflow with the possibility to settle if particular conditions are met*

The second broad section of inflow types includes the categories that can reach a permanent residence under the condition that certain requirements are met. In these cases a de-facto immigration takes place.

##### a) Inflow for work purposes

German law provides exceptions for the inflow of qualified workers in needed categories under exceptional circumstances with the possibility to improve residence rights after a number of years. There are no data available on this stream, but judging from other statistics, numbers seem to be fairly small.

##### b) Relatives of foreigners from Non-EU-Countries

Family migration is usually restricted to the nuclear family (spouses and minor children) unless under exceptional circumstances. Visa issued for the purpose of family reunification give an indication of the importance of this stream. In 1996 (earlier data not being available), 54,886 visa were issued (of those 22,245 from Turkey), 61,740 visa in 1997 (of those 26,590 from Turkey) and 62,992 visa in 1998 (of those 21,055 from Turkey) (Lederer, 1999a: 20). Family members are subject to different restrictions concerning the entry to the labour market and face waiting periods until they gain a right to stay, which is independent of the family member they joined.

#### 4.2.3 *Inflow for temporary purposes*

The third broad section of inflow types includes the categories definitely excluded from the right to unlimited residence. These categories are by law obliged to depart when the purpose of sojourn is executed or the residence title for specific purposes has expired.

##### a) Seasonal and contract workers from CEE

Seasonal workers from Bulgaria, Yugoslavia, Croatia, Romania, Slovenia, Czech Republic, Hungary and Poland are permitted to work three months per year in Germany in sectors with a seasonal demand for labour like agriculture, hotel and restaurants and exhibitions. Seasonal workers have to be placed by the competent labour offices for the employment in German firms. The work permit is granted only in the case that no eligible work force (inland and EU-workers) can be placed. They have to be paid according to local standards, and social insurance is obligatory if the contract lasts longer than eight weeks (or 50 days). About 220,000 seasonal workers were officially employed 1999 with a majority from Poland.

**Table 3: Employment of Seasonal Workers**

|                      | 1991     | 1992    | 1993     | 1994    | 1995    | 1996    | 1997    | 1998    |
|----------------------|----------|---------|----------|---------|---------|---------|---------|---------|
| Number of Placements | 128, 688 | 212,442 | 181,037  | 155,217 | 192,766 | 220,894 | 225,951 | 231,810 |
| Of those from Poland | 78,594   | 136,882 | 143, 861 | 136,659 | 170,576 | 196,278 | 202,198 | 187,690 |

Source: Lederer, 1999a: 76.

Contract worker is a term used specifically to refer to the employment of workers from CEE-countries and Turkey on the basis of intergovernmental agreements. A fixed contingent of work permits is issued for the employment of foreign workers. These agreements enabled a form of subcontracting between firms located in Germany with firms located abroad. The agreements specify the size of contingents of contract workers sent from particular non-EU-countries and for each area of economic activities. Construction is the sector where two thirds of all contract workers are employed. The employment of contract workers had evoked a fierce debate in the early 1990s because it coincided with rising unemployment of resident construction workers in a boom phase. As a result of the critique by the construction trade union, the contingent was reduced from 94,902 in 1992 to 32,882 in 1998. In 1998 contract workers from the following countries were employed: Bosnia-Herzegovina (average employment: 687), Bulgaria (688), FR Yugoslavia (0), Croatia (2,780), Latvia (167), Macedonia (185), Poland (16,942), Romania (2,631), Slovakia (943), Slovenia (660), Czech Republic (1,060), Turkey (1,103), Hungary (5,036).

#### b) Particular programmes for a temporary sojourn (students, au-pairs, vocational training)

This category covers different forms of programmes for temporary employment or training on a small scale. Several provisions of the Ordinance to Define Exceptions from the Recruitment Stop and the Work Permit Ordinance open gates of entry for most of all temporary sojourn for students, au pairs, athletes, teachers, managers and persons in specialised professions, border commuters or trainee workers. There are no data available on this category.

#### 4.2.4 *Inflow of people seeking admission for humanitarian reasons*

War, political or ethnic prosecution, natural catastrophes and disastrous economic conditions cause people to seek admittance in secure and rich industrial countries. Germany – as many other countries – offers hardly any way to seek admittance from abroad. Anyway, besides the classical instrument of asylum for politically persecuted individuals, the new 1990 Aliens Act provided a scheme for temporary protection of war and civil war refugees.

#### a) Asylum seekers

The number of asylum applicants rose significantly during the 1980s and reached a peak in 1993 when the legislator amended the respective article of the constitution and introduced a number of other restrictive measures to reduce the numbers of applicants. Since 1994 the number of applications decreased:

**Table 4: Asylum Applications in the 1990s**

| 1990    | 1991    | 1992    | 1993    | 1994    | 1995    | 1996    | 1997    | 1998   | 1999   |
|---------|---------|---------|---------|---------|---------|---------|---------|--------|--------|
| 193,063 | 256,112 | 438,191 | 322,599 | 127,210 | 127,937 | 116,326 | 104,353 | 98,644 | 95,113 |

Source: Lederer, 1999: 68; Innenpolitik, Nr. I/2000: 8.

At the moment the number seems to stabilise roughly on a level of 100,000 applications annually. The main countries of origin of asylum applicants are the following:

**Table 5: The main Countries of Origin of Asylum Applicants**

|                          | 1998   | 1999   | Changes in % | Changes absolute |
|--------------------------|--------|--------|--------------|------------------|
| FR Yugoslavia            | 34,979 | 31,451 | - 10.1       | - 3,528          |
| Turkey                   | 11,754 | 9,065  | - 22.0       | - 2,689          |
| Iraq                     | 7,435  | 8,662  | + 16.5       | + 1,227          |
| Afghanistan              | 3,768  | 4,458  | + 18.3       | + 690            |
| Iran                     | 2,955  | 3,407  | + 15.3       | + 452            |
| Azerbaijan               | 1,566  | 2,628  | + 67.8       | + 1,062          |
| Vietnam                  | 2,991  | 2,425  | - 18.9       | - 566            |
| Armenia                  | 1,655  | 2,386  | + 44.2       | + 731            |
| Syria                    | 1,753  | 2,386  | + 44.2       | + 403            |
| Russian Federation (CIS) | 867    | 2,094  | + 141.5      | + 1,227          |

Source: Innenpolitik Nr. I / 2000: 8.

Obviously the applicants come from areas with a high conflict potential. Among the applicants a considerable share is from ethnic minorities within their countries of origin:

**Table 6: Ethnic Origin of Asylum-seekers of the three most important Countries of Origin 1995 - 1998**

| Country of origin         | 1995          | 1996          | 1997          | 1998          |
|---------------------------|---------------|---------------|---------------|---------------|
| <b>FR Yugoslavia</b>      | <b>26,227</b> | <b>18,085</b> | <b>14,798</b> | <b>34,979</b> |
| Of those Kosovo-Albanians | 21,980        | 15,706        | 12,538        | 30,794        |
| In %                      | 83.8          | 86.8          | 84.8          | 88.8          |
| <b>Turkey</b>             | <b>25,514</b> | <b>23,814</b> | <b>16,840</b> | <b>11,754</b> |
| Of those Kurds            | 20,877        | 19,301        | 13,791        | 9,774         |
| In %                      | 81.8          | 81.0          | 81.9          | 83.2          |
| <b>Iraq</b>               | <b>6,880</b>  | <b>10,842</b> | <b>14,088</b> | <b>7,435</b>  |
| Of those Kurds            |               |               | 10,017        | 4,137         |
| In %                      |               |               | 71.1          | 55.6          |

Source: Lederer, 1999a: 28.

Asylum legislation offers protection for persons who are politically prosecuted by their state of origin and have not found a safe haven elsewhere. The Geneva Convention, transferred into Aliens Law, additionally protects those whose life and health is endangered on return even if the strict conditions for political prosecution do not apply. The recognition as political refugee renders a secure residence status, and Convention refugees are offered temporary protection, which may turn into a secure residence status.

But mostly, seeking protection ends either in an outright rejection, followed by absconding or return, or in a tolerated limbo status.<sup>9</sup> The figure for 1999 may serve as an example: 62,007 decisions were made by the Federal Office for the Recognition of Refugees. 2,221 cases (3.6 %) were recognised as refugees for political reasons and another 3,379 cases (5.4 %) fell under the

<sup>9</sup> Either asylum applications are accepted but not decided so that the person stays as asylum seeker with a Permission to Reside (Aufenthaltsgestattung) or they get a Toleration, or they are tolerated without any status.



protection of the Geneva Convention. Since 1990, about 160,000 asylum seekers were recognised as refugees.

Asylum seekers and tolerated foreign nationals face limited opportunities to find legal work, receive public welfare on a very low level, have no prospect of improvement of residence status and the permanent threat that toleration may end. Occasionally, the government decides with consent of the *Laender*, that some groups get the chance to get on the track for permanent residence, usually after at least eight years and under the condition that they found regular employment in spite of labour market restrictions (*Altfallregelungen*).

Considering this situation, data on asylum seekers reflect only part of the inflow of people seeking protection. The application may also take place later than the migration to Germany. Although there are efforts for centralisation in the asylum system, many cases are still dealt with autonomously by local authorities.

#### b) Temporary protection of war and civil war refugees

Already during the 1980s, immigrants from Central and Eastern European countries that were perceived to be refugees, were officially tolerated in an effort to relieve the asylum system. During the 1990s, the Yugoslavian wars brought large numbers of people to Germany, who were not individually persecuted, but still needed protection. Only a small number of 15,000 Kosovo refugees were offered temporary protection as part of an international evacuation action in 1999. Usually, people who entered legally as tourists or in some other status or illegally have sought protection once they were inside the country. Even if part of these refugees had Permission to Reside (*Aufenthaltsgestattung*) or Residence Title for Exceptional Purposes (*Aufenthaltsbefugnis*) at some stage of their stay, most of them ended up being tolerated if they did not return. In June 1999 from once 350,000 Bosnian war refugees 70,000 still remained in Germany. During the summer of 1999 a total of 180,000 Yugoslavian were asked to leave the country (Federal Government Commissioner, 1999b: 108).

### 4.3 Migration flows

In this chapter, we summarise total flows in the 1990s. The accumulated data reveal that the positive balance of migration (the difference between entries and departures) increased from 376,000 in 1990 to 593,000 in 1992. The large increase in 1991 and 1992 was among others attributable to large numbers of refugees from former Yugoslavia. Since then, the balance went down, even becoming negative since 1997.

**Table 7: Inflow and Outflow of Residents with Foreign Nationality in Germany (including EU-Citizens)**

|      | Inflow    | Outflow | Saldo    |
|------|-----------|---------|----------|
| 1991 | 925,342   | 497,540 | 427,805  |
| 1992 | 1,211,348 | 614,956 | 596,392  |
| 1993 | 989,847   | 710,659 | 279,188  |
| 1994 | 777,516   | 629,275 | 148,241  |
| 1995 | 792,707   | 567,441 | 225,260  |
| 1996 | 707,954   | 559,064 | 148,890  |
| 1997 | 615,298   | 637,066 | - 21,768 |

|      |         |         |          |
|------|---------|---------|----------|
| 1998 | 605,500 | 638,955 | - 33,455 |
|------|---------|---------|----------|

Source: Lederer, 1999a: 8.

This strong decline is *inter alia* due to the return of the Bosnian refugees and a decreasing migration from the Federal Republic of Yugoslavia (-13,300). Moreover, the positive migration balance of Turks, which still amounted to 30,000 in 1996, went down to 10,000 in 1997. Concerning the non-EU-countries thus the negative saldo is mostly a result of the policy towards Civil War Refugees from former Yugoslavia.

**Table 8: Inflow and Outflow for non-EU Foreigners for selected Countries 1997**

| Country              | Inflow | Outflow | Saldo    |
|----------------------|--------|---------|----------|
| Turkey               | 55,981 | 45,978  | + 10,003 |
| FR Yugoslavia        | 31,227 | 44,479  | - 13,252 |
| Poland               | 71,214 | 70,171  | + 1,043  |
| Croatia              | 10,006 | 18,948  | - 8,942  |
| Bosnia / Herzegovina | 6,901  | 83,943  | - 77,042 |
| Iran, Isl. Republic  | 6,219  | 3,894   | +2,325   |
| Romania              | 14,247 | 13,588  | + 689    |
| Vietnam              | 3,201  | 6,803   | - 3,602  |
| Morocco              | 3,951  | 2,429   | +1,522   |
| Afghanistan          | 5,273  | 1,950   | +3,323   |
| CIS                  | 24,815 | 11,189  | + 13,626 |
| Ukraine              | 12,520 | 4,303   | + 8,217  |
| Kazakhstan           | 14,638 | 3,019   | + 11,619 |

Source: Statistisches Bundesamt, 1999: 80.

Furthermore the overview reveals that the saldo is, to a certain degree, independent from the inflow: Poland as the most important country of origin with 71,214 cases resulted in a positive saldo of only 1,043. On the other hand the immigration from CIS resulted in a positive saldo with 13,626 with a comparatively meagre inflow of only 24,815. It is interesting to see that the migration saldo came to be negative for the years 1997 and 1998 despite considerable inflows of more than 600,000 registered cases.

In 1997, the number of entries from the former recruitment countries was lower than that of departures (-16,552). Showing some heterogeneity between the countries, one can generally speak of a declining trend. Migration from Kazakhstan is related to the admission of Ethnic Germans and for the Russian citizens with Jewish confession.

In conclusion, under the influence of restrictive immigration policies pressing for the return of people seeking protection and favouring temporary work, migration saldos came down considerably and are now negative. Nonetheless, total migration flows are still impressively high with about 600,000 people moving residence over German borders in both directions. Thus the intricate social process of migration has to be thought as a concept covering not only permanent immigration but also return migration and circular migration (Cyrus, 2000).

## 5. Stocks of foreign population: Selected characteristics

The following descriptions of the situation of the foreign resident population uses to a great deal material published by the Federal Commissioner for Foreigners' Issues (1999a). While flow data presented above is derived from registration offices and different administrative sources, stock data rely on the Central Aliens Register. Employment data are mainly taken from social security statistics.

The Central Aliens Register reported 7.3 million foreign nationals in Germany at the end of 1998, accounting for about 9 % of the total population.

**Table 9: Foreigners and the total Population in Germany 1991-1998**

| Year | Total population | Foreign Population | Share of Foreigners in % | Changes in the foreigner population in % |
|------|------------------|--------------------|--------------------------|--|
| 1991 | 80,274,600       | 5,882,267          | 7.3                      | - / -                                    |
| 1992 | 80,974,600       | 6,495,792          | 8.0                      | + 10.4                                   |
| 1993 | 81,338,100       | 6,878,117          | 8.5                      | + 5.9                                    |
| 1994 | 81,538,600       | 6,990,510          | 8.6                      | + 1.6                                    |
| 1995 | 81,817,500       | 7,173,866          | 8.8                      | + 2.6                                    |
| 1996 | 82,012,200       | 7,314,046          | 8.9                      | + 2.0                                    |
| 1997 | 82,057,400       | 7,365,833          | 9.0                      | + 0.7                                    |
| 1998 | 82,037,000       | 7,319,593          | 8.9                      | - 0.6                                    |

Source: Lederer, 1999a: 44.

### 5.1 Nationalities

At the end of 1998, the largest groups among the foreign resident population had turkish nationality, numbering 2.1 million, followed by nationals of the Federal Republic of Yugoslavia (Serbia and Montenegro), numbering 719,474, with another 450,000 from other successor states of the former Yugoslavia.

About one fourth of all foreigners living in Germany were nationals of EU member states at the end of 1998, following the accession of Finland, Austria and Sweden to the EU on 1 January 1995. The largest groups of foreign EU nationals came from Italy and Greece.

**Table 10: Foreign Nationals by selected Nationalities as for 31 December 1998**

| Citizenship                             | Total            | Male             | Female           | In %       |
|---|------------------|------------------|------------------|------------|
| <b>Foreigners</b>                       | <b>7,319,593</b> | <b>4,027,265</b> | <b>3,292,328</b> | <b>100</b> |
| 1. Turkey                               | 2,110,233        | 1,145,057        | 965,166          | 28.8       |
| 2. FR Yugoslavia<br>(Serbia/Montenegro) | 719,474          | 409,157          | 310,317          | 9.8        |
| 3. Italy                                | 612,048          | 366,095          | 245,953          | 8.4        |
| 4. Greece                               | 363,514          | 200,045          | 163,469          | 5.0        |
| 5. Poland                               | 283,604          | 149,383          | 134,221          | 3.9        |
| 6. Croatia                              | 208,909          | 197,358          | 101,551          | 2.9        |
| 7. Bosnia-Herzegovina                   | 190,119          | 98,661           | 91,458           | 2.6        |
| 8. Austria                              | 185,159          | 101,671          | 83,488           | 2.5        |
| 9. Portugal                             | 132,578          | 76,634           | 55,944           | 1.8        |
| 10. Spain                               | 131,121          | 69,352           | 61,769           | 1.8        |

|                         |         |        |        |     |
|-------------------------|---------|--------|--------|-----|
| 11. Iran, Isl. Republic | 115,094 | 68,756 | 46,338 | 1.6 |
| 12. Great Britain       | 114,055 | 67,915 | 46,140 | 1.6 |
| 13. Netherlands         | 112,072 | 60,320 | 51,752 | 1.5 |
| 14. USA                 | 110,680 | 63,416 | 47,264 | 1.5 |
| 15. France              | 105,808 | 48,912 | 56,896 | 1.5 |
| 16. Romania             | 89,801  | 51,590 | 38,211 | 1.2 |
| 17. Vietnam             | 85,452  | 48,056 | 37,396 | 1.2 |
| 18. Morocco             | 82,748  | 50,257 | 32,491 | 1.1 |
| 19. Afghanistan         | 68,267  | 37,837 | 30,394 | 0.9 |
| 20. Lebanon             | 55,074  | 32,538 | 22,536 | 0.8 |
| 21. Hungary             | 51,905  | 33,012 | 18,893 | 0.7 |

Source: Federal Government Commissioner, 1999b: 260.

## 5.2 Age groups and sex

Male migrants (55.3 %) were somewhat more frequent in the foreign population in Germany than female migrants in 1997. The foreign population is substantially younger than the German population with only 3% over 65, whereas 16 % of Germans are in that age group. However, the proportion of older migrants, both male and female, will gradually increase in the future as well.

Since the early 1970s, children born to migrant parents have accounted for between 10 % and 13 % of all children born in Germany. On December 31, 1998 from 7.3 Million registered foreigners 1,631,724 were born in Germany (22.3 %) (Lederer, 1999a). This means, today, just under two-thirds of all foreign nationals under 18 are born in Germany, and the vast majority will grow up and have children in Germany. Their children will acquire German nationality by birth, as a result of recent nationality law changes.

## 5.3 Length of stay and residence status

The foreign resident population forms an integral part of the population in Germany. Because of the length of stay, one can assume that most migrants remain in Germany. Thus, at the end of 1997, 30 % of the total migrant population, both male and female, had lived in Germany for twenty years or longer, and about half of the population for more than 10 years.

**Table 11: Length of Stay of the Foreign Population in Years as for 31 December 1997**  
(population expressed in thousands)

| Years:       | Less 1  | 1 - 4 | 4 - 6   | 6 - 8 | 8-10  | 10 - 15 | 15 - 20 | 20 - 25 | 25 - 30 | 30 and more |       |
|--------------|---------|-------|---------|-------|-------|---------|---------|---------|---------|-------------|-------|
| <b>Total</b> | 7 365.8 | 380.2 | 1 162.7 | 976.0 | 713.7 | 507.2   | 663.9   | 752.2   | 762.6   | 961.7       | 485.5 |

Source: Statistisches Bundesamt

The length of stay of foreign workers and their families from the former recruitment countries is even longer. Almost two thirds of all Turks and Greeks, 71 % of Italians and 80 % of Spaniards have lived in the country for ten years or more. With regard to the relevant statistics, note that the average length of stay is reduced because of the influx of relatively large numbers of asylum seekers and refugees over the last decade and the naturally short 'length of stay' of the relatively

large numbers of migrant children born in Germany. Considering the fact that migrants – and especially foreign workers and their families – have lived in the country for many years and that for most of them, Germany has become the focus of their life, the residence status of many migrants still leaves much to be desired.

**Table 12: Residence Status of the Foreign Population as for 31 December 1998**

| <b>Total</b> | <b>Limited Residence Permit</b> | <b>Unlimited Residence permit</b> | <b>Right of Unlimited Residence</b> | <b>Residence title for Specific Purposes</b> | <b>Residence title for exceptional Purposes</b> | <b>Permission to Reside</b> | <b>Tolerance</b> | <b>Rest</b> |
|--------------|---------------------------------|-----------------------------------|-------------------------------------|--|---|-----------------------------|------------------|-------------|
| 7,319,593    | 1,775,339                       | 1,985,030                         | 849,259                             | 206,379                                      | 164,570   | 283,612                     | 284,767          | 1,770,637   |

Source: Bundesverwaltungsamt – AZR.

Of 7.3 million foreigners registered in Germany, 1.8 million foreigners have a safe status as EU-citizens and further 4.6 million obtain a safe or relatively safe residence status (Lederer, 1999a). Of a total of 2.11 million Turks at the end of 1998, for example, 765,000 had a limited residence permit, 610,000 an unlimited residence permit, and only 500,000 had a right of unlimited residence (23.7 %), the most secure residence status. Since a secure residence status is essential for successful integration, there is still a deficit here.

Additionally, the table shows the large number of foreign residents without any regular residence status. Besides those people who are tolerated (3.9 %) or asylum seekers with a Permission to Reside (3.9 %) there is a large unspecified rest category which includes among others people in all stages of deportation procedures (22.8 %).

#### **5.4 Geographical distribution**

The geographical distribution of the foreign population among the federal states and between urban and rural areas is extremely varied. At the end of 1997, over 70 % of all migrants were concentrated in the four large states of Baden-Württemberg, Bavaria, Hesse and North Rhine-Westphalia. In the states of former West Germany, more than twice as many migrants are to be found in large conurbations than in rural areas, and almost three times as many in the urban centres. Here, migrants account for an average 15 % of the total population, and in some cases the figure is even considerably higher. In 1995, the percentages were highest in the cities of Frankfurt am Main (30.1 %), Stuttgart (24.1 %) and Munich (23.6 %).

Migrants make up a very small part of the population in the states of former East Germany. Excluding Brandenburg (2.3 %), they account for less than 2 %, and only range from 1.8 % to 2.8 % even in the urban centres of Leipzig, Halle, Dresden, Rostock and Magdeburg.

#### **5.5 Refugee groups in the Federal Republic of Germany**

The number of refugees in Germany rose according to ministerial estimates from 700,000 in 1987 to roughly 1.9 million in 1993, and declined again to about 1.4 million in 1997. This corresponded to 16.5 % of all migrants in 1987, 28.0 % in 1993 and 19.0 % in 1997. The roughly 1.4 million refugees in 1997 included around 307,500 persons granted asylum and dependants of such persons (22.0 % of all refugees), 25,500 convention refugees (1.8 %), an

estimated 95,000 quota refugees (6.8 %), 16,000 stateless aliens (1.1 %), 360,000 de facto refugees (25.7 %), 320,000 asylum seekers (22.9 %) and 254,000 refugees from civil wars (18.1 %).

## 5.6 Employment

Since 1994, a general fall in demand for labour and stricter laws on asylum and work permits have led to a decline in the numbers of foreigners engaged in employment subject to social insurance contributions. In the years before, from 1980 to 1993, the number of foreigners engaged in employment subject to social insurance contributions had risen continuously from 1,583,898 to 2,183,579. The same trend applies for other (less important) group of economically active foreign nationals. Overall in the last years a social differentiation between immigrant groups that are economically more or less successful can be observed.

**Table 13: Foreigners in Employment liable to Social Insurance**

| 1992      | 1993      | 1994      | 1995      | 1996      | 1997      |
|-----------|-----------|-----------|-----------|-----------|-----------|
| 2,103,916 | 2,226,862 | 2,167,959 | 2,155,861 | 2,084,690 | 2,017,925 |
| 8.9 %     | 9.6 %     | 9.4 %     | 9.4 %     | 9.3 %     | 9.0 %     |

Source: Federal Labour Office.

A breakdown by occupational groups of employees liable to social insurance in West Germany (as of 30 June 1998) shows that foreigners are over-represented in occupations involving heavy physical work but that they are also strongly represented in the service sectors. They accounted for about 20 % in the following occupational groups: cooks (23.1 %), assemblers and metalworkers (22.7 %), welders (22.2 %), plastics processing workers (21.3%), hotel industry workers (19.8 %), cleaners (19.0 %) and miners (17.1 %).

**Table 14: Unemployment Rate in total and among Foreigners**

| Year | Total             | Foreigners'       |
|------|-------------------|-------------------|
|      | Unemployment rate | Unemployment rate |
| 1979 | 3.2               | 3.9               |
| 1980 | 3.5               | 4.8               |
| 1981 | 5.4               | 8.5               |
| 1982 | 7.5               | 11.8              |
| 1983 | 8.6               | 13.7              |
| 1984 | 8.6               | 12.7              |
| 1985 | 8.7               | 13.1              |
| 1986 | 8.2               | 13.0              |
| 1987 | 8.4               | 14.1              |
| 1988 | 8.1               | 13.9              |
| 1989 | 7.3               | 11.2              |
| 1990 | 6.6               | 10.1              |

|      |      |      |
|------|------|------|
| 1991 | 6.0  | 10.6 |
| 1992 | 6.5  | 12.3 |
| 1993 | 8.3  | 15.3 |
| 1994 | 8.8  | 15.5 |
| 1995 | 9.0  | 16.2 |
| 1996 | 10.0 | 18.6 |
| 1997 | 10.7 | 19.7 |
| 1998 | 9.8  | 18.3 |

Source: Federal Labour Office.

However, a long-term look at annual average unemployment figures and rates shows that 1998 saw the highest unemployment ever with 534,698 unemployed foreigners; job losses affected above all women in 1998. The number of job-seeking foreign nationals is actually even higher, as foreigners without work permit are not counted as unemployed. The foreigner-specific unemployment rate amounted to 20 % in 1998. Moreover, the gap between Germans and foreigners has widened significantly. Lack of education in an increasingly knowledge-based economy may be one reason: 78 % of all unemployed foreigners had no vocational qualifications in 1997, while among unemployed Germans this figure was only 38 %.

From this brief overview of the immigration flows towards Germany and the size of the immigrant population that is actually present in the country, it becomes clear that immigration is a critical issue for contemporary German society. The issue is inextricably related to a number of policy areas such as employment, welfare and, last but not least, citizenship. Given the large size of in- and outflows, implementation of immigration policy generally and with particular reference to the issue/renewal of stay and work permits is of great importance in the German context. The analysis of the dynamics of the implementation process undertaken in this project aims at making a contribution precisely in this field.

## **6. Research on undocumented immigration and the offices concerned with combating illegal immigration**

There was hardly any research about (im)migration of foreign nationals to Germany until the 1970s when scientific concern began to focus on problems of the integration of the resident foreign population and – when the inflow of refugees increased - on aspects of the immigration of refugees.

Early research concentrated on political preconditions of the guestworker recruitment system and its social and economic consequences.<sup>10</sup> In the 1980s, integration was the dominant topic of academic research.<sup>11</sup> The data basis for empirical research was improved, especially by including a large sample of foreign nationals from the five main former recruitment countries into the socio-economic panel (Schulz *et al*, 1993), the biggest longitudinal database in Germany. Generally, research concentrated on these nationalities framed as ‘foreign workers

<sup>10</sup> See Mehrländer (1987) for a review of her own three studies between 1966 and 1978.

<sup>11</sup> *E.g.* Deutsches Jugendinstitut, 1987, for a contemporary essay on integration see Schulte, 1998.

and their families' (see, for instance, Forschungsinstitut, 1985), with a somewhat disproportional focus on the social situation, return and integration of Turkish nationals (cf. Meys, Sen, 1986). The 1990s saw a significant rise in migration-related research and a broadening of topics both with regard to the investigated aspects and nationalities. A vast number of studies examined migration with a theoretical<sup>12</sup> as well as empirical focus.<sup>13</sup> Policy aspects were investigated increasingly comparatively.<sup>14</sup> A virtual consensus emerged in the scientific community, demanding a consistent, long-term immigration policy (Bade, 1994), details of course being controversial.

It was also only in the 1990s that the phenomenon of illegal employment of foreigners became a matter of public interest. The previous public ignorance may have encouraged Harald Lederer, one of the few German scholars concerned with the subject, to the following - misleading - statement: 'Illegal Migration is a recent phenomenon in the Federal Republic of Germany appearing in a form worth mentioning only since the early 1990s. Until now there is no research tradition like in the USA, where from the thirties on a number of studies were prepared, many of those dealing with the quantitative aspect of the phenomenon' (Lederer, 1999b: 90).<sup>15</sup>

However, illegal entry and employment was already in the 1960s a phenomenon noticed by the competent offices: In Berlin for instance the Senator of Interior presented in 1970 a 'report on the problems connected with the employment of foreigners and the illegal sojourn of foreigners in Berlin' (cf. Schwarz, 1992: 122). But only after 1973, illegal immigration and illegal employment of foreigners became a matter of some public interest, when the declaration of the recruitment stop prevented further inflow and first employment of foreigners. Before, it had been common practice that foreigners who had entered the country as a tourist and found a job, were granted work and residence permit. In the period of full employment and economic boom the employment of foreigners was perceived to be a positive factor for the economic performance. The interaction of legal and political developments and administrative implementation in this period was analysed in a study by Dohse (1985) that mainly relied on publications and administrative records. A comprehensive historical account on the employment of foreign workers from 1880-1980 was conducted by Herbert (1986).

After 1973 the perception changed: Trade unions touched the problem of illegal employment of foreigners, most of all from Turkey (Diamant, 1973; Treichler, 1999). According to a report by Berthold Huber, the federal Minister of the Economy declared in 1974 that about 230,000 foreigners were employed illegally. He noticed that the legislation was tightened with regard to the illegal employment of aliens (Huber, 1975). But all in all the subject of illegal employment of foreigners did not attract much attention. The majority of the illegally employed foreigners came from the former recruitment countries (Fiedler, 1976; Rimmel, 1978). The presence of illegally employed foreigners was only sporadically touched, most of all from a social policy perspective (Ucar, 1983). In the year 1983 the precarious situation of illegally employed Turks was depicted forcefully in a well-known book titled '*Ganz unten*' (At the very bottom) by the journalist Günther Wallraff.

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<sup>12</sup> See Treibel, 1990; Bös, 1996; Faist, 1993; 1995, and Faist *et al*, 1996.

<sup>13</sup> See Bischoff and Teubner, 1990.

<sup>14</sup> *E.g.* Luciani *et al*, 1993; Cornelius *et al*, 1994; Hailbronner *et al*, 1997.

<sup>15</sup> 'Illegale Migration ist ein junges Phänomen in der Bundesrepublik Deutschland, das erst seit Beginn der 90er Jahre in nennenswerter Weise auftritt. Bisher existiert keinerlei Forschungstradition wie in den USA, wo zahlreiche Studien, auch zu den Quantitäten des Phänomens, seit den 30er Jahren erstellt wurden' (Leder, 1998: 90).



During the 1980s, illegal employment took place in the construction industry, agriculture and other labour market segments not attractive for the inland labour force. Despite the prohibition of unauthorised entry and employment of foreigners, the authorities developed a quite pragmatic stance for certain areas. Disregarding federal regulations, the employment of foreigners in the vintage in wine growing areas was ad hoc legalised by the *Laender* authorities (Schwarz, personal communication). Since the late 1970s began a - compared to today - moderate but with the time increasing inflow of temporary polish labour migrants looking for a job in the shadow economy. Additionally the inflow of polish citizens admitted as refugees led to an increase of the informal labour force when these refugees did not receive a work permit. In 1985 a report of the Berlin Senate stated that a considerable number of polish immigrants were engaged in the shadow economy.

Beginning in the early 1980s, the Federal Labour Office gradually built up resources to combat illegal employment by foreign nationals, benefit fraud and social security tax evasion by Germans and legal residents. As early as 1988, police in Berlin founded a specialised task force 'Poland' combating illegal employment and trade of polish citizens (Cyrus, 1995). But as the statement by Harald Lederer indicated, only after the reunification of the two Germanies illegal employment of foreigners began to be regarded as a common feature of contemporary labour markets in the public discourse. After migration barriers dissolved with the collapse of the socialist state order, the image of the 'illegal' started a career in public discourse. It became common to label unwanted inflows of foreigners as 'illegal': Trade unions suspected contract workers from CEE to be a variant of illegal employment. Rejected asylum seekers were blamed to be 'illegal' including those protected by the Geneva Convention. The 'illegals' were accused to contribute to unemployment, criminality and destabilisation of the state. In short: The 'illegals' became the scapegoat, a legitimisation for policy failures and a target for policy measures. Even the Federal Intelligence Service, more or less deprived of serious tasks after the collapse of state communism, recently discovered illegal immigration as a new arena of activities. Since 1990 the institutions concerned with the enforcement of migration policy draw a one sided picture of illegal immigration as a serious threat to interior security. The debate was and is fuelled by a wide range of official press releases and declarations on increasing criminality and organised crime.<sup>16</sup> Recently the Federal Border Police as well as the Ministry of Interior prepared reports on illegal immigration only for internal use. We present some official information in the following table:

**Table 15: Official Data on Illegal Entry, Illegal Sojourns and Irregular Employment**

| Year | Illegal entrants at the German Borders (border police data) | Foreigners suspected to be illegally in Germany (border police data) | Cases of illegal employment of foreigners (employers and employees) in Western Germany |
|------|---|--|--|
| 1990 | 7,152   | 47,585   | 28,800   |
| 1991 | 23,587  | 43,455   | 37,300   |
| 1992 | 44,949  | 58,452   | 44,795   |

<sup>16</sup> Severin 1997, Kanther 1997; several issues of *Innenpolitik*, the official magazine of the Federal Ministry of Interior; Bundesministerium für Arbeit und Sozialordnung 1997 a and b, Bundesregierung 1996, Franke and Wanka 1989 or Lüpke 1997. Exceptions are Berliner Fachkommission 1997 and the publications of the several Commissioners of Foreigners' Affairs of the Federal Republic, the *Laender* and the communities, cf. Karpf, 1997, Federal Commissioner, 1999b or Commissioner of Berlin Senat, 1995.

|      |        |         |        |
|------|--------|---------|--------|
| 1993 | 54,298 | 88,148  | 69,718 |
| 1994 | 31,065 | 90,380  | 71,576 |
| 1995 | 29,604 | 97,007  | 71,092 |
| 1996 | 27,024 | 137,232 | 75,661 |
| 1997 | 35,205 | 138,146 | - / -  |
| 1998 | 40,201 |         |        |
| 1999 | 37,789 |         |        |

Source: 1990 – 1995: Lederer, 1997, 1996 - 1997: Lederer: pers. information, 1999: Innenpolitik, I/2000: 8.

Figures like these were fed into the public discourse and contributed to increasing concern about illegal immigration. Careful interpretation shows the phenomenon of residence without proper status did probably rise but rates of increase were much more influenced by organisational aspects (Vogel, 1999). Even if the figures document an increase in the numbers of detected cases of ‘illegality’, the interpretation has to take into account that in the given period the control personnel was enhanced significantly and the competences of control agencies were extended. Additionally, there is an overlap between data on illegal entries and foreign suspects, while labour market data usually does not include detected illegals.

In accordance with this development the figures of deportation of aliens show a consistent will of the authorities to implement the restrictive non-immigration policy.

**Table 16: Number of deported Foreigners**

|      | <b>Total of deportations</b> | <b>Of those of<br/>Rejected asylum seekers</b> |
|------|------------------------------|--|
| 1988 | 7,500                        | 2,800  |
| 1989 | 8,200                        | 3,300  |
| 1990 | 10,900                       | 5,900  |
| 1991 | 13,700                       | 8,200  |
| 1992 | 19,800                       | 10,800   |
| 1993 | 47,100                       | 36,200   |
| 1994 | 53,000                       | 36,200   |
| 1995 | 36,500                       | 21,500   |
| 1996 | 32,100                       | 14,484   |

Source: BMI, 1997: 38-39.

On the other hand, immigrant organisations, human rights groups and welfare organisations engage in the protection of refugees and immigrants without status. In the recent report the Federal Government Commissioner for the Foreigners’ Issue (1999b) explicitly welcomed the debate on the human rights dimension. However, in spite of the public interest, a more general scientific occupation with illegal immigration started with some delay only in the mid-1990s. Most of the early essays speculated more or less sophisticatedly either on the threats of illegal

immigration as a consequence of the new geopolitical situation or on the consequences of the restrictionist policy measures for the protection of refugees (Nuscheler, 1995, Höfling-Semnar, 1995). Only few explorative studies, focussing on specific groups, started a more empirically oriented investigation and reasoning about this subject.<sup>17</sup> Meanwhile a number of articles deal with illegal immigration to Germany focusing on different aspects like the judicial interpretation,<sup>18</sup> the economic reasoning,<sup>19</sup> the problems of statistical account (Vogel, 1999; Lederer, 1997; 1999b), the institutional structure of enforcement authorities (Vogel, 1998; 2000a; Dietrich, 1999), the macro-sociological and political science perspective (Müller-Schneider, 2000), micro and meso sociological aspects (Cyrus, 1997; Vogel, 1996a), human rights regime analysis (Höfling-Semnar, 1995; Cyrus, 1999a), social situation and demand for the social policy,<sup>20</sup> the illegal and irregular employment of foreigners in Germany with a focus of the new migration from Poland,<sup>21</sup> the situation of refugees after the change of the constitution.<sup>22</sup>

However, regarding empirical studies of illegal immigration in Germany, only two more comprehensive research projects have been carried out. The book by Alt (1999) on undocumented migrants in Leipzig presents the results of two years field research. Alt interviewed 48 unauthorised migrants of different nationality with a wide range of status careers from absconded asylum seeker to 'false' tourists and individuals without any official documents. Additionally, Alt conducted interviews with experts, supporters and officers concerned with the enforcement of migration laws. He provocatively stated that the social arrangement of illegality seems to be profitable for all parties involved. Even the state seems to tolerate a particular amount of illegal foreign population for the sake of moderate prices in some economic sectors. Alt discovered a certain feeling of inconvenience among some interviewed officers in the enforcement agencies who found their work neither effective nor fair because detected migrants are facing deportation while employers get away with no or little sanctions. Like other studies, Alt found that the situation of undocumented migrants is characterised by an unhealthy stress to be detected and a significant risk to be cheated and/or blackmailed. A considerable vulnerability exists in the areas of basic human rights like health care or education of children as well as in civil rights affairs (conflict with employers or black-mailers). Alt stated that the contemporary institutional structure of migration policy is not only inadequate to prevent illegal immigration but a factor that contributes to the unprotected situation of unauthorised immigrants.

The second larger empirical study on illegal employment and the interaction of immigrants and authorities was finished recently by Czarina Wilpert (1998 and 1999) as German part of an EU-sponsored research project (MIGRINF). It is examining new migration and informal labour markets. Wilpert evaluated the views of experts in control agencies and with the so-called 'new migrants' of Polish, Vietnamese and Turkish citizenship engaged in the informal economy. The study states that the general trend towards the 'informalisation' of the labour markets with deregulation, growth of part time and temporary employment, growth of private employment

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<sup>17</sup> Heine-Wiedenmann, 1992; Kienast and Marburger, 1994; Belentschikow, 1994; Cyrus, 1995; Estrella, Jordan and Vogel, 1997; for a general overview of early studies see Vogel, 1999 or Lederer, Nickel, 1997 with a focus on early studies of illegal employment.

<sup>18</sup> McHardy, 1994; Wollenschläger, 1994; Dembski, o.J., Robbers, 1994; Böhning, 1997; Hildebrand, 1998; Eichenhofer, 1999

<sup>19</sup> Tichy, 1990; Schumacher, 1995; Jahn, 1997; 1999; Jahn and Straubhaar, 1997.

<sup>20</sup> On the social situation Alt, 1999; AWO, o.J.; Bühle, 1996; Caritas, 1995; Eritt, 1996; Erzbischöfliches Ordinariat, 1997; 2000; Schäfers, 1995; Scheurer, 1991; Schirmacher *et al.*, 1988; on the demands for social policy Cyrus, 1998, Erzbischöfliches Ordinariat, 1997; Röseler and Vogel, 1993; Vogel, 1996b; 1996c; 1996d.

<sup>21</sup> Alt, 1999; Butscher, 1996; Cyrus, 1999b; Irek, 1998; Höhner, 1997; Blaschke, 1998.

<sup>22</sup> Ehrlich, 1998; FFM, 1998; Lange, 1997; Uihlein, 1993; 1994; UNHCR, 1995.

agencies, the casualisation of employment and the growth of unemployment had changed the structural context for the employment of foreigners. Wilpert observes an interaction between the decline of manual labour in heavy industry and the replacement of more expensive German and old-migration-country-foreigners with subcontracted foreign, seasonal or undocumented foreign workers. Of interest is the estimation that enforcement activities of the police focus especially on illegal employment of foreigners, illegal entry, smuggling of foreigners and organised crime which includes the falsification of documents and the involvement of foreign nationals in these crimes. However the description of police officers reveals a kind of frustration when suspected employers once caught can - according to the police men's view - still continue with their unlawful activities.

Apart from these broad studies on illegal immigration and informal labour market which only touch upon the organisational culture of enforcement agencies, there is a small in-depth study by Eidmann (1994). Eidmann explored the interaction and communication of employees of the local aliens' office in Bremen with foreign applicants by participant observation. The employees routinely act in loyalty to the provisions of the Aliens Act even in cases when the officers do not agree with every aspect of the content and the procedure. In their performance the officers restrict themselves to the examination of the areas relevant for the decision making process to grant or to refuse the applied 'stamp'. The officers in charge do not feel obliged to explain the clients' rights. On the other side the employees perceive the applicants with considerable distrust. Administrative staff in the Aliens authorities act under the general suspicion that applicants will not hesitate to deceive in cases the requirements are not met.

In conclusion, although during the last decade there has been an increasing interest and proliferation of studies on migration, the organisational culture of the administration offices involved in the policy and the interaction between immigrants and authorities or social services remain largely unexplored.

## **7. Final remarks**

Since World War II, there was always a lot of immigration to Germany, and it has nearly always been perceived as too much in the public discourse. A large part of this immigration was German or of German origin and never framed in terms of 'immigration'. Large inflows of foreign nationals have always been framed as a reaction to exceptional labour market or political needs, and policies have always been directed at keeping the temporary nature of labour and refugee flows. Although Germany is indeed characterised by substantive inflows *and* outflows, these policies have not been successful in the sense that they did not prevent the long-term residence of populations of non-German origin. With its priority on return encouragement and even enforcement, integration efforts start late in the individual migration history, when individual immigrants and their children born in Germany have already made experiences of not-belonging, deterrence and exclusion for many years. At the same time, expectations concerning the degree of assimilation to some sort of German standards are high. There is, nonetheless, political consensus that successful integration policies for long-term residents depend on enforcement efforts against unintended prolongation of stay and illegal residence.

The self-perception of Germany as a non-immigration country and the strength of Germanness despite the presence of large foreign populations are reflected in the institutional structure that deals with migration-related aspects. Furthermore, this structure is characterised by features of

the German federal system: It is decentralised, fragmented, co-operative and enforcement-minded.

The high importance of some sort of German identity does not mean that this is a clear concept. For people in the Federal Republic, the suppression of and debate on the guilt for atrocities during the Nazi-regime was as constituent for their Germanness as their identification with the so-called economic miracle – two experiences which people in the GDR did not share in the same way as they were officially encouraged to identify with resistance against national socialism and experienced only moderate post-war growth in comparison to their Western neighbour. Today, issues of German identity are much more influenced by German unification than by immigration from abroad.

This legacy of the past will influence the way in which German authorities cope with future challenges in the field of migration which are common to all European states, and particularly, how it will implement common European standards in immigration policies which are due to come in the following decade.

This project aims at contributing to this debate by highlighting the role that organisational culture and identity processes play in the implementation of immigration policy in Germany and also across the EU, identifying commonalities and differences. The German case is of particular interest because of the administrative complexities of the system, outlined in this report, which are largely due to the federal structure of the country but which also reflect a specific set of administrative and organisational culture(s).

# Chapter 3: Migration Pathways: A Historic, Demographic and Policy Review of the Greek Case

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## 1. Introduction

This report offers a short account of the immigrant presence in the history, demographic constitution of the population, and policy of Greek society. Through an analysis of the above three issues, this report aims to provide a comprehensive understanding of migration, and of inclusion and exclusion pathways.

In Part One, the emphasis is upon changes, which have influenced migration flows and have constructed a variety of cultural and political *paths* towards the *spatial* categorisation of immigrant workers. The analysis is centred on two basic benchmarks of Greek socio-economic development. These are: the influence of regional economic and military interests in the transfer of immigrant workers into Greece; and the impact of *globalisation* upon the construction of new migration pathways into the country.

In Part Two, we are concerned with the demographic approach of immigrants. Recent changes have produced a complex set of immigrant identification and self-ascription, and have questioned the use of existing concepts in the process of categorisation. These changes are related to globalised migration movements, the establishment of new immigrant groups, and the role the subjective experience plays in the formulation of immigrant social networks.

In the final part of this short report, our analysis is centred on the response of the Greek state towards immigrant groups, which is achieved through the formulation of a legal system that sets *boundaries* between incoming people and the host group.

## 2. Historical overview of migration flows in Greece

Migration has always been part of a wider system of economic and cultural organisation. As will be shown below, the political and economic existence of the Greek village system (*horio*) and of the Greek *Ethnos-state*, have developed around a system of mobility of people, of economic inclusiveness and of political exclusion of migrants. Both realities have long existed in Greek history, and remind one of the central role migration has played in Greece, and the importance for a diachronic as well a synchronic analysis of this phenomenon (Braudel, 1997).

Each historic period however, has been characterised by different types of migration and by different *pathways* towards the establishment of inclusion and exclusion of people, resulting in a

*mosaic* of mobility - immobility. Part of such a *mosaic* is the twentieth century labour migration which, according to most critical reviews of Greece's socio-economic history, occupies, together with family organisation, a major part in the development of an agricultural economy and of informal activity in the manufacturing and service sectors.

This part, therefore, will focus upon the main *trends*, *characteristics*, and *complexities* of migration flows in Greece and in particular of labour migration. With this aim in mind, this section will analyse the following: the early labour - migratory patterns in Greece and the political paths followed towards inclusion - exclusion of migrants; and the more recent (post 1970s) labour flows of into the country. The brief review of the above issues will serve as our sociological platform to *launch* a further explanation of today's migration and socio-cultural *pathways* in order to further explore its formal and informal regulation.

People have always migrated in order to avoid natural disasters, wars, poverty, to join members of their family or to exchange ideas and goods with people of other places (Brown, 1995). In the Mediterranean however, one form of migration has always occupied a central role in historical and sociological analyses, namely, labour migration. It has a special place in the understanding of society's organisation and regulation, because apart from the fundamental role it plays for human livelihood, it also represents a stable or unstable source of group or self-identity.

Although the history of labour migration has not been documented in detail and much of it even today is incomplete, it has played a central role in the development of an agricultural and an informal economy in the country; for the deployment of the *vocabulary* of group and individual work; and has constituted the basis upon which much of the *Greek identity* has been constructed.

The *Greek vision* of labour migration, at least in its early existence, echoes familiar stories of crossings of difficult terrains on foot, as part of either *transhumance*, *nomadic* systems, or of *craft-associations* based on the village economy. The Balkan region according to the above, has always been perceived as a vast area of cultural-economic pathways. In contrast to the idea of *cultural zones* analysed by Braudel (1995), cultural - economic pathways represent a '*reality*' of social interaction based upon the exchange and the transmission of goods and ideas through travelling (Rokou, 1988). In the pre-modern history of Greece, occupation, household economy, community bonds, existed as a vast network of communication process, that is central for the production and reproduction of values, daily-life behaviour, and the enculturation of the young into the social environment of the village - community (Amira and Alimpranti, 1988). Travelling, the crossing of territories, has probably symbolised villagers autonomy or semi-independence, from the authority of the *millets* (administrative provinces under the Ottoman empire), and from geographic or economic isolation. Shepherds, cultivators of land, travelling merchants, probably constructed *ways* through which administrative control, dependence upon the *locale* and economic scarcity, were all dealt with through *diversity*, *mobility* and *inter-exchange*. In contrast to this, cartographers have often followed the migrants trail, in order to map the spatial limits of a territory. But unlike cartographers, labourers across the Balkan area have often crossed places and terrains following a different understanding of the '*limits*' of a territory, thus creating a system of organisation that was centred around the ritual-power of exchange, community, and of social-relations, and embedded in the ability to cross and become part of such a ritual-power system. The '*limits*' of a territory, were often identified more as part of an account of economic and cultural existence of the community and thus of self, rather than as part of a geographical - administrative system of regulations. An opposed vision of migration is reflected in the cultural and administrative control of immigrants during the 1970s - 1980s.

## 2.1 Migration during 1970 - 1980s: the turning of Greece into a 'Germany of the South'

According to the previous analysis, there have been distinct periods in the history of migration in Greece. The first period is characterised by an internal cultural diversity of people at the local village-community system of organisation. Labour migration as an aspect of transhuman, nomadic life, existed within a broader multicultural system of regulation under the Ottoman Empire. The development of merchant capitalism in the Mediterranean region and the development of an Independence movement, have both played a central role in the regulation of migration and the construction of National Greek identity through the transformation of the division of labour.

On the one hand, the presence of internal cultural and economic diversity was seen as a challenge to the then newly established territorial Nationalism, and it was dealt vigorously at both cultural and political levels. Thus, social institutions became responsible for a forceful socialisation of the remaining ethno-regional communities, resulting either in their assimilation or their mass exodus.

On the other hand, territorial Nationalism and the need to establish a system of cultural and economic Capitalism posed a challenge to the existing ethnic or community-village division of labour. Most of the late nineteenth and early twentieth century migrants, refugees, and ethnic minorities, were directed to perform tasks in a manner that either semi-proletarianised their labour (as was the case with Ethnic - Refugees from Asia-Minor in Athens) or led to the construction of a peripheral ethnic labour force secluded in marginalised ghetto-like areas (as it was the case with ethnic communities in the North of Greece). The transformation of farmers into tenant-farmers and the development of ethnic-businesses, that provided employment to otherwise economically excluded minorities, are valuable examples that demonstrated the development of *new pathways* of cultural and of economic regulation.

For most of the twentieth century inclusiveness - exclusion, have followed a pathway that deliberately systematised a *cultural division of labour* and the production of popular images of Greek identity, based upon a build up of mythical-territorial and religious sentiments, and upon negotiations of what constitutes Greek identity. The images of other ethnicities as *less civilised*' and as threatening the survival of 'Greekness', and the systematic praise of a patriarchal-household economy based upon the ideals of *mercantilism*, point towards a socio-economic development that was rooted both in traditionalism and the spirit of Nationalist strife. The rule of the territorial bound Nation (*Patris*), religion, and family, together with the hegemonic rule of the enterprising motives of a merchant class, produced cultural and economic barriers in the country, and a labour market that developed out of a segmented and informal labour force. The mythical notions of the successful returned migrant who invested back in his village, or of the self-made businessman and of the household-man who controls his family and production unit (*noikokyraios*), are only some of the sentiments that most Greeks adhered to, since the end of world-war two (Dimen, 1986). Hard-work, ascetic life, and the respect of traditions, have provided not only part of the internal cultural identity, but have also proved to be powerful identity -links of the Greek diaspora abroad (Ventoura, 1999).

During the second half of the twentieth century, there was a new turn in migration flows in Greece and in most southern European countries. Due to East-West conflicting relations along the border-lines of Western Europe, and due to anti-colonial movements in most Asian and African countries there was an increase of the number of refugees seeking asylum in Europe



(Ventoura, 1994). At the same time, a number of political refugees (i.e. of the Greek Civil War in the aftermath of World-War II) were allowed in with the end of the 1967-1974 military dictatorship, as part of a political amnesty given by the then liberal government. Together with political refugees, a large number of Greek economic migrants returned to Greece from the U.S., Australia and Europe, as a result of the country's economic development and due to the tightening of policies towards migration, which most Western countries started to implement. A number of restrictions towards family unification, the process of de-industrialisation, and an increase in xenophobia in Britain, Germany and Belgium, all contributed to the return of many of the Greek immigrants.

Since the 1970s, Greece together with Portugal, Italy, and other Southern European Countries, experienced a major decrease in the number of people that emigrated, together with an increase in the flow of returned migrants (King, 2000; Triandafyllidou, 2000).

. . . First there was a net emigration of nearly a million Greeks, during the period 1945-73. They left for economic, family and political reasons; over half of them went to European countries, especially West Germany (450,000) and the rest mainly to the traditional immigration countries of the United States, Canada, and Australia. Secondly, there was an important return migration during 1974-85, when almost half of the Greeks in Europe repatriated. Towards the end of this period however, both emigration from and return migration to Greece reached insignificant levels and net migration moved close to zero. . . (Fakiolas, 2000: 58).

According to Fakiolas (2000), as well as a number of earlier studies on migration in Greece, (Nikolinakos, 1973), the historic development of mobility in the country took a new turn, resulting in the return of Greek refugees and economic migrants, and the rise in the flow of asylum seekers and economic immigrants from Eastern Europe, South-East Asia and the Maghreb countries.

In relation to the second issue, most studies seem to suggest that such a turnaround from emigration to immigration is the result of both *exogenous* and *endogenous* parameters (Papageorgiou, 1973). Apart from what was argued earlier, (i.e. Greece's economic development), King (2000) suggests that during the 1970s there have been a number of structural reasons that explain Greece's transformation into a country of immigration. In his latest work, his thesis develops along the following parameters that may be responsible for the above transition.

Firstly, the recognition of the role played by the tightening of immigration policies in Western European countries, in the *diversion* of immigrants from Northern to Southern Europe, and in particular to Greece. Secondly, the particular *morphology* of Greece and Italy's border-lines makes control of migration flows extremely difficult, if not impossible. Thirdly, the long tradition of Greece's economic development based on shipping, commerce and tourism, was always dependent upon *global links* between sea ports, cities, and countries, attracting visitors and making it difficult to facilitate an immigration policy which is opposed to the economic interests of the country.

Fourthly, despite the fact that Greece has not recently been a colonising nation, colonisation has played a vital role in today's immigration, through Greece's dependence upon the economic and political networks of western advanced capitalist countries. King concentrates mostly on the traditional links between colonising and colonised countries, like those that developed between Spain and the Latin America for example. However, Greece's role as an *economic satellite* between the colonies and the metropolitan centres of the west, has proved a powerful *connecting*

*agency* (i.e. as King notes for the role of Catholicism in the case of Portugal, and Spain), between people of distant places.

The build up of trade links between colonies, Greece, and the Colonising countries, has not only allowed generations of people to familiarise themselves with life in Greece, but has also resulted in the development of market relations and the exchange of goods and services, and the establishment of Greek communities in African or Asian colonies. The documentation of one such case is the analysis of the Greek community in Ethiopia and the recent arrival of Eritrean economic migrants in Athens (Petronoti, 1995; Petronoti and Zarkia, 1998).

Apart from the case of *Eritreans*, the presence of Egyptians in Greece and the establishment of a catholic community of Italian origin in the Aegean islands, do point towards rather complex historic interlinkages between immigrants and a colonial past (Glavanis, 2000). Such historic interlinkages were not only important for the build up of trade between countries of the Mediterranean basin, and especially between the Maghreb countries and Greece, but have also followed the development of Western industrial systems of production and consumption. This was the case with the U.S. and British industrial interests in the Asian continent. These interests have resulted in the development of an international network of workers and industries, which connected people of the *Iranian Gulf, Turkey, Vosporous, and Greece* into a vast chain of energy extraction, transportation, and marketing networks. The operation of such networks became possible due to the economic and political dependence of the above countries upon the U.S. - British interests, and upon the transport and exchange of industrial workers between various industrial posts (Psimmenos, 1997).

Other strong *connecting agencies* have been: the linguistic - religious links between Russian-Greek, Kazakhstan-Greek and Pontic-Greek communities with Greece (Kassimati, 1998); the political links of people from the area of Macedonia; and the cultural links of the people of *Epirus*.

Fifthly, according to King, during the 1970s, there was a remarkable economic development that has resulted in a further decrease of income differences between North and South Europe, making it no longer necessary for Greeks and other South-European workers to emigrate in order to sustain their livelihood.

. . . Instead the development gap and the migration frontier now run east-west through the Mediterranean from Istanbul to the straits of Gibraltar, passing south of Cyprus, Crete, Sicily and Sardinia. This is Europe's *Rio Grande* (Montanari and Cortese, 1993; King, 1998) . . . (King, 2000: 10).

The 'European kind' of development in the case of Greece, seems to be inaugurated less with the modernisation of economic systems and the further development of a welfare state, and more with Greece's 1970s entrance into the European Economic Community, and the latter's political assurances that the country will be kept away from *military coups or military interventions*. It was probably '*political stability*' and '*economic prosperity*' plans, which resulted in the return of Greek migrants (Mousourou, 1991). Greece's membership into the EEC has also played an attracting role for migrants from other countries, who, during the past searched for political and economic refuge in the liberal countries of central or Northern Europe.

Sixthly, the existence of a large informal economy, together with the traditional existence of a large service sector, have produced a labour migration towards Greece which runs according to internal demands for seasonal-flexible labour and is complementary to the economic

development of Northern Europe (Iosifides and King, 1998). The search for a numerically - flexible labour force started in the 1970s, and according to the then (1974) academic studies on migration, Greece constructed a 'system' of Labour force recruitment as a response to National and international economic restructuring.

. . . The first influxes of migrants came to Greece as recruited migrant workers at the suggestion of Greek Federation of Industries (SEB) which noted that some sectors of the economy suffered labour shortages that had developed mainly in chemical industries but also in agriculture, in clothing and metal industries. Successive governments followed the above suggestion and allowed immigrants to enter and work according to labour market needs. In 1974-1975, some 20,000 foreign workers arrived in Greece from Morocco, Egypt, Philippines, Pakistan and Ethiopia. The Federation of Greek Industries saw a controlled influx . . . as an essential and necessary element in order to increase productivity and achieve faster economic growth in Greece. On the other hand, the governmental support for a large influx of returnees from Western European countries was not seen as an appropriate policy because of the difference of wage levels between Greece and the other countries and it was against the interests of employers who needed a cheap and unskilled labour force. . . (Petraou, 1999: 92).

The contemporary period of labour migration towards Greece as Petraou points, began with the country's economic adjustment to regional industrial activity. The increased supply of workers from the countries of the Maghreb, was seen as a solution to industrial profit maximisation. It is questionable however, whether the foundations of labour migration to Greece have only been primarily economic. According to Patiniotis (1990), Greece's *dependent development*, indirectly promoted a regional labour migration that encouraged both the outward migration of Greek workers and the supply of a 'cheap' labour force from the African continent.<sup>23</sup> *Labour shortages* seemed for the Greek authorities not a problem but rather a 'solution' to a growing population of under-employed, unemployed but skilled indigenous urban labour, which if employed, would complicate the existing conditions. The management of the indigenous labour force corresponded, at the time (1970s), to the influx of a labour force from North Africa, using the latter as a lever to continue with an industry unwilling to invest in economic restructuring, and also with a government unwilling to adjust to democratic and welfare demands.

For the political authorities and especially according to the then vice-president of the Greek military government (1971), the economic and political solution to Greece's structural problems was the encouragement and use of a labour force from other countries, as a way to achieve higher profits and as a way to *discipline* the indigenous working population. The latter was probably partially achieved through labour policies that imposed a wage freeze in industry, the establishment of an immigration policy that did not allow immigrants to send remittances back to their country, and a continuous regulation of inward and outward migration from the country.<sup>24</sup>

## 2.2. Contemporary migration flows: the rise of global networks

Since 1990, Greece's immigrant population has risen from 20,000 people to almost half a million according to estimates. For authorities, the documented (i.e. those that have applied for a

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<sup>23</sup> The president of the state Bank for Investments (1971) announced that 'Greece will soon become the Germany of the South' (quotation from *Der Spiegel* 49:124; see Patiniotis, 1990: 257).

<sup>24</sup> The military government at the time encouraged the inward migration of unskilled labourers from urban to rural provinces, and at the same time the outward migration of labourers from ethnically populated areas of Northern Greece (i.e. Thrace).

permit to work) migrant population is estimated (1998) to be almost 400,000 (i.e. the manpower organisation has recorded 369,629 applications). There are however estimates for both documented and undocumented populations that exceed the above figure (see the demographic analysis that follows). For Lianos *et al* (1995), the figure of immigrant population into the country was estimated (i.e. for the period 1995-1996) to be approaching the level of 2% - 3% of the indigenous economically active population.<sup>25</sup> On the other hand, Fakiolas (1997) estimates that the immigrant population varies according to the type of labour it performs and according to demand of seasonal labour by agricultural and fishing industries. He estimates that over 400,000 migrant labourers live and work in the country and this estimate fluctuates by 10% to 15% during the productive seasons of the abovementioned industries.

The majority of the migrant labour force (documented) is from Albania, and it constitutes almost 80% of incoming migrants. Next in line, in terms of ethnic origin and of representation in Greece's immigrant population, come the Egyptian labourers, the Polish, Iraqi, Iranian, the Pakistan, Syrian, Jordanian, Turkish, Filipino and Lebanese migrants (Lianos, 1995; Markova, Sarris, 1997).

There have been vigorous debates about the estimated number of the migrant labour force in the country, part of which is reflected in the discussion that follows (see section two). However, part of the debate worthy of further investigation, is the discussion of the technological, organisational, and cultural changes, and how they transform work, labour experiences and migrant flows (Brown, 1999).

During the 1970s, the central focus was the development of a secondary labour market that resulted from bilateral agreements between Greece and the Maghreb countries. The country's initial interest was to increase capital returns through the use of cheap unskilled labour, and to discipline the indigenous labour force. This interest, although explaining Greece's business operations, it is nevertheless insufficient to explain today's *migration pathways*. This is because it is based mostly upon a microscopic understanding of migration upon a merely structural understanding of migratory flows, and finally upon an *unsynchronic* relation between the migrants country of origin and Greece.

In relation to the first, since Greece's full entry into the EC, a number of important changes have taken place that have further transformed its economic and social structure of employment and economic activity. EC plans for a global economic and political *harmonisation* and *liberalisation* processes, has on the one hand, integrated further (not homogenised) Greece's organisation with the rest of Europe, resulting in the unification of production and management systems (Psimmenos, 1997).

A necessary condition for the implementation of the above is the establishment of a flexible system of organisation of work that is further diversified and able to respond and to correspond to international market flows. Migration towards Greece in this sense, is conceptualised as part of an *international migration*, that responds to both *micro-scope* regional or bilateral agreements, and to *macro-scope* factors, that push the country towards *integration* and *deregulation* of economic activity. If the above holds true, then it follows that Greece's demand for a reserve pool of cheap labour from countries other than the EC, is connected also with a global restructuring. This demand is satisfied by a labour market and a labour force, that is flexible in responding to global market necessities, and recognises international rather than

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<sup>25</sup> See also the official report by SOPEMI/OECD 1997.

national or regional policies of labour or capital regulation. To achieve this, international inter-connected *transportation - communication systems* have developed, that provide easy access and geographical links between migrants and the receiving countries (Massey, 1990).

The development of a *global migration industry* (King, 2000) that transfers workers to various destinations and to various industries, seems to illuminate part of today's migration to Greece. The rise of the number of undocumented migrants, and the increase of migrant women and child trafficking into the country, is a reflection of today's international dimension of migration (Campani, 1993; Phizacklea, 1997). Another aspect of this global migration movement is the emergence of Athens as a place that maximises capital restructuring. This happens through its global networks of transport and communication, its expanding activity in the informal provision of goods and services, and in the ability to preserve a large number of hiring-agencies for undocumented or low-paid migrant labour (Psimmenos, 1995; Mingione, Magatti, 1994).

. . . whilst Athens is far from being a global city in the Sassen sense, it does possess a number of features which align it with the trends described by Sassen for cities like New York and London. Indeed we believe that, in some respects, Athens can be considered as a prototype for the trends towards informalization of work and the increased social inequality and restructuring of consumption into high-income and very low-income strata which are a central part of Sassen's analysis. In making this suggestion we are endorsing, but with different evidence, Leontidou's (1993) belief that Mediterranean cities have long contained powerful 'post modern' characteristics which prefigured the post - Fordist restructuring of large industrial cities in the Anglo - American realm . . . (Iosifides and King, 1998).

In relation to the second issue, the contemporary migratory patterns into Greece show that there is a qualitative change from the experience of migration during 1970-1980s. The increase in the numbers of female migrants point towards an understanding that Greece is experiencing a new type of migration, *female migration*. Apart from the structural reasons which have been responsible for the large concentration of female migrants to Greece (i.e. personal services, domestic)<sup>26</sup> female migration has also been analysed as a socio-cultural *metaphor of gender divisions* in the place of origin (Phizacklea, 1997; Anthias, 2000).

. . . There is a case for looking at migration in terms of a threefold positioning of social actors: within the relations of the homeland, within the relations of the country of migration and within their own ethnic communities and networks . . . (Anthias, 2000: 18).

The development in the country, of labour intensive industries, especially in the areas of tourism, agricultural activity and the household economy (Lazaridis, Theotoky, 1999), has led to an increase in the use of female labourers. It is also becoming increasingly clear, that the *use and transfer* of female labourers into the country, is also related to gender divisions in the place of origin. Following the above, Anderson and Phizacklea (1997), propose that the role of female migrants should be seen as *agents*. The *use* of migration to 'escape' from patriarchy, poverty and social discrimination at home, is presented as an alternative approach to the existing structural and male-oriented understandings of migration. Such an approach contributes towards a rather complex, multi-diversified explanation of migration that reflect both structural parameters and everyday experiences migrant women attach to their presence in Greece (Lazaridis and Psimmenos, 2000). The latter are essential for the understanding of migration not only as a geographical movement of people, but also as a class, gender, and ethnic specific relation (Psimmenos, 2000).

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<sup>26</sup> Personal services are services that relate to: sexual, entertaining, caring activities.

Finally, international migration in a global environment shows that: ignoring the links between the migrants' place of origin and the receiving countries is not a *scenario* that can easily explain Greece's immigration flows. Global restructuring, which both Greece and countries of the ex-socialist Europe are experiencing, seems to enhance rather than reduce emigration from the latter. This is also due to economic and cultural destabilising factors present in the processes of integration and flexibility.<sup>27</sup> Although market oriented policies are usually seen by academics as parameters influencing the decision of groups of people to leave their place, and at the other end, a group of industrialists to receive them, socio-cultural parameters are usually ignored or devalued. For example the development of a consumer oriented culture across the whole of Europe has been central to the understanding of migration from the Balkan region towards Greece. This has been the case with migrant labourers from Bulgaria and Poland (Markova, Sarris, 1997; Romaniszyn, 2000). Following the above and placing at the centre of attention Appadurais' *global cultural theorisation*, Romaniszyn argues that *consumption* offers a new dimension of migration that both challenges push-pull theories and is critical towards the Marxist-structural political economy of migration.

. . . consumption theories allow for further development of the idea already present in the literature on migration of 'the culture of migration' (Gmelch, 1987; Rocha-Trinidad, 1993). The establishment of local, distinctive standards of consumption along with a strong consumption pressure 'puts into motion' those who are not able to meet these standards. This creates the migration drive . . . Secondly, consumption theories allow for a deeper understanding of migration incentives. Driven by economic necessity, labour migrants nevertheless adopt different strategies with respect to 'the mode of spending' their savings which can be explained with reference to consumption choices and obligations . . . (Romaniszyn, 2000: 139-40).

In addition to the understanding that *consumption* plays a central role for migration, Romaniszyn, and Massey (1990) explain that international flows of people are also caused due to what Myrdal (1957) called the '*circular and cumulative causation of migration*'.

. . . Immigration is far more dynamic than standard economic analyses suggest because it tends to feed back on itself through social channels. As a result, immigration becomes progressively independent of the economic conditions that originally caused it . . . Migrant networks are sets of interpersonal ties that link together migrants, former migrants, and non-migrants in origin and destination areas through the bonds of kinship, friendship and shared community origin . . . (Massey, 1990: 68-9).

These '*social channels*' in the case of Greece explain the synchronic development of social networks between Pontic people in Greece and in the ex-U.S.S.R. and between the first inflow (1970s) of Turkish refugees of Kurdish origins with the contemporary Turkish and Iraqi-Kurdish asylum seeking population in Athens and Patras. Kassimati (1998) shows how social networks are built through ethnic ties that minimise, according to migrants' perspective, the risk of travelling, accommodation, and employment.

. . . (the Pontic-Greeks) are coming to Greece with the certainty that over here friends and relatives will await for them, a society in general that will assist them from the first moment so that they will not live through controversial conditions that migrants usually meet when they face a different . . . reality (referring to a society of different value system) . . . (Kassimati, 1998: 285).

The analysis of immigration flows towards Greece presented here shows that these have to be seen in their wider European (Western and Eastern) and global context, taking into account

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<sup>27</sup> Economic development is usually presented as a stabilising factor of migratory movements. However, the opposite is usually noticed especially if privatisation, deregulation of labour codes, and ethnic tensions are present, see Massey (1990: 64-5), and Psimmenos (1999: 126-7).

economic but also social and cultural factors. Thus, the study of Greek immigration policy and of the related implementation process contributes to our understanding of issues that are of European relevance. Furthermore, the analysis of the administrative structure and organisational culture that is peculiar to this country will highlight the implementation dynamics underlying the Greek reality but will also contribute, through their comparative analysis, to our knowledge of the EU in general.

### **3. Demographic approach of the immigrant population**

A fuller understanding of the macro-micro demographic analysis of the immigrant population is important in its own right. Also, as demographers Peach and Brown (1997) suggest, such an understanding is important as a tool for an exegesis of the micro-level sociological processes involved, in the construction of immigrant labour flows in the country (Brown, 1997: 1). The limitation however, of the literature and data on documented and undocumented immigrants suggest, both a need to examine with caution existing theoretical frameworks/typologies used in the country and a need to approach geographic clustering and socio-cultural constructs as highly-fluid categories. Thus the presentation of data here, will serve less as a hard-edge categorisation of immigrants (if ever that existed), and more as a way of organising our perception of the main immigrant populations in Greece.

The part here is separated into the following sections: approaching the problem of estimation; territorial distribution of documented/undocumented economic migrants and of Ethnic returnees; the presentation of data on sex, age, and household size and family unification plans. Most of the data presented here, have been collected as part of three different research projects concerned with: the Pontic-Greek population (Kassimati, 1991;1998), undocumented immigrant labour in Athens (Chtouris, Psimmenos, 1997; 1998), and the demographic analysis of those that have applied for a permit to work in Greece (Kavounidi, 1999).

#### **3.1 Approaching the problem of estimation**

Following Brown's (1997) and Peach's (1997) analyses, there are certain conceptual and theoretical issues concerning the macro-micro demographic approach of labour migration to Greece. These issues relate: to the presence of a global-regional *multi-diverse* migration flow, and the organising of population statistics according to ethnicity and citizenship variables.

It is tacitly recognised that since 1970s Greece, together with most European countries, has experienced the development of a *global migration phenomenon*. One aspect of this global phenomenon is, that it has to do not only with specific country driven bilateral agreements (i.e. as it was the case during the 1950s-1970s), but also with regional and ethnic mobilisation. (Massey 1990).

Another aspect of this *global migration* is the widespread complexity of immigrants cultural, economic and political identity, which in the case of Greece has resulted from a recent flow of migrants from the dissolved Socialist-states of the Balkan region.

In addition, stringent immigration laws throughout the EC, and the end of bilateral labour agreements between Greece and countries outside the EC, have led to an increase of

undocumented migration (Soysal, 1994). As a result, population statistics in Greece have difficulty, first in identifying migrants with either a specific country, origin, or status (i.e. economic, asylum seekers) (Fakiolas, 1997). Secondly, in assessing migrants identity, according to individual and group variants, and finally, in quantifying migration flows since the majority, at least in Greece's case, appear to be undocumented, and in transit between Greece and another country, and temporary.

Due to the above issues, existing typologies used to classify migrant populations appear to be questionable. Either they allow a large segment of migrant groups to slip through the official statistics, and/or they represent migrants by using categories that may be misleading for both authorities and migrants themselves. An example of the latter is the glaring use, by the manpower organisation (1998) in its application forms, of variants like *ethnicity* and *citizenship*.

The use of *ethnicity*, may prove problematic especially if, according to Peach (1997) and Brown (1997), it is related to naturalisation processes. On the one hand, it is considered to be 'contrary to the principles of a secular state' (Brown, 1997: 6) and contrary to EC proposals for the implementation of a civic rule on immigration policy matters.

On the other hand, there is the danger that general classifications of immigrants according to ethnicity, may reduce the accuracy of estimating group identity. This seems more probable especially if, for purposes of classification, a group's identity is *subsumed* within a broad ethnic group (Brown, 1977: 10). Thus, one could suggest that the classification of people, who identify themselves as Pontic, as Russian by authorities is highly problematic for both. Then again, the categorisation of domestic workers from the Philippines as '*Filipino*', corresponds, not to an ethnic category, but rather to a colonial stratification system, which subsumes all different ethnic groups from the Philippines under a single ethnic, gender, and class category.

In relation to *citizenship*, the question is whether or not the place of origin corresponds with that of *Nationality*, and whether it could be considered as a *hard-edge* category. There is more than one example where, the individual and group understanding of citizenship differs, and usually corresponds not with the place of origin, but rather with one's social-ethnic ties and identity. An example here is the different perception of individual and group identity that exists between Albanians who claim to be *citizens* of *Fyrom* (i.e. due to their social-ties with relatives in Skopje), Albanians who claim they are of Greek citizenship because they married a Greek, or a Greek-Albanian (i.e. Vorioepirotos); and Albanians who consider themselves as Greeks of Greek citizenship, because their ancestors were Albanians living in Epirus (i.e. Gekides or Tsamides).

Another problem with *citizenship* is that it is a rather fluid category-marker of identity and is transferable across generations, depending not upon the place of origin, but rather upon the categorisations authorities in the country of origin and in the host country follow. According thus, to the Greek authorities, a child of an Albanian migrant born in Greece is considered to be of Albanian *citizenship*, and for Albanian authorities, of Greek *citizenship*. Similarly, an ethnic-Greek from Istanbul is considered Greek in Turkey, and Turkish in Greece. The issue becomes even more complicated for migrants/refugees, coming from regions of ethnic-tension like Kosovo or Chechnya, where the idea of citizenship exists, in relation to religious and party affiliation.



### 3.2 Territorial distribution and geographic clustering of documented/undocumented economic immigrants and ethnic returnees

According to the data presented by Brown (1997), the documented foreign labour population in Greece has increased from 20,000 (1974), to almost 160,000 + (1990s). Together with the estimates on the undocumented labour force (Fakiolas and King, 1996), the total number of a foreign labouring force in the country probably exceeds that of 500,000+ workers. The OECD (1995) has estimated that the number of foreign workers in Greece has increased since the late 1980s, resulting in a ratio of 1 foreign to 12 Greek workers (Phizacklea, 1997:1). Table 3.1, presents a rough estimate of the immigrant population (i.e. both documented and undocumented) as reflected through major studies during the first half of 1990s. As is evident, there is a demographic categorisation of the immigrant population according to Ethnic identity, citizenship of country of origin, residential area, and type of job. In relation to territorial distribution - geographic clustering, the general trend especially in the early 1990s has been for migrants to concentrate in Athens and in Northern Greece. A similar trend is illuminated in the data collected by the research team of the National Labour Institute (1999) (see 3.2). In relation to the first table, the majority of almost all of the immigrant population is concentrated in Metropolitan Athens, with the exception of Greeks from Pontos. In relation to table 3.2, 39.5% of all immigrants, who have applied for a permit to work and live in Greece (i.e. applications that were forwarded and processed by the Manpower organisation during 1<sup>st</sup> January 1998 and 31<sup>st</sup> May 1998), are concentrating in and around the capital-city of Athens. According to the analysis of data presented by Kavounidi and Chatzaki (1999), the second largest area of immigrant concentration (7.2%) is the province of Salonica in Northern Greece. Next follow, the surrounding areas of Athens (4.8%); the Larisa province (2.5%); Fthiotida (2.3%); Viotia (2.2%); the provinces of Heraklion (2.1%), and of Pella (2%) (Kavounidi, Chatzaki, 1999: 23-24).

The provinces with the least concentration of immigrant population are those of: Evritania (i.e. ninety-one applicants); Evro (0.1%); Rodopi (0.1%); Lefkada (0.1%); and the provinces of Xanthi and Hios with 0.2% respectively.

According to the above table, there is a large concentration of documented female population in urban areas and in areas with a strong prevalence of the tertiary sector over any other economic activity. For example, the majority (52.9%) of all female applicants are concentrated (1999) in the provinces of Athens, Crete (i.e. Heraklion, Hania, Lasithi), and in the Aegean (i.e. provinces of Dodecanise and Cyclades).

The large concentration of female migrants in provinces of tourist business activity, supports the theoretical analysis so far, that alongside male migration patterns, there is female migration as part of a new type of migration. This migration is linked to the increase of the tertiarisation of the economy, and in particular to the development of a sexual and domestic servant economy (Anderson and Phizacklea, 1997; Campani, 2000; Psimmenos, 2000). In contrast, according to Kavounidi (1999), a large number of male migrant workers concentrate in areas of agricultural or industrial economic activity. The case study of Polish workers in Northern Greece seems to support the thesis that agricultural, seasonal work, acts as an *attracting pool-mechanism* for the male migrant force (Fakiolas, 1997; Vaiou and Chatzimichalis, 1997).

Table 3.3, reflects the geographic clustering of the migrant labour force in Athens according to citizenship. According to the data presented by the manpower organisation and the National Labour Institute, almost all of Greece's provinces have a substantial number of migrant workers

from Albania, Bulgaria, Romania, and the ex-USSR. In particular, the largest concentration of ex-USSR citizens is in Northern Greece, where there are large Pontic and Greek-Russian community settlements from Georgia, Uzbekistan and Kazakhstan. In the Athens region, there is a large concentration of Balkan, ex-USSR citizens and of Migrant workers from the Far-East (i.e. Philippines 3.4%), Pakistan (6.2%), Poland (4.7%), Bulgaria (5.2%), Romania (4.8%) and Albania (50.3%).

**Table 3.1 Immigrant - Refugee Groups in Greece**

| <b>Place of Origin</b>      | <b>Estimated Number</b> | <b>Residential Areas</b>   | <b>Occupation</b>                     |
|-----------------------------|-------------------------|--|---------------------------------------|
| Albania                     | 200,000-250,000         | Metropolitan area of Athens - dispersed in various regions of Greece | Construction<br>Agriculture services  |
| Bulgaria                    | 7-8,000                 | North Greece - Athens  | Domestic services                     |
| Ex-U.S.S.R. - Pontic Greeks | ~50,000                 | Macedonia - Athens   | street vendors - commerce - services  |
| Poland                      | ~100,000                | Macedonia - Athens   | Agriculture - services - construction |
| Russia - Ukraine            | ~50,000                 | Salonica - Athens  | services - fur industry               |
| Kurdistan (Iraq, Turkey)    | ~10,000                 | Patras - Athens  | street vendors - unemployed           |
| Pakistan                    | ~5,000-15,000           | Athens   | shipyards - dockworkers               |
| Philippines, Thailand       | ~40-60,000              | Athens   | domestic services                     |

Source: Chtouris, Psimmenos, 1997: 18

**Table 3.2 Distribution of Immigrants by Region and Sex**

| <b>Provinces</b>       | <b>Immigrant Population</b> | <b>% of total immigrant population</b> | <b>Male</b> | <b>% of total male population</b> | <b>Female</b> | <b>% of total female population</b> |
|------------------------|-----------------------------|--|-------------|-----------------------------------|---------------|-------------------------------------|
| Athens region          | 145,916                     | 39.5%                                  | 92,420      | 34.5%                             | 49,487        | 52.9%                               |
| Thessaloniki           | 26,431                      | 7.2%                                   | 18,756      | 7.0%                              | 6,937         | 7.4%                                |
| Attica (except Athens) | 17,806                      | 4.8%                                   | 14,078      | 5.3%                              | 3,017         | 3.2%                                |
| Larisa                 | 9,143                       | 2.5%                                   | 8,029       | 3.0%                              | 990           | 1.1%                                |
| Fthiotida              | 8,598                       | 2.3%                                   | 7,185       | 2.7%                              | 1,313         | 1.4%                                |
| Viotia                 | 8,305                       | 2.2%                                   | 7,036       | 2.6%                              | 1,077         | 1.2%                                |
| Heraklion              | 7,803                       | 2.1%                                   | 5,440       | 2.0%                              | 2,166         | 2.3%                                |
| Pella                  | 7,414                       | 2.0%                                   | 6,663       | 2.5%                              | 639           | 0.7%                                |
| Hania                  | 7,083                       | 1.9%                                   | 4,918       | 1.8%                              | 2,127         | 2.3%                                |
| Magnisia               | 7,015                       | 1.9%                                   | 5,518       | 2.1%                              | 1,400         | 1.5%                                |
| Ahaia                  | 6,992                       | 1.9%                                   | 5,426       | 2.0%                              | 1,488         | 1.6%                                |
| Imathia                | 6,893                       | 1.9%                                   | 6,169       | 2.3%                              | 573           | 0.6%                                |

|                 |                |               |                |               |               |               |
|-----------------|----------------|---------------|----------------|---------------|---------------|---------------|
| Messinia        | 6,453          | 1.7%          | 4,699          | 1.8%          | 1,704         | 1.8%          |
| Ileia           | 6,303          | 1.7%          | 4,863          | 1.8%          | 1,362         | 1.5%          |
| Korinthia       | 6,180          | 1.7%          | 4,667          | 1.7%          | 1,441         | 1.5%          |
| Argolida        | 5,845          | 1.6%          | 4,391          | 1.6%          | 1,218         | 1.3%          |
| Evoia           | 5,842          | 1.6%          | 4,685          | 1.8%          | 1,093         | 1.2%          |
| Aitoloakarnania | 5,326          | 1.4%          | 4,774          | 1.8%          | 453           | 0.5%          |
| Pieria          | 5,167          | 1.4%          | 3,867          | 1.4%          | 1,084         | 1.2%          |
| Kavala          | 5,140          | 1.4%          | 4,198          | 1.6%          | 913           | 1.0%          |
| Halkidiki       | 5,100          | 1.4%          | 4,135          | 1.5%          | 875           | 0.9%          |
| Lakonia         | 4,559          | 1.2%          | 3,271          | 1.2%          | 1,228         | 1.3%          |
| Lasithi         | 4,317          | 1.2%          | 2,816          | 1.1%          | 1,369         | 1.5%          |
| Dodekanise      | 3,889          | 1.1%          | 2,304          | 0.9%          | 1,534         | 1.6%          |
| Kozani          | 3,773          | 1.0%          | 3,353          | 1.3%          | 362           | 0.4%          |
| Cyclades        | 3,571          | 1.0%          | 2,443          | 0.9%          | 1,071         | 1.1%          |
| Trikala         | 3,357          | 0.9%          | 3,003          | 1.1%          | 304           | 0.3%          |
| Karditsa        | 3,108          | 0.8%          | 2,661          | 1.0%          | 420           | 0.4%          |
| Serres          | 2,395          | 0.6%          | 2,062          | 0.8%          | 284           | 0.3%          |
| Florina         | 2,358          | 0.6%          | 2,134          | 0.8%          | 207           | 0.2%          |
| Kerkyra         | 2,240          | 0.6%          | 1,770          | 0.7%          | 458           | 0.5%          |
| Kilkis          | 2,223          | 0.6%          | 1,866          | 0.7%          | 288           | 0.3%          |
| Zante           | 2,069          | 0.6%          | 1,507          | 0.6%          | 532           | 0.6%          |
| Rethymno        | 1,796          | 0.5%          | 1,325          | 0.5%          | 381           | 0.4%          |
| Arkadia         | 1,784          | 0.5%          | 1,231          | 0.5%          | 383           | 0.4%          |
| Lesvos          | 1,722          | 0.5%          | 1,272          | 0.5%          | 442           | 0.5%          |
| Ioannina        | 1,695          | 0.5%          | 1,312          | 0.5%          | 354           | 0.4%          |
| Preveza         | 1,667          | 0.5%          | 1,492          | 0.6%          | 136           | 0.1%          |
| Kastoria        | 1,660          | 0.4%          | 1,296          | 0.5%          | 347           | 0.4%          |
| Drama           | 1,311          | 0.4%          | 1,071          | 0.4%          | 237           | 0.3%          |
| Grevena         | 1,308          | 0.4%          | 1,225          | 0.5%          | 73            | 0.1%          |
| Kefallonia      | 1,255          | 0.3%          | 963            | 0.4%          | 280           | 0.3%          |
| Fokida          | 1,170          | 0.3%          | 954            | 0.4%          | 214           | 0.2%          |
| Arta            | 1,115          | 0.3%          | 952            | 0.4%          | 152           | 0.2%          |
| Samos           | 1,024          | 0.3%          | 722            | 0.3%          | 269           | 0.3%          |
| Thesprotia      | 933            | 0.3%          | 782            | 0.3%          | 110           | 0.1%          |
| Hios            | 730            | 0.2%          | 508            | 0.2%          | 205           | 0.2%          |
| Xanthi          | 646            | 0.2%          | 542            | 0.2%          | 101           | 0.1%          |
| Lefkada         | 549            | 0.1%          | 431            | 0.2%          | 110           | 0.1%          |
| Rodopi          | 306            | 0.1%          | 122            | 0.0%          | 136           | 0.1%          |
| Evros           | 249            | 0.1%          | 126            | 0.0%          | 116           | 0.1%          |
| Evritania       | 91             | 0.0%          | 66             | 0.0%          | 21            | 0.0%          |
| Missing data    | 4              | 0.0%          | 3              | 0.0%          | 1             | 0.0%          |
| <b>Total</b>    | <b>369,629</b> | <b>100.0%</b> | <b>267,502</b> | <b>100.0%</b> | <b>93,482</b> | <b>100.0%</b> |

Source: OAED/EPA, Kavounidi, Chatzaki, (1999: 1-2)

**Table 3.3 Geographic clustering of major immigrant population in Athens Region by Nationality**

| Nationality | Number of Immigrants | % of total immigrant population in region |
|-------------|----------------------|---|
| Albania     | 73,332               | 50.3%                                     |
| Pakistan    | 9,047                | 6.2%                                      |
| Bulgaria    | 7,583                | 5.2%                                      |
| Poland      | 6,894                | 4.7%                                      |
| Ukraine     | 5,777                | 4.0%                                      |
| Philippines | 4,946                | 3.4%                                      |
| Egypt       | 4,583                | 3.1%                                      |
| Bangladesh  | 2,871                | 2.0%                                      |
| Iraq        | 2,770                | 1.9%                                      |
| India       | 2,696                | 1.8%                                      |

Source: adapted from Kavounidi and Chatzaki, (1999)

A note of caution, however, should be addressed in relation to the presentation of the above tables. A section of the migrant population's presence is uncaptured in official demographic statistics due to technical reasons, and reasons that have to do with '*migrant resistance*' in identifying themselves as immigrants and not as ethnic-Greeks (Psimmenos, 1998). In relation to the first, Kavounidi notes that a number of applicants have not answered questions which are considered vital for a complete demographic clustering of the immigrant population. In addition, some applicants have confused their Nationality with their place of origin or their Religious affiliations with their ethnic identity.

According to recent research (Chtouris, Psimmenos, 1998) at the Prefecture of Athens, a large number of Albanian undocumented workers have considered the regularisation procedure, as a process that might threaten their future plans to stay in Greece and '*enjoy*' the equal rights given to Ethnic - Pontians or Greek - Albanian, communities in Greece. One Albanian asserted (1998) that he considers himself as an ethnic-Greek because he is married to a Greek-Albanian from Gjirokaster. On this basis, he wanted to know if there were '*other*' procedures through which he could receive a work permit similar to the ones given to Ethnic - Greeks from Pontos, or the Balkan region. More than anything else, a large number of immigrants who have applied for a white and Green Card, seem to have travelled from other regions of Greece, taking advantage of informal social ties (i.e. family networks or the ability to '*bribe*' civil servants), to successfully complete the regularisation procedure.

In addition, a large number of applicants, due to their seasonal labour, have concentrated in different regions, thus not allowing us to hypothesise whether such concentrations are permanent or represent general trends that prompt people to identify themselves with either an industry or a particular locality. This is more true with workers who seek employment through regional or street labouring markets, the so called '*human Bazaars*' (where people congregate to sell their labour), and present a high geographic mobility, in comparison to other migrant labouring groups.

### 3.3 Demographic data on sex, age and family unification

Table 3.4 shows the immigrant population distribution according to the place of origin and sex. The table shows variations between the different ethnic groups and at least in two cases, that of Bulgarian and Moldavian migrants, women constitute on average, a larger group in comparison to that of male migrants. However as Kavounidi and Chatzaki suggest, the table is not without problems since a large number of migrant applicants have not declared their gender in their application form, (i.e. more than 6,000 applicants have not declared their sex). Female migrants also constitute a large group amongst the Pontic population, and in contrast to table 3.4, Kassimati's *et al.* (1991; 1998) research, points towards an understanding that the share of the female population exceeds that of the male population (table 3.5).

In relation to age, according to tables 3.5 and 3.6, the predominant group amongst the incoming Pontic - Greeks and economic immigrants fluctuates between those that are below fifteen and those that are above twenty years of age. In relation to table 3.6, it seems that there is a large group of economic migrants who, at the time of their application for a work permit (1998), were between twenty-one and thirty years of age (49.1%), and above thirty-one years (42.7%). The social and economic significance of the above lies in the understanding that since the early 1990s, there has been an increase of the age groups of incoming migrants. It is clearly important to understand that this variation may constitute a new turn in immigration. This is so, especially if it influences positively the ratio of married to unmarried migrants, and the ratio between those who look to be unified with their family and those who may already have a family in Greece. Both, have profound interest for immigration policy legislators and for analysts of social welfare programmes. According to the above table (3.6), the size of household dependants in the host country (i.e. with up to two persons), constitutes 50.5% of the sample of all applicants. Together with the second group of migrants (i.e. those having three to six persons) 40.5%, are the single largest group of all applicants in the sample. Finally, the majority of all applicants 54.1%, expressed the view that they want to bring their families to Greece, and possibly to have a permanent or lengthy settlement in the host country.

**Table 3.4 Demographic Distribution of main Immigrant Groups by Sex and Nationality**

| Nationality | Male    | % of total male migrants | Female | % of total female migrants |
|-------------|---------|--------------------------|--------|----------------------------|
| Albania     | 194,062 | 72.5%                    | 40,880 | 43,7%                      |
| Bulgaria    | 10,359  | 3.9%                     | 13,985 | 15.0%                      |
| Rumania     | 11,328  | 4.2%                     | 5,101  | 5.5%                       |
| Pakistan    | 10,371  | 3.9%                     | 51     | .1%                        |
| Ukraine     | 1,871   | .7%                      | 7,713  | 8.3%                       |
| Poland      | 4,757   | 1.8%                     | 3,712  | 4%                         |
| Georgia     | 2,734   | 1%                       | 4,651  | 5%                         |
| India       | 6,065   | 2.3%                     | 103    | .1%                        |
| Egypt       | 5,698   | 2.1%                     | 347    | .4%                        |
| Philippines | 904     | .3%                      | 4,360  | 4.7%                       |

Source: adapted from Kavounidi and Chatzaki, (1999)

**Table 3.5 Demographic Data on Pontic population (sample of repatriated Greek-Pontians, 1991) by Sex and Age**

| Age groups | F     |       |        | %     |       |        |
|------------|-------|-------|--------|-------|-------|--------|
|            | Total | Male  | Female | Total | Male  | Female |
| 0-4        | 565   | 286   | 279    | 6.9   | 7.2   | 6.7    |
| 5-9        | 880   | 432   | 448    | 10.8  | 10.9  | 10.7   |
| 10-14      | 716   | 352   | 364    | 8.8   | 8.9   | 8.7    |
| 15-19      | 826   | 441   | 385    | 10.2  | 11.1  | 9.2    |
| 20-24      | 682   | 351   | 361    | 8.4   | 8.1   | 8.7    |
| 25-29      | 683   | 308   | 375    | 8.4   | 7.8   | 9      |
| 30-34      | 823   | 399   | 424    | 10.1  | 10.1  | 10.2   |
| 35-39      | 733   | 373   | 360    | 9.    | 9.4   | 8.6    |
| 40-44      | 512   | 243   | 269    | 6.3   | 6.1   | 6.4    |
| 45-49      | 355   | 179   | 176    | 4.4   | 4.5   | 4.2    |
| 50-54      | 353   | 179   | 174    | 4.4   | 4.5   | 4.2    |
| 55-59      | 303   | 151   | 152    | 3.7   | 3.8   | 3.6    |
| 60-64      | 258   | 116   | 142    | 3.2   | 2.9   | 3.4    |
| 65-69      | 207   | 87    | 120    | 2.6   | 2.2   | 2.9    |
| 70+        | 239   | 97    | 142    | 2.9   | 2.4   | 3.4    |
| Total      | 8,135 | 3,961 | 4,173  | 100.0 | 100.0 | 100.0  |

Source: Kassimati *et al.*, (1993: 126).

**Table 3.6 Main demographic trends of economic migrants in Athens**

|   | f   | %    |
|---|-----|------|
| <b>Age groups:</b>  |     |      |
| 21-30   | 108 | 49.1 |
| 31>   | 94  | 42.7 |
| <b>Sex:</b>   |     |      |
| Male  | 162 | 73.6 |
| Female  | 49  | 22.3 |
| <b>Place of Origin:</b>   |     |      |
| Albanian  | 117 | 53.2 |
| ex-USSR   | 22  | 10   |
| Mid-East  | 14  | 6.4  |
| Other   | 18  | 8.2  |
| <b>Religion:</b>  |     |      |
| Catholics   | 29  | 13.2 |
| Christian orthodox  | 55  | 22.4 |
| Christian of other dogmas (other than Chr. Orth. and Catholics) | 61  | 27.7 |
| Muslim  | 65  | 29.5 |
| Atheists  | 4   | 1.8  |

**Marital status:**

|           |     |      |
|-----------|-----|------|
| Married   | 102 | 46.4 |
| Unmarried | 95  | 43.2 |

**Family-dependants at country of****Origin:**

|              |     |      |
|--------------|-----|------|
| 1-2 persons  | 22  | 10   |
| 3-6 persons  | 153 | 69.5 |
| 7-10 persons | 25  | 11.4 |

**Family – dependants at host****country:**

|              |     |      |
|--------------|-----|------|
| 1-2 persons  | 111 | 50.5 |
| 3-6 persons  | 89  | 40.5 |
| 7-10 persons | 3   | 1.4  |

**Family unification in Greece:**

|     |     |      |
|-----|-----|------|
| Yes | 119 | 54.1 |
| No  | 63  | 28.6 |

**Source:** Psimmenos, (2000: 20)

#### 4. Overview of immigration policy pathways

Greece is facing a major problem for the first time, and this is how to guarantee the continuous flow of a cheap labour force into the country, and at the same time how best to implement a 'flexible' policy that regulates this flow. The section here will concentrate on the analysis of the above problematic, and will explore the complexity that exists in immigration policy. It will do so through a brief analysis of the changing patterns of immigration regulations, and of the political context that led to the formulation of a contemporary immigration policy.

As is reflected in table 4.1, Greece's immigration policy was transformed initially, according to emigration flows, and according to the Nation-state and its policy of assimilation of ethnic-groups. Both have dominated the platform of discussions over migration, and as Petrakou (1999) argues, they have also dominated the theoretical - academic research.

... the dominance of the emigration issue in Greece followed the general perception that post-war migration is a movement from the 'periphery' to the 'centre' which is based on the economic needs of the advanced industrial countries. Under this perspective, not only politics in Greece but also theoretical research focused intensely on emigration issues giving little or no attention to the simultaneous transformation of Greece into an immigration country ... (Petrakou, 1996: 96)

From table 4.1, it is evident that official policies towards both emigrants and immigrants have existed alongside economic policies (Mousourou, 1991), that regulated the organisation of trade and employment. They have also existed alongside assimilative policies that regulated ethnic identity and citizenship status. At some point, it could be stated that the Greek official legislation and political line of thought reflected an *ethnism*, which tried to regulated both the mobility and

cultural affiliations of groups of people, and at the same time excluded anyone who was not considered to be part of the dominant culture.

In line with the already analysed second part of the historic overview, Law 4310/1929 defined as a non-Greek any person who has proved to the authorities that he/she is 'not' (article 8). The above mentioned law has followed an ethnically centred approach to assimilate the then groups of refugees that arrived in the country during the Balkan wars<sup>28</sup> (Poulopoulou, 1986), from Asia Minor<sup>29</sup> (Poulton, 1991), and from Egypt and the Maghreb countries, during the 1950s (Kassimati, 1999). On the other hand, the definition of who was a Greek of Greek origins, was not defined and it was left to authorities to decide upon the matter. As it is stated in the above table, immigration Law 4310/1929 saw migrants as either considered to be of Greek origin or as migrants who belonged to a different nationality and were considered to be Alien. Work permits to the latter group, were given in limited cases, and only after permission was granted by the ministry of the interior (article 13).

Given this ethno-centred policy, entry-visas were provided according to circumstances and according to individual requests. The right however, to enter Greece was not given to people or groups which were considered to be a health hazard or a danger to public safety and National order (article 4). In relation to the above, there were restrictions imposed on mobility for both non-Greek migrants and ethnic-refugees, while rehabilitation to areas of strategic - military interest was limited and subject to approval by the relevant ministries.

**Table 4.1 Immigration Policies (1929 - 2000)**

|                  | <b>Law 4310/1929</b>   | <b>L. 1975/1991</b>   | <b>Presidential decree 358/59/1997</b>   |
|------------------|--|---|--|
| Typologies used  | Aliens – Ethnic - Greeks (Not defined)   | Aliens (those without a citizenship or who are not Greek), Illegal immigrants, Refugees                               | illegal immigrants, Refugees   |
| Emphasis         | Assimilation, National identity, securing the cultural zones of Nation-state                             | Assimilation through Naturalisation - Legislation - Guest worker philosophy / Temporality                             | Regularisation of illegal migrants - dependency upon employers will to register migrants |
| Labour Policies  | centralisation of work-permit procedures (article 13) – clustering of work - cultural division of Labour | flexible categorisation - divergent policies towards immigrants of various ethnic / work status according to employer | similar rights (not equal) with indigenous population - flexible arrangements            |
| welfare policies | continuation of Philanthropic measures / provisions – beginning of                                       | provisions according to ministry of Labour / Public Order / Foreign   | Restrictions on mobility (article 2) while a Green Card provisions,                      |

<sup>28</sup> According to estimates almost 25,000 people have been removed or exchanged with the 1919 agreement between Greece and Bulgaria.

<sup>29</sup> Poulton has estimated that almost 1.4 million people left Asia Minor for Greece during and after the 1922 conflict.



|                               |   |  |   |
|-------------------------------|---|--|---|
|                               | State institutionalisation programme - List of unwanted Aliens - Restrictions on Mobility | Affairs<br>– Restrictions/prohibitions for illegal immigrants<br>– Prohibitions on entry (article 6 par 5)<br>– List of unwanted immigrants (article 11) | provisions for humanitarian reasons (article 5) |
| Special categories - policies | Ethnic – Greeks (article 8)   | – tourists (article 3)<br>– students (article 15)<br>– Ethnic Greeks (article 17) (Not defined)<br>– Refugees (those recognised as political Refugees)   | Refugees (article 6)                            |

**Table 4.2 Major Expulsions (in thousands) from Greece according to Nationality**

| Nationality | 1991 | 1992  | 1993  | 1994  | 1995  |
|-------------|------|-------|-------|-------|-------|
| Albanian    | 84.3 | 277.0 | 221.0 | 216.5 | 241.2 |
| Bulgarian   | -    | 0.4   | 1.0   | 0.8   | 1.4   |
| Iraqi       | 0.2  | 0.3   | 11.5  | 1.8   | 3.9   |
| Pakistani   | -    | 0.3   | 1.5   | 1.6   | 1.8   |
| Romanian    | 0.5  | 2.2   | 2.2   | 2.0   | 0.4   |
| Turkish     | -    | 0.1   | 0.4   | 0.6   | 2.3   |
| Bangladeshi | -    | -     | -     | 0.4   | 0.5   |
| Total       | 86.0 | 282.0 | 239.0 | 225.0 | 250.4 |

Source: Baldwin – Edwards, (1998) in Baldwin - Edwards and Fakiolas, (1998: 197)

In the early 1990s, the Greek government introduced a new migration law for the control and regulation of immigrant entry into the country and their employment by Greek business.

... The bill has concentrated on the development of stricter police controls throughout the country and the border regions in particular. Its main objectives were to impede the entrance of illegal immigrants and facilitate the expulsion of those already present in Greek territory by means of simplifying the expulsion procedures, giving a certain degree of autonomy to local police and judiciary authorities and also penalising illegal alien stay in the country. The law aimed thus at bringing Greece into line with its European partners, co-signatories of the 1990 Dublin convention (ratified by Greece by law 1996/1991) and members of the 1990 Schengen treaty, to which Greece was accorded observer status at the time ... (Triandafyllidou, 1999)

Since the introduction of Law 1975/1991, it is estimated that 1.25 million deportations have taken place, which has not deterred the inflow of undocumented migrants into the country (Lazaridis, Theotoky, 1999) (See table 4.2). The most important aspects of the above mentioned law has been, as Triandafyllidou argues, Greece's intention to harmonise its policies towards immigrants with the EU and Schengen accord;<sup>30</sup> the implementation of stricter border controls;

<sup>30</sup> See Tousi (1994).

and the ‘*decentralisation*’ of executive powers concerning visa - permits, naturalisation and deportation procedures.

The increased powers given to law enforcement agents to stop, arrest and deport undocumented immigrants has proved an indispensable source for a general slowdown in the entry of migrants, and for the increase of an undocumented, temporary labour force. This last issue is making a difference, because, for the first time it is officially recognised that migrants who are neither of a Greek ethnic origin nor are refugees or asylum seekers, are allowed a work permit on a temporary basis. It is also worth mentioning that welfare benefits are given under conditions, which the ministries of labour, Public order, and Foreign Affairs decide on (article 14). Under exceptional circumstances, undocumented migrants may be allowed to use public services (i.e. medical services) (article 31, paragraph 2) (See Table 4.3) .

It is obvious that the present migration policy is characterised by the absence of elementary measures, which ensure human rights. Besides, the basic goal of Law 1975/91 is the elimination of illegal migration. The State institutions function at a level of policing and suppression, and there is no specific social policy, which concerns the immigrant workers in our country. Most immigrants do not have any social security, social provision, unemployment and health benefits.

After the partial change of the migration policy, through the Presidential Orders of 1996, the economic immigrants who work in our country legally, have been the subjects of some social welfare. More particularly:

1. The immigrants who work in Greece (as well as those who work temporarily in Greece) can apply for and be provided with social security by IKA (Institution of Social Security).

2. The working immigrants have the same employment and social rights as the natives (article 4, par-1, P.O. 358/1997).

**Table 4.3 External and Internal Mechanisms of Immigration Control**

**First Level**

|                          |   |   |
|--------------------------|---|---|
| External Control         | Refugees<br>Asylum Seekers<br>(Ministry of Public Order)/UN         | Mechanism of Status<br>Recognition        |
| Ministry of Public Order | Economic Migrants<br>(Ministry of Labour)                           | Mechanism for Work /<br>Residence Permits |
| Border Patrols           | Return migrants<br>Ethnic Groups – diaspora<br>Ministry of Interior | Mechanism for Naturalisation              |
| Coast Guard Patrols      |   |   |

**Second Level**

|                      |  |
|----------------------|--|
| Internal Control     | Direct/explicit mechanisms for immigration control<br>(Deportations, surveillance, benefits, sanctions, rights,<br>access) |
| Ministry of Interior |  |

Ministry of Health and Social  
Security

Ministry of Education  
Local Administration

Ministry of Macedonia and Thrace  
Manpower Organisation  
Unions – NGOs – Prof. Associations

Indirect / implicit mechanisms  
Discrepancies in deciding on work / residence permits,  
identity formation, segregation, ethnic categorisation

Adapted from: Hanagan and Tilly (1999); Brochmann and Hammar (1999); and Georgoulas (2000)

3. Anyone who has employed an immigrant in any way is obliged to declare this employment to the appropriate office of OAED (Manpower Organisation).
4. IKA (social security) issues a card, which contains:
  - a. the sector of insurance
  - b. the number of working days
  - c. payments
  - d. security benefits of the immigrant worker

The sickness, maternal and unemployment benefits to immigrants are governed by the same laws that apply for natives, although usually they are not given by employers.

. . . The second section of the Law deals with legal stay of aliens, family reunification and work permits. Residence permits are granted for employment with pre-entry authorisation; they are employer specific and valid for one year, renewable for up to five years. After five years, a two-year permit can be given by joint decision of the Ministries of Public Order and of Labour . . . Family reunification is covered for the first time in Greek Law. Aliens holding a two-year residence permit can request similar residence permits for their immediate family . . . (Baldwin - Edwards and Fakiolas, 1998: 189)

Greek Legislation provides the possibility for the reunion and residence of the family members of the immigrant who stays and works in Greece. The necessary requirements for the submission of the application by the immigrant are:

- a) the family members who have requested to enter and stay in Greece should live with him/her
- b) the immigrant should provide proof that he has a stable and sufficient income (not less than the unskilled worker's wage) to cover his family's needs, a proper residence, and medical care insurance
- c) the family members invited should have a proper travelling document and a valid visa provided by a Greek consulate
- d) the presence of the family members in Greece should not constitute a danger for public order, national security or public health

The application and the necessary documents are submitted to the aliens department at the place of the applicant's residence, and then to the State Security Offices. If the latter does not approve the application, it sends all the documents back to the applicant together with a statement, which contains the reasons for the refusal of the application. If approved, the documents are sent to the Ministry of Foreign Affairs, so that the applicant will be provided with a Greek visa.

However, the above information does not fully describe the present situation. The existing migration policy maintains and fosters illegal employment, temporality and marginalisation of the migrant, while, on the other hand, it is protective to other migrant groups such as refugees and returned migrants.

This specific point is also the most important one. What is predetermined by the Greek state today, is the presence of an immigrant who is not a citizen but an illegal worker with no possibility of an access to the social policy networks and institutions. Indicative of this fact are the following. Those who have been removed from the country as illegal immigrants have been listed as unwanted immigrants (article 2, paragraph 2, Ministerial decision 4803/13/4/1992).

An economic migrant who has applied for political asylum but has been expelled after a Ministry of Order's decision, does not have a right to re-apply (article 25, paragraph 3, law 1975/1991). Despite the guarantees that section two gives to migrants for family reunification, police and local authorities have used a number of informal policies to restrict and curtail further the legal residence of immigrants. These informal policies vary and their existence shows that Law 1991 is not applicable to all immigrants and is dependent on the latter's ethnic origin, status, and relationships or informal social networks.

Kourtovik (1999) argues that the above Law establishes a number of informal practices which in the past were not officially admitted such as the promotion of informal or casual work and of informal economic activities (Kourtovik, 1999: 186-7). Undocumented migrants are left almost with no rights to apply for a work-permit or to defend themselves in courts, whilst on the other hand, 'legal' migrants are unable to change, or alter their employment, employer or place of work (article 23). Thus, for the first time, Greek immigration policy is recognising the need to establish a legal framework for the protection of business interests. This takes place through the establishment of a relationship between hiring agencies (i.e. in the case of Greece, this is the manpower organisation) in the country of origin and in Greece, the employer, and the Ministry of Labour.

Presidential decrees 58 and 59, of 1997 have provided Greece with its first regularisation programme according to which immigrant workers are eligible, if their applications satisfy the authorities to receive a *white* and a *green card*. Both cards provide migrants with the rights of the indigenous Greek population but the proceedings surrounding the application process have been criticised by academics and Trade Union representatives.

. . . The award of Green Cards is determined by a committee consisting of a magistrate, representatives from OAED (Manpower Organisation), the ministry of labour, the Police Aliens Bureau, and the General Confederation of Greek Workers . . . Examination of applications requires a Ministry of Justice criminal record certification, which the ministry takes 18 months to provide. Many immigrants cannot have their application considered before 2000, as a consequence. Another serious problem is the refusal of IKA, the social security agency, to issue booklets to immigrants for the payment of the social security contributions . . . (Baldwin - Edwards and Fakiolas, 1998: 192-3).

Clearly, the current policy framework not only lacks a global and coherent approach covering both control and integration but also leaves room for informal manoeuvring on the part of public services. The issue of implementation is therefore central to the study of Greek immigration policy. Informal routines and codes of practices are likely to shape the overall process of

applying the law and to condition the outcomes (both intended and unintended) of specific policy measures, like the recent regularisation programme.

## 5. Concluding remarks

Through our report we have focused upon the construction of different *pathways* for the inclusion - exclusion of immigrant workers in Greece. From the village - community system of organisation we have passed to the construction of cultural boundaries and a cultural division of labour. Both have served the needs of the newly constituted Greek nationalism and have produced a *social landscape* of people in Greece that emphasises National identity as a framework of civil existence. The latter has proved more as a *straight-jacket* for minority, refugee, and immigrant labourers.

Regional and global economic restructuring, have added to the above *social landscape*, through the articulation in Greece for the first time of a legal framework, a '*taxinomial*' and cultural division of labour, that follows a '*Gastarbeiter*' philosophy. Based upon flexibility, the global integration - deregulation of workers' labour organisation, has produced a new experience of migration that is exclusionary and fragmented.

To outline the experience of migration in Greece, as Berger and Mohr (1975) have argued, one has to '*grasp*' the political reality (ies) of the country and of the macro-global environment that surrounds it. The subject, in the '*seventh man*' was *Europe* and the construction of a *European identity*, today this is more true than ever. '*Fortress Europe*' and the construction of cultural and economic boundaries seem prevalent and central, in the process of inclusion - exclusion processes of immigrant workers.

Part one identifies four basic historic periods, according to which migration into the country has developed. In the Mediterranean, and in particular in Greece, the presence of immigrant workers has existed first as part of community and the village system. Within the latter, immigrants have constituted part of the ritual process of identity - exchange formations. With transhumance, nomadism, and the association of workers according to craft, migration has developed into an archetype of village life. With the beginning of industrialisation, immigration develops into a flow of proletarianised labourers across the region. Nationalism and a cultural division of labour has created the first processes of marginalisation of immigrant workers. During 1970-1974, Greece develops its first *guest-worker* policies with the intention of establishing an austere labour policy (for Greek workers) and a reserve army of cheap labourers. Since the end of the military dictatorship, Greece has used workers from the surrounding areas in order to implement global economic and political aims.

Part two reflects the current problems surrounding demographic-cultural categorisations of the immigrant population in the country. There is a presentation of the geographic clustering and of sexual and nationality identities of documented and undocumented economic immigrants. This part exemplifies the socio-cultural diversity and temporal presence and status of main immigrant groups in Greece. Due to global immigrant flows, the demographic classification of immigrants becomes an even more complex and variegated task.

Part three presents an analysis of the main immigration policies in Greece. Since 1929, there have been various immigration laws, according to which immigrants have been either excluded

or assimilated in the dominant cultural framework. With the emergence of international economic migration, the Greek state has accommodated a policy that is characterised by temporality, flexibility and the establishment of a legal framework for the presence of a cheap labour force in the country.

Leaving aside the deficiencies of the current policy framework, its implementation draws heavily upon Greece's historical and cultural specificities, which are integrated as identity and organisational culture dynamics in the process. The strict law governing control policies coupled with a public bureaucracy that was (and still is) largely unprepared to face the challenge of migration require for a systematic account of the implementation process so as to identify the factors that have an impact on it.

## **Chapter 4: Immigration Policy and its Implementation in Italy**

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### **1. Introduction**

Italy is a country with a recent and short experience in immigration politics and administration. In the post war period and until the mid 1970s, it was a country of emigration, a trend that significantly influenced part of its economic, social and political history. Since the early 1980s a new pattern of migration to Europe has developed, which increasingly involved the Southern European countries as receivers and users of foreign labour, instead of suppliers as was the case in the past, while the traditional points of entry for immigrants (north-western Europe) were increasingly closed. It was then that Italy became a country of immigration (that is much later than other countries in Western Europe) with the numbers of migrants returning exceeding those departing.

This paper examines the ‘new’ immigration to Italy and the responses to it both from the legal and the administrative point of view. Its aim is to sketch briefly the current situation in Italy with main reference to the recent population flows and related policies. More specifically, the paper offers (a) an overview of the history of the Italian immigration and the immigrant policies established and developed; (b) the state’s response to immigration: recent legal and policy measures adopted; (c) a tentative classification of the migratory inflow as for its demographic and socio-economic features; (d) some introductory comments concerning the particularities of the Italian case which may be used as a starting point for comparisons with other EU member states; and (e) a brief review of the existing literature on immigration in Italy.

### **2. The new immigration into Italy**

Since the beginning of the 1980s, Italy discovered itself to be a country of immigration without yet having comprehensive migratory policies, not until recently at least. Unlike other industrialised societies in Western Europe, Italy had somewhat limited experiences of immigration in the recent past and never of the current size and nature. Until the 1970s immigration was restricted to people mostly of Italian origin going from the rural south to the industrialised north (internal immigration), or returnees from Europe and South America.

Italy witnessed an unexpectedly high influx of immigrants of non-Italian origin (from Africa and Asia, as well as Latin America and Eastern Europe) throughout the 1980s, who took advantage of the country’s economic growth and the near absence of immigration controls (Cornelius *et al*, 1994). More specifically, three distinct developments contributed to the consistent growth in the numbers of migratory flows toward Italy: (a) the closure of borders of Germany, Britain and the rest of Western Europe after the 1974 oil crisis. To some extent, Italy became the back door to the rest of Europe as an alternative to northern destinations of immigrants. Migratory flows were

partially diverted to Italy and the rest of Southern Europe from the economically and socially more attractive northern and central Europe as the result of the oil crisis, (b) Italy's weak post-war colonial ties: the country retained a generally positive image in many Third World countries since the colonialist period has been relatively short and involved a rather small number of countries, (c) the great pull of the reserve of cheap labour (Campani, 1993; Zincone, 1998).

The country started to experience pressure, as the rest of its Southern European neighbours, from asylum seekers<sup>31</sup> and undocumented migrants who escaped extreme poverty, famine, or ethnic strife and political oppression in their countries of origin. In fact, new migration flows started from an increasing number of Third World countries in Africa, Asia and Eastern Europe. The migration balance became positive for the first time in 1973 (Veugelers, 1994). Additionally, the 1981 census indicated for the first time a new feature in immigration to Italy: the number of people present in the country exceeded the number of residents, suggesting an influx of undocumented immigrants (Maciotti and Pugliese, 1991: 6). This was a new phenomenon for modern Italian society.<sup>32</sup>

In the Italian political debate (the same as in the media and even at times in scholarly debates) on immigration then, but also today, the issue was characterised as a 'social emergency'. A number of matters arose in relation to immigrants including their social and cultural integration, informal labour and political asylum. Research on these topics has been hampered by the difficulty of obtaining data, since a large part of immigrants were undocumented. Nonetheless, attention was paid to problems such as the poor delivery of social services, housing problems, the management of the labour market and, more particularly, the spread of the informal economy, indeed a structural feature of Italian society. It soon became clear that a new administrative and cultural framework, especially in urban areas, was necessary to deal with the foreign presence.

Although present throughout the country, foreigners concentrate in the urban areas of the centre and north of Italy where work opportunities are greater, especially in the tertiary sector and mostly in the informal labour market. In comparison to other European countries, Italy has a particularly large underground economy and a rigid segmentation of the labour market. These two structural features contribute significantly to the migrants' insertion in low-paying, temporary, irregular jobs throughout the country.<sup>33</sup> At the same time, this makes it difficult to provide data and design and implement appropriate policies since the presence and activities of most immigrants remain undocumented.

### **3. The development of the Italian immigration policy**

In conformity with Italy's participation to the Schengen treaty and the European immigration and asylum policy framework, Italian immigration policy has aimed, at least in theory, at

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<sup>31</sup> Until that time the country usually granted the status of political refugee only to Europeans (Campani, 1993).

<sup>32</sup> Although the term 'ethnic minorities' has not been used in Italy as a social or political category, the state recognises 'linguistic minorities' (German and Slovenian speakers in territories such as South Tyrol and Friuli) and 'religious communities' (Islamic organisations are applying for recognition). This distinction however has made co-ordination with other European countries difficult in matters of migration and ethnic or cultural diversity because these classificatory systems are based on ethnic groups (e.g. UK) or on citizenship status correlated with nationality at birth (e.g. Germany).

<sup>33</sup> Italy's labour market stimulates illegal immigration because employers have an interest in recruiting undocumented foreign workers saving thus not only in wages but also in taxes and social security payments that are exceptionally high in this country.



restricting migratory flows and developing social policies that would support immigrant integration into the host society.

Indeed, Italy was an early starter among southern European countries as regards immigration provisions. The first comprehensive immigration law was introduced into Italian legislation in 1986.<sup>34</sup> More specifically, the first program of regularisation of illegal immigrants was enacted in 1986 (law n. 943/1986) and regulated the conditions for admission and residence of foreigners into the country as well as guaranteed their equal rights with Italian citizens. Moreover, it defined the conditions for regularisation of clandestine immigrant labourers. This law was flawed in two fundamental aspects: (a) it ignored refugees and, (b) the conditions required for illegal immigrants to be eligible for regularisation were too difficult to be met. Thus, the turnout of the program was relatively low, only 105,312 immigrants managed to pass the test (Sopemi 1991: 22), in comparison to the number of illegal immigrants estimated to be present in the Italian territory at the time.

A new law was prepared in 1989 (law n. 39/1990 or mostly known as the *Martelli* law), which confirmed the equality of rights between foreigners and Italians, tightened the conditions for entry into the country but, most importantly, enlarged the margins for the regularisation of those already present in the national territory. According to Sopemi (1991: 22), 216,037 immigrants were legalised through this law. Furthermore, special provisions regarding immigration including the annual planning of migratory flows (e.g. ministerial decree, *Gazzetta Ufficiale* (GU), 1.8.97 n.178; GU, 5.9.95, n.252), provisions regarding the seasonal employment of immigrant workers (e.g. *decreto-legge*, GU, 16.9.96, n.217; GU, 16.7.96 n.166; GU, 18.5.96, n.115), emergency measures concerning the influx of Albanian immigrants (*decreto-legge*, GU, 20.3.97, n.60; GU, 1.7.95, n.152) or general provisions (e.g. GU, 9.12.96, n. 288), were issued regularly in recent years. Moreover, a new immigration law, which came to complement and update existing provisions was voted in March 1998 (law n. 40 of March 6, 1998). Eventually, in August 1998 the Parliament issued the '*Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*' (Unique text of legal dispositions concerning immigration and norms regarding the condition of foreigners) which brought together laws n. 773/1931, n. 943/1986 and n. 335/1995 (cf. *Guida al Diritto*, 12.09.1998, p.III) creating, as it is stated in the title, a unitary corpus of norms which regulates the rights and obligations of foreigners in Italy, their stay and work conditions and other matters regarding family reunion, social integration and cultural life in the host country (Triandafyllidou, 1999).

The recent law enactment in Italy regarding foreigners reveals interesting combinations of national considerations and Western European systemic changes. It can be placed within the general framework of the European Union discourse on migration as a critical situation. It demonstrates extensive support for restrictive immigration policies through the imposition of severe controls to regularise the numbers of third country immigrants. Concerning the relationship between the nation(-state) and immigrants, the western European type of economic argumentation bypasses a normative discourse linked to notions of human rights for instance, and justifies discrimination de-legitimising the position of immigrants in the host society through ethnic and cultural arguments.

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<sup>34</sup> Up to 1986, legislation covered only the stay of the foreign citizens in the country and the expulsion and prohibition of entry at the border. The response to the gaps in legislation consisted of ministerial circulars on specific aspects that dealt only with the most serious problems of foreign immigration (Reyneri, 1999; Bonifazi, 2000).

In a slightly different manner, Italy is still trying to overcome an emergency-based approach to migration management. The 1998 immigration law (n. 40/06.3.1998) was put into effect in October 1999, and combined with a supposedly final regularisation initiative, it was expected to bring a definitive solution to the 'emergency' of immigration by incorporating immigration control and integration policies into a stable policy framework. Although this law provides for the recognition and rehabilitation of immigrants by dealing with the issues of entry, residence and work, the trends in the development and implementation of its regulations are guided by ideas of 'imminent threat', in agreement with similar views in other EU countries. In particular, the main concern is to curb undocumented immigration through the strict control and regulation of entry of foreigners. It sets quotas for new immigration and defines the criteria for naturalisation.

In brief, three are the main new objectives of this law:

- (a) a more efficient regularisation process and organisation of the influx of foreigners that seek employment,
- (b) the effective prevention of undocumented immigration,
- (c) the integration of immigrants that already reside legally in the country.

We will summarise here the main novelties with respect to these three objectives introduced by Law no.40, 1998:

- In order to control clandestine entries, the Law foresees the possibility of detaining illegal immigrant in special 'centres of residence and assistance' (art.12) run by voluntary associations and patrolled by the police. Expulsion is decided by a judge for security reasons (art.13, 14).
- The introduction of severe measures towards undocumented people is due to the belief that undocumented residence and criminal behaviour go hand in hand (Blangiardo, 1998: 48). It is striking that in legal documents the undocumented status is referred to as 'illegality'.
- With respect to regulation, a three-year plan of immigration flows has been decided. The annual quotas are to be determined each time by the president of the Council of Ministers and the Parliament according to the needs of the labour market (art.3).
- Another important innovation concerns the provision about Italian resident citizens guaranteeing and supporting immigrants looking for a job (art.21). The Law also makes conditions clearer as to what is required by an immigrant in order to reside in Italy legally. Workers can enter and stay in Italy through the following different procedures: the national seasonal quotas,<sup>35</sup> the work contracts with an Italian employer; and availing of the 'sponsorship' of an Italian resident. To those immigrants a temporary permit can be issued within a planned quota.
- Moreover, the resident permit can become permanent after five years of legal stay in the country (art.7). Such measures show the government's will to promote immigrant integration. Indeed, a number of provisions of the law, such those facilitating family reunion (art.27) adopt the same logic.

Even though it is too early to assess the effect of the new law on immigration control and integration, we shall attempt a tentative evaluation. Its positive features include:

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<sup>35</sup> The quotas established for 1998 and 1999 was 58,000 each year, although due to the regularisation programme in course, they were not eventually respected.

- (a) the will of the Italian authorities to deal with immigration as a long-term phenomenon providing for ordinary, rather than extraordinary or temporary, measures and provisions on the matter;
- (b) the law reiterates and reinforces the equality of treatment and rights between Italians and immigrants;
- (c) it aims at a long-term planning of migratory flows with the co-operation of the governments of the immigrants' countries of origin, acknowledging that there is room in the Italian labour market for foreign workers, provided flows and stays are regulated (cf. *Guida al Diritto, Inserto speciale*, 12.09.1998).

On the other hand, a number of problematic aspects are identified:

- (a) the policing of the phenomenon (the police was made responsible for the formalities in handling immigration);
- (b) the economic problems perpetuated (with the last regularisation, immigrants were drawn out of the labour market because employers would take on illegals rather than regularised immigrants, who would demand official pay and conditions)
- (c) it failed to prevent violence and xenophobia against foreigners. Indeed the Italian public which was reported to have shown an attitude of 'social tolerance' towards immigrants in the past (Ferrarotti, 1984), gradually became explicitly hostile and xenophobic. Racist incidents were registered already in 1990-1 (Bonifazi, 1992; Woods, 1992: 189).

Nevertheless, public education, social services and legal or informal employment have facilitated the integration of foreigners in the Italian society. The integration process is fostered by the new legislation that is comparatively liberal not only for documented but also for undocumented immigrants. Despite the overall efforts to extinguish unauthorised immigration and the occasional repressive measures, the phenomenon has not been led to its significant reduction. The persistence of the phenomenon is linked to structural features of the Italian economy and society<sup>36</sup> including, for instance, the fact that legislation allows for immigration flows, according to the demands of the domestic labour market, for re-establishing the market equilibrium (Reyneri, 1998; Bonetti, 1998). Furthermore, the Italian government's comparatively relaxed approach to the issue is illustrated by its delayed response to pressures from other Schengen member states to tighten up the rules on expulsion of undocumented immigrants. Besides, the periodical enactment of regularisation programmes (four in fourteen years: 1986, 1990, 1996 and 1998) seems to partly encourage further irregular migration.

As a matter of fact, the recent immigration law did not significantly alter the conditions for immigrant participation in the underground labour market in Italy.<sup>37</sup> Many immigrants were regularised by the legalisation acts and obtained resident permits as unemployed while working in the informal<sup>38</sup> sector. Many others remained in the country after the expiration of quotas handed out every year. Few immigrants are actually expelled from the country.

These events support the opinion that the issue of undocumented worker immigration, because of its contribution to production and regional income and despite the potential social tensions

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<sup>36</sup> For a very interesting study of the complex relation between immigration and the labour market in Italy and southern Europe in general, see Reyneri *et al.* (1999).

<sup>37</sup> In fact, the majority of them -employed permanently or temporarily in the underground economy - continued to work without papers and instead obtained a permit as a job-seeker (Mingione and Quassoli, 2000: 50).

<sup>38</sup> Some immigrants managed to regularise their status by declaring housekeeping as their formal employment and then were seemingly employed in other informal jobs.

associated with immigrant presence, is considered more a political than an economic or even social problem for Italy (Mingione and Quassoli, 2000: 29-32). It may thus be argued that in the case of Italy, and of Southern Europe in general, ostensibly unwanted, undocumented worker immigration represents at present more of a payoff than a threat to economic stability.

The picture that emerges from the statistics, various estimates, and even from the streets in Italy is that immigrants actually choose it as a country in which it is relatively easy to enter and stay, even without permit. Inspections are few and immigrants are rarely deported. This, combined with a general laxity and/or at times instances of excessive severity – the typical pattern for Italian public administration – leaves room for manoeuvre to immigrants.

This finding raises a number of questions concerning not so much the actual law governing immigration but rather its more or less successful implementation as well as its intertwining with other policy areas such as work and welfare regulation.

#### **4. National origins, size, regional and employment distribution of the immigrant population**

##### **4.1 Composition and numbers**

The most common terms used by Italians to refer to immigrants in general and from developing countries in particular, are '*stranieri*' (foreigner), '*immigrati*' (immigrant) and '*extracomunitari*', which literally means a citizen from a non-EU country.<sup>39</sup>

Compared with northern European countries, the phenomenon remains minor in Italy. In spite of the very visible presence of immigration, boosted by media attention,<sup>40</sup> there seems to be a great disparity between the social alarm concerning an alleged 'invasion' of the country by immigrants and the extent of the phenomenon, which, even based on the most exaggerated statistics, represents less than 3 % of the population. However, the immigration population rises and its demographic effect has started to be taken into account by scholars and gradually by policy makers too, who include it in official statistics and estimates of demographic growth.

The large majority of immigrants who come to live and work in Italy are motivated by economic reasons (poverty, unemployment, overpopulation, in some cases outright famine) as well as political ones (ethnic strife, persecution from authoritarian regimes). Most of them came to Italy from African, South American, Asian and Eastern European countries. Three main socio-economic groups are distinguished by scholars: (a) maids from Cape Verde, Ethiopia, Salvador and the Philippines, (b) immigrants from 'bordering countries', i.e. Tunisians, Moroccans and East Europeans, and (c) political refugees from Latin America, Ethiopia, and Vietnam (Campani, 1993: 512-6; Reyneri, 1998: 10-15). The largest of these groups are Moroccans, Albanians, people from former Yugoslavia, Filipinos, Tunisians and Senegalese, but important

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<sup>39</sup> Although used in statistics and policy to refer to citizens from outside the EU, in public discourse the term means immigrants from poorer countries without distinction of phenotypic characteristics (skin colour, complexion) or religion.

<sup>40</sup> Media representation of immigration uses wording like 'invasion' or 'wave' to refer to the phenomenon as a threat by exaggerating its size. For example, images in newspapers of Albanian immigrants arriving on rafts are usually accompanied by reports on the public's concern over cultural integrity and criminality.

flows also come from Egypt, Brazil, India, Sri Lanka, Poland, Romania, Peru, China, Somalia, Ghana, and Nigeria. Based on preliminary data of the last year, the largest groups of undocumented foreigners are Moroccans (17.7%) followed by Albanians (15.8%), Romanians, Poles and Brazilians [East Europe -excluding Albania-(21%) and South America (8.2%)].

Quite significantly, data for 1998 show that the figures on the undocumented immigration were deeply affected by the outcome of the regularisation process – the last one in 1998.<sup>41</sup> The amnesty provided an indication of the number of clandestine immigrant, who had been in Italy for a brief period, at least those who eventually filled the eligibility requirements and were included within the maximum quotas fixed for every nationality (i.e. the indication for Albanians reached the figure of 3,000 for 1998 and 1999). Most immigrants from developing countries currently in Italy received their papers through amnesties and not through the normal immigration procedures (Sopemi, 2000). The tendency to fix low quotas while enacting period regularisation programmes has had the effect that immigrants continue to opt for illegal entry and stay, seemingly with the hope that they will be later regularised. Nonetheless, there is an increasing number of immigrants who apply legally to obtain residence and work permits (despite the rejection rates which run at about 40%).

Most undocumented migrants in Italy are likely to have entered by legal means. Tourist, religious, study and health visas allow for legal entry although they expire after few months. Other legal, and thus documented, ways of entry are the – easily acquired – include work permits for housekeeping and seasonal work contracts.

A peculiar feature of Italian immigration is the large number of sending countries, many of which are very distant and have never had special economic or cultural relationships with Italy. The immigrant population comes from all continents. There is even greater diversity: for instance, many of the Moroccans in Italy are not Arabs but Berbers and the Poles are divided between the urban political refugees from the pre-1989 period and the rural labourers who came afterwards.

Some migrants in Italy fit the stereotype of the old-type of immigration to Europe, which had them as poor peasants and out of work farm labourers, not educated, coming from rural societies. However, according to surveys (cf. Reyneri, 1997 for a review), many were living in urban areas before emigrating. Furthermore, besides the usual temporary and targeted migration by seasonal or commuter migrants, that is people who look for occasional jobs to make up for the off-seasons in their countries of origin – where they periodically return – many migrants aim at gaining higher economic and social status and/or search for more open lifestyles.<sup>42</sup> Other migrants – most exposed to the anticipation of socialisation carried out by Italian television – adopt a consumerist approach towards migration.

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<sup>41</sup> With reference to the regularisation processes, the data on non-registered foreigners have been reduced considerably in a quite uniform way in different estimates corresponding to the years after the '*sanatoria*' - previous law 39/90- (Caritas, 1996 and Reyneri, 1998). The estimates of ISTAT though still at the regularisation period were monitoring the increase of unregistered foreign residence. The estimates of Reyneri (1998a and 1998b) for the years 1994 and 1996 used data from the inspections of the Ministry of Labour combined with data from INPS and ISTAT. In those estimates for 1994, the immigrants in regular employment were one third of the total number of those occupied in the labour market in Italy (in absolute numbers: 211,000 and 690,000 respectively). According to Reyneri the statistics of 1996 underestimated the entry of immigrants in the labour market since a large number of those regularised have been inserted in the registration lists of the Ministry of Interior and INPS only in 1997.

<sup>42</sup> cf. also Jordan and Vogel, 1997 concerning undocumented migrants in London and Berlin.

Immigrants' geographical distribution and their housing conditions reflect their low social status as well as the jobs they undertake. Although they develop their own residential strategies and may gradually create territories with ethnic character, they are not segregated in specific quarters or ghettos.

#### 4.2 Regular and irregular jobs for immigrant workers

Taking into account the above diverse characteristics of the immigration population, we can see how it is precisely this variety of intentions that makes their incorporation into the irregular labour market easier and makes up for the attraction that the Italian underground economy exerts cross-nationally.<sup>43</sup> Provisional data appear more often to acknowledge the effect of immigration on the labour force, but still it is very difficult to give figures on undocumented immigration, because of its own nature.<sup>44</sup> However, some estimates claim the total figure for 1999 was about 180,000 new arrivals (*Il Messaggero, Primo Piano: Clandestini*, 21 May 2000).

The heterogeneity among immigrants, mentioned above, is also reproduced in the ways in which migrants are inserted into the local underground economy in Italy. Some analysts assert that ethnic specialisation in the labour market is particularly strong (Campani, 1993: 515). Looking at immigrant employment, the nature of jobs could be broadly identified with certain immigrant groups. For instance, the building industry frequently employs migrants, mainly without papers, mostly from the Maghreb and Eastern Europe. Seasonal jobs in agriculture rely heavily on irregular male workers from Latin America, India and Sri Lanka. Trading is largely characterised by self-employment in informal activities. Street vending would be the most typical and it involves immigrants from Morocco, Senegal and China. Domestic services employ women from Eritrea, Philippines, Albania and Poland. Chinese communities are mainly engaged in handicraft activities. The occupational distribution is accompanied by the regional distribution of migration chains, that is the concentration of certain nationalities in specific regions within the country: Moroccans in the industrial north, Chinese in the area around Florence and Prato, Senegalese in the small cities of the North East (ISTAT, 1992).

The main regular and irregular jobs held by immigrants are:

- (a) Housekeeping is by far the largest occupation open to immigrants (women mostly).<sup>45</sup> Although over 50,000 immigrants entered Italy as housekeepers from 1992 to 1995 and over 90,000 availed themselves of the 1996 legislation as housekeepers, it can be said that the proportion of irregulars still remains important.

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<sup>43</sup> Underground economy is not restricted only in Italy though. According to a report to the European Commission, unregistered labour as of 1988 exceeded 20% in Portugal, Greece, Spain and Southern Italy, whereas it was between 12% and 18% in Northern Italy and below 10% in Great Britain and Germany (Mingione and Magatti, 1994).

<sup>44</sup> As far as the effect of the immigrants' presence in the labour market is concerned, a large number of empirical studies have been published at both national and local focus. Many scholars offered estimates of foreign presence. However, in general they have been criticised on how largely approximate they are. A recent working paper of Eurostat on 'The clandestine immigration in Europe measured' (Delaunay and Tapinos, 1998) provides a review of the methods used for the estimates of the illegal part of immigration in some principal first destination European countries. Particular attention is given in this report in the Italian methods (it is documented in this paper that the methodology used by ISTAT for estimating the underground economy was to compare the data between the demand and offer of labour).

<sup>45</sup> There is a huge demand for housekeeping, which is still a status symbol for the Italian middle-class. Another similar way to enter the country is being done thanks to recruitment organised by religious bodies. Catholic organisations in Italy had an old tradition as employment agencies for domestic keepers.

- (b) According to estimates a form of trade with a long tradition in Italy is street selling and it is not dying out (Sopemi, 2000). Peddlers of mostly counterfeit goods are above all Moroccans, Senegalese and Chinese.<sup>46</sup>
- (c) Seasonal harvesting, spread through all Southern regions, occupies typically migrant labour replacing Italian workers. In this type of employment immigrants are provided with a registered labour contract, which at times takes the form of permanent job.
- (d) A lot of immigrants, mostly from Morocco, Albania and the former Yugoslavia, are working in construction in all regions. The 'grey market' of construction (sub-contracted to fake co-operatives) involves increasing numbers of migrants.
- (e) Immigrants are mainly employed in jobs, which have the toughest conditions as regards physical effort, overtime work, night shifts and risk of accidents (e.g. small manufacturing firms). Also big firms downsize their labour force and change its mix. Regular labour contracts are offered in this sector.
- (f) In the metropolitan areas, migrants hold a wide range of jobs in low level skilled services: dishwashers, waiters, cooks, gas-pump operators, guardians, night-watchmen, painters etc. These are the 'bad jobs' of the city, done by regularly hired migrants by various firms.
- (g) Self-employment, mostly in big cities. The Chinese are very efficient in this sector, i.e. retail trade, artisans, restaurants, etc.

All local surveys on immigrants show a great proportion of irregular employment, even among those who could have a regular labour contract as they hold a permit of stay for work purposes (not all the irregular migrant wage earners are necessarily without documents).<sup>47</sup> According to the Ministry of Labour inspections they are divided into two groups: those who hold permits of stay for work reasons and those who do not. The distinction between regular and irregular immigrant labour offer does not lead to levels of discrimination in practice on the basis of preference for the one or the other group; on the contrary both groups are employed but in different labour sectors (regular and irregular).

Together with their precarious professional insertion, immigrants in Italy are scattered and divided into too many national groups to be able to organise politically and provide for the cultural and economic resources necessary to build communities that will take care of their own interests. In Italy this role is played by traditional lower strata pressure groups (voluntary associations, unions, civil servants), who provide assistance for economic and social incorporation of foreigners and a policy network alternative to the dominant political debate and national legislation on immigration.

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<sup>46</sup> Migrants are allowed to sell on the street only by virtue either of no control or with the tolerance of the police, who only intervene when serious illicit acts are committed or when shopkeepers protest.

<sup>47</sup> Clearly the estimate methods become particularly complex also because of the nature of the phenomenon. The statistical registration and analysis of the relation between the undocumented immigration and the irregular economy is obstructed by the fact that there are no principal characteristics so as to identify each of the two phenomena in a more or less consistent way. Seemingly, entry without the necessary documents (irregular entry) brings about an irregular stay, whereas a regular entry allows for the possibility of a regular stay for a period of time provided that the necessary legal procedure will be abided. At the time period between the status *all'ingresso* and the status *di soggiorno*, many foreign immigrants decide to let the *visto di ingresso* (entrance visa) expire without applying for a renewal and stay irregularly in the country, while others obtain a valid document of stay in order to have the right to apply for regularisation of their status once a new regularisation law is put into effect.

## 5. Administrative structure regarding immigration policy. The labour market

How do local authorities cope with immigrants? In the first place, with respect to the application of the law which provides for the national level, various ministries issue circulars, upon request, to interpret and facilitate the implementation of the law at the regional level (e.g. D.L. 380 -19/10/98, countries' access to free equipment in fighting illegal immigration; Planning Document on Immigration and Foreign Resident Policy -5/8/98; D.L. 113 -13/4/98, modifies articles of the law on measures against private activities to encourage undocumented immigrant stay and work; D.P.M. 4/8/99 yearly quotas for foreigners). Leaving aside such *ad hoc* circulars, we shall provide here an outline of the main law provisions concerning the issue of *stay permits for work purposes*, the procedure to be followed and the public bodies involved, according to the new law.

### 5.1 Who can enter Italy under which kind of legal procedure for which type of employment

According to the legislative decree 25/7/1998 n.286 issued by the *Presidente del Consiglio dei Ministri*, the quota for the entry of foreign labour workers are to be determined annually. For the current year the state permits the entry of 63,000 labourers from non-EU countries, as dependent workers or self-employed.<sup>48</sup> The list of quotas for entry was sent for the year 2000 to Albania, Morocco, Romania and Tunis.

As far as dependent employment is concerned, the legal procedure goes as follows:

- (a) The employer presents an official request to the *Ufficio Provinciale del Lavoro* of his region (the region where the employer will effect the labour activity for which the foreign employee is needed) in order to acquire the '*autorizzazione al lavoro offerto*' (job offer authorisation), which is granted in accordance with the specific quota announced for each region. The request has to specify the type and place of employment, the name of the employer and of the potential employee and an indication about the employee's place of residence. Moreover, the following documents have to be attached to the request: a) certificate of registration in the *Camera di Commercio*, b) copy of the employment contract which has been sent to the immigrant worker with the condition that the *permesso di soggiorno* (stay permit) will be released immediately after entry.
- (b) The employer files the '*autorizzazione al lavoro offerto*' to the *Questura* (city police headquarters) of the region in order to apply for the '*autorizzazione per l'ingresso*' (authorisation for the entry of the immigrant).
- (c) The '*autorizzazione al lavoro*' is sent via the Italian Embassy or Consulate to the immigrant employee for the issuing of the entrance visa to undertake employment in Italy.
- (d) Within eight days after entry, the foreign employee has to report personally to the *Questura* to apply for a '*permesso di soggiorno per lavoro subordinato*' (stay permit for work purposes) submitting with it the following documents: passport and visa.
- (e) Within five days after entry the employer has to declare the initiation of the contract in the *Direzione Provinciale del Lavoro* and request the '*libretto di lavoro*' (work book for the payment of welfare contributions) for the immigrant employee.

The procedure for self-employment is slightly different:

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<sup>48</sup> Data from the '*Vademecum*', *Presidente del Consiglio dei Ministri*, March 2000, p. 2.



- (a) The foreign worker who wants to enter Italy to search for employment has to be enlisted as a potential economic migrant in the Italian Embassy of his/hers respective country by demonstrating that he/she has the economic means to support him/herself while searching for a job in Italy.
- (b) Then Italian immigrant offices of trade unions or other voluntary associations have to be contacted in order to ask for a '*garanzia*' (guarantee) offered by an Italian sponsor. Alternatively the potential immigrant worker has to contact the relevant administrative authority in Italy to ask for the availability in the market for the profession that he/she wants to exercise in Italy. The respective authority has to send a '*dichiarazione*' (declaration) which specifies that there are no reasons whatsoever that an '*attestazione*' (certification) cannot be issued for the specific applicant (such certificate is issued by the regional *Camera di Commercio* where the foreign worker wishes to undertake employment).
- (c) The potential foreign worker has to acquire the '*autorizzazione all'ingresso*' from the *Questura* by filing the sponsor *garanzia* or the *attestazione*. The association, which offered the guarantee, or the authority, which issued the certificate, has to send an authenticated copy of it to the *Questura* as well, together with a list of the number and names of foreigners for whom it guarantees.
- (d) The '*autorizzazione all'ingresso*' is sent to the immigrant through the Embassy within 60 days after it has been granted by the *Questura* and the visa is released.
- (e) Directly after entry, the application procedure for *permesso di soggiorno per lavoro autonomo* (stay permit for self-employment) at the *Questura* has to be initiated, and
- (f) The immigrant has to register in the '*liste di collocamento*' (job list) at the *Ufficio di collocamento* (employment registry office).

The process outlined above is time and effort-consuming albeit clear. Nonetheless, the large number of up to now undocumented immigrants and, most importantly, the large number of documented ones with irregular jobs shows that the success of the relative policies has been limited. One explanation for this failure lies in the labour market structure and the large informal sector that exists in Italy independently from migration. A second factor, we believe, lies in the informal practice codes and discretionary practices that pervade the daily routine of Italian administration, which not only complement when necessary but also distort the letter of the law.

## 6. Italy's policy and institutional particularities

The most striking effect of the immigration policy is found in the gap between the stated aims of policy makers and the outcome of their policies. It has been argued that this failure to enact and implement effective immigration controls is largely the result of the economic function of immigrants and the political limitations under which liberal democratic societies operate. It is our contention however here that one important factor that affects immigration policy implementation regards the organisational culture and structure of the relevant public services. It is thus worth making some preliminary remarks concerning the Italian case and the problems arising – and solutions occasionally adopted – in policy implementation.

Two first general observations are useful here:

- a) one has to acknowledge that, as elsewhere, the regulation of flows and the provisions aimed at incorporating foreigners in Italy have been reflecting the political will on the issue. It is

not in fact entirely clear whether it was the political perception that moved from an under-evaluation to an over-evaluation of the phenomenon in Italy and, consequently, instigated the intensively negative public opinion about immigration effects to the country; or whether it was the public alarm that necessitated the adaptation of immigration policy into becoming a strict and severe one in the recent years (this coincides with the Italian integration into the Schengen area);

- b) Italy is in a period of transition: The state is going through changes in its political as much as in the institutional system. One field where very substantial transformations are underway is the administrative one. Efforts for modernising the public administration have influenced the implementation and enforcement of immigration policy.

The preparation of the single text for immigration provisions (law n. 40/1998) marks a turning point in Italian policy. An in-depth analysis of recent immigration policy implementation in Italy, has to take into account the following largely intertwined features concerning administrative action, relevant structures and organisational culture:

1. The **distinction between national and regional level** in the policy-making and enforcement of immigration laws (with a large increase in the decision-making competence assigned to regional offices).
2. The **lack of continuity** in the actual policy provisions. Legal provisions need to be periodically attuned to changes in policy and society. Furthermore in the immigration sphere there is often a need to flash political reactions to impressive events (Bolaffi, 1996). These unbalances contrast with the capacity to deal with immigration in a cohesive long-term perspective;
3. The administrative system is **in transition**. There is a lack of structural and/or operational continuity in administration, as mentioned above. In order to fight the inertia of old attitudes, a constant re-arrangement of offices, employees and competencies has been recently institutionalised;
4. The crucial role played by civil servants appointed to specific posts as **experts**. Their high decision making position 'allows' for putting into practice, to a certain extent, their political proposals;
5. The importance of **local, often *contra legem*, practices** motivated by a number of possible causes, such as exclusive regional competence, discretion or specific organisational culture;
6. The **structural ambiguity** in decisions and competencies between authorities particularly in such a system as the Italian one, which produces heterogeneous group policies within the operation of one regional administrative body. Inconsistency along actual implementation flourishes, particularly when personal or political considerations also play a role.

In practice, a large proportion of immigrants in Italy are subjected to 'cases of self-contradictory and ambiguous pieces of legislation' and thus to the local authorities' discretion (Zincone, 1998). The difficulties immigrants encounter are dealt with *ad hoc* measures and there is much conflict between the ways in which different agencies react to these groups' employment, education and housing demands. The fact that no state consultative bodies have been created for immigrants neither at the state nor at the city level, while a number of them are acting unofficially without the responsibility to participate or to have a formal part in the policy of the local government, creates additional problems.

Zincone (1998) describes a typical example of authority discretion with reference to naturalisation law and practice in Italy. More specifically, the Nationality Law (1992) is based

on a *jus sanguinis* principle. The same law also introduces a *jus soli* element to the extent that it foresees a possibility for foreign children born in Italy and resident in the country to become citizens at eighteen. The Ministry of the Interior, using an administrative decree (1994) for the implementation of this section of the Law, ruled that nationality is protected by 'the rule of law' and thus requires an immediate inscription to the register of births – instead of a hospital certificate – in order to allow for the procedure to unfold. Such obstructionist attitudes and practices of part of the public administration produce inconsistency in law enforcement and allow for discretionary implementation. Besides in the past, there have been accusations for undocumented immigrants' relative immunity in several of their trades due to some policemen's rewarded 'blind eye' (Zincone, 1998: 64).

Clearly, the specific legal situation of immigrants as non-citizens and in many cases as undocumented residents requires that provisions should be taken in an official, unofficial and/or voluntary level. In the co-ordination and the coverage of the diverse needs of the immigrants, the necessity of provisions from social services, city administrations, voluntary sector, public funding, charities, health units and public organisations is obvious. On the other hand, with regard to administrative practices, as concerns undocumented immigration, Italian laws are easily trespassed for political (conservative or liberal), social, civil and personal reasons. The fairly recent immigration phenomenon has put the political system and the society under stress requiring it to adapt to new functional and cultural conditions. Thus, one of the side effects of this phenomenon is the emergence of local variation in a centralised institutional framework such as that of Italy.

With respect to the implementation of the law, therefore, local authorities improvise to an extent so as to meet the needs of immigrants. At the same time they are being influenced and/or pressured by NGOs, policemen, school administrators and other institutions (cf. Quassoli, 1999) about the measures that should/need to be taken with respect to the presence of immigrants in the society and their integration. 'Integration' is the very recent Italian public discourse in line with the recent realisation and concerns of the people about the country's multicultural image.

## **7. Literature on recent immigration in Italy**

While in northern Europe there is substantial literature, empirical studies and estimates on the recent countries of immigration, to an extent comparable to the American scholarship in the field, in southern Europe such studies are limited. As concerns Italy in particular, they are extremely recent. Venturini (1996a; 1996b; 1997; 1998) gives an analysis of the immigration movements in Italy from the perspective of the Italian productive system and the work labour market. The Italian labour market for immigrants is interesting by itself, even if it does not apply to the standard European models and classifications. According to the relevant literature, the role of the immigrants in the Italian labour market during the 1990s has been based on the following assumptions:

- a) because of the immigrant labour there is an increase in the 'traditional' type of production (agriculture, traditional industry, familial services...) and a consequent reduction of the motives for the modernisation of the economic system in Italy, an effect that can and/or cannot be desirable at different times;
- b) the economic role played by the immigrants depends on the specific labour structure of the region to which they arrive. In regions where the regular occupation of the immigrants is

prevalent most of the immigrants tend to become regularised and vice versa there are regions where immigrants, mostly undocumented, are employed in the informal market;

- c) immigrants have a complementary role in the north of Italy, where unemployment is low and the demand for the type of work that immigrants do is still high. In the south their role is more directly competitive, particularly in the informal labour market and agriculture. It is quite possible that immigrants carry out a more indirect, competitive role even in the north but the competition is more pronounced in the south where irregular occupation prevails.<sup>49</sup>

The lack of empirical studies from an economic point of view is due to the lack of official data on the average income of the immigrants. However, there are various qualitative studies on the role the immigrants play in the labour market in general and, more specifically, in the region and occupation sectors, where they are employed. (Examples of this type of research and reviews can be found in Frey, 1992; 1995; Strozza, 1995; 1996; Natale and Guarini, 1996; and Zanfrini, 1997).

A great part of the Italian literature pays particular attention, in a very specific way, on the role that foreign workers play in the informal economy. There are many studies on definitions of the underground economy, the informal labour market and on the effect of these two on the regular occupation of nationals and immigrants (Borjas, 1990; Pugliese, 1990; Venturini, 1996a; Reyneri, 1996; Baldassarini, 1997). Research is based to a large extent on estimates from ISTAT data on the *Contabilità Nazionale* (state logistics) about the total informal labour market. Results are to be interpreted with caution because of compositional effects, such as complementarity or competition between national and immigrant workers that are difficult to disentangle. Nevertheless there is agreement in the literature that the irregular activity either of nationals or of immigrants has a limited competitive effect quite reduced on the regular jobs (Vicarelli, 1994; Lodigiani, 1997; Venturini and Villosio, 1998). Foreigners who enter the market in Italy did not bring changes in the way production is organised but are more likely to have helped maintaining existing methods of production. Whereas other European countries, that faced immigration inflows much earlier, also faced great economic shocks, e.g. France with the repatriates from Algeria in 1962. In this respect, Italy is a particular case since in the ISTAT estimates the natives' wages do not appear to be affected by the share of foreign workers. Venturini explains this as a result of the rigidity of the institutionalised system for determining wages, which prevents quick reactions to external changes such as an increase in the supply of labour (1998: 42).

The great attention that the Italian literature has paid in the study of the informal labour market of foreigners is due to the fact that informal economic work activities represent a sizeable element of the Italian productive system. 'The flow of immigrants towards Italy in recent years is marked by a high percentage of foreigners working illegally in the informal economy' (Dell'Aringa and Neri, 1987: 110). In short, the common thesis in the Italian literature about the economic effects of labour immigration in general can be summarised as follows: Clandestine immigrants work in the underground economy and contribute to its expansion. The increase in the demand for labour, eventually shifts the economic resources of the official sector to the 'black' sector of economy.

The traditional theoretical approach towards an explanation of the migratory phenomenon persists also in Italy. Explanations concerning 'push and pull factors' are often schematised. On

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<sup>49</sup> 'The traditional thesis that natives do not apply for similar positions does not exclude that competition exists. On the contrary, it can be the result of discouragement induced by wage lowering and by the reduced status of jobs in which foreigners are employed, i.e. indirect competition' (Venturini, 1996a: 41).

the one hand, there are authors that assign the causes of migratory inflows in Italy to 'forced migration'<sup>50</sup> from the countries of origin. On the other hand, there are scholars who explain mass immigration in relation to the increased demand in the segmented labour market of Italy. In other words, immigrants serve as a complementary labour force in the official market, since the national labour force prefers more prestigious economic positions, and also caters for the underground economy.

There are other theoretical studies that depart from such a dichotomy between push and pull effects and yet still, from an economic point of view, question whether such a model can be adjusted to explain the effects of immigration in the Italian labour market. Particularly since this last is characterised by high rates of unemployment for nationals (Dell' Aringa and Neri, 1987; Frey and Livraghi, 1996). A number of studies on immigration observe that some jobs are refused by nationals and, hence, the respective economic sectors lack employees to cover their needs. In short, there is a lack of offer of labour in certain sectors, although, in general, the level of the economically active population in Italy is considered sufficient for the needs of the national economy. Nevertheless, there is a coincidental occurrence in research, statistics and estimates of both extensive demand of labour and unemployment. Therefore, by monitoring the economic behaviour of the Italian workers, studies assume that in Italy the division between good and bad jobs is very pronounced. As far as immigrants are concerned, especially in the South, they are mainly employed in low-skill low-pay jobs. However the same studies are very reluctant into drawing conclusions as to which extent the existence of low pay and prestige jobs discouraged workers present in local labour markets to the point that relative labour shortages boosted immigration.

An equally large number of studies concentrate into the effects of the labour immigration to the country depending on the time period of stay, i.e. short or extended. The various analytical statements would concur to the conclusion that for short periods of time the inclusion of foreigners into the Italian society and economy has a favourable effect on the national economy. The argument is that inflows of migrants may not be detrimental to the Italian society and as far as the economy is concerned migrants are employed in those occupations that the natives find unacceptable (Djajic, 1997). Further study is of course needed but, still, in the long run immigration can be seen to benefit Italian society because it provides for human resources for the economy as well as multi-cultural influences for a post-industrial society. This approach is in line with models used in the European and the American literature, opening the recent, new and more suggestive field in the topic.

In comparison to the rest, very few are the studies that deal with the impact of immigration in the social sphere. This is done within a rather progressive political discourse. These mainly monitor the public opinion and assume that immigration has a negative impact on the public coffer. In general, empirical studies analysing the costs and benefits of immigration for the societal order do not consider the Italian system in its unity but rather base their analysis on specific groups in Italian society (Greenwood and McDowell, 1986; Simon, 1994; Ulrich, 1994; Pittau, 1998).

One can easily note, also from this short review, that the Italian literature mostly and broadly tries to give an answer to the following question: 'is the overall immigration phenomenon economically positive or negative for the natives?' Thus, the recurrent themes, which ultimately

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<sup>50</sup> In the recent Italian literature 'forced migration' does not only refer to asylum seekers and refugees from countries with intense political problems but also includes economic migrants forced by hardship and poverty in their home countries.

limit the approaches in the study of the immigration are a) the complementarity of the immigrant work force in the Italian labour economy and consequently b) the extended irregular and/or illegal aspect of immigration in Italy which is related to the equally extended basis of the underground economy in Italy.

## **8. Discussion**

In conclusion, this report outlines the immigration situation in Italy showing how the Italian experience with immigration differs from that of the most common immigration countries but also hinting to significant areas of convergence. It has been argued that one of these similarities in the way of dealing with the recent immigration phenomenon between immigration receiving European countries could be the non-efficient implementation. This last is seen as the result of the important economic function of immigrants and the political-structural limitations under which European democratic societies operate. However, as our report shows there are important margins for discretion and semi-official or unofficial initiatives in policy implementation that are due to the overlapping of competencies between different offices at the same territorial level (national, regional or provincial), the complexity of the bureaucratic procedures involved, the often personal character of authority within Italian administration as well as the current restructuring and modernisation of this last.

## **Appendix I: Immigrants in Italy at 1999.**

Source: Dossier Statistico Caritas, 1999.

### ***Regular immigration***

There were 1,250,214 foreign regular citizens in Italy at the beginning of 1999. Last year, they were 1,240,721, underlining the fact that this assessment was valued by excess. Meanwhile, the Data Elaboration Centre of the Ministry of Interior Affairs adopted a more rigorous method, which automatically excludes the expired permits; that is the reason why the permits were 1,033,000. This figure is to be increased by 21% because it is necessary to add the majority of the minors, who are not owners of any permit (2/3 of 150,000 minors, therefore about 100,000 units) and all the permits which are to be renewed.

Foreign citizens include 171,601 from other EU member-states (13.7 %) and 1,078,613 *extracomunitari* (86.3 %): women are 585,100 (46.8 %) and men 665,114 (53.2 %). Overall, there are 327,438 foreigners who have been living in Italy for more than 5 years and hence have the right to obtain an unlimited time stay permit.

### ***Territorial distribution***

While in the Centre of Italy it has been noted a solid decrease in the percentage, immigrants concentrate in the North while the situation in the Southern regions has not changed much. Compared to the 1997 division, the following changes have been noted:

- at the regional level, the tendency to an increase in the permits' number characterises Lombardy, while Tuscany and Sicily have lost attraction capacity.
- at the provincial level, Florence (-2%) Bolzano, Padova, Rome, Bologna and Palermo (-0.5%)

### ***Continents and countries of origin***

Currently, 4 foreigners out of 10 are European, 3 from Africa, 2 Asian and 1 from America. EU citizens represent less than 14% of all foreigners present in the country. Italy is thus the EU member state with the highest incidence of immigrants coming from third countries. However, this last group represents 70% in other EU countries as well, such as Austria, Denmark, Finland, Germany, Greece, the Netherlands and Portugal. In some Italian regions, third country nationals' incidence is even higher than 90% of the whole foreign presence. In 37 provinces there are 9 on EU citizens out of 10 (north 16, centre 2, south 12, islands 7). Ragusa and Trapani are the provinces with the highest percentage (97%), whereas Bolzano has the highest number of EU citizens (41.9%).

The classification of the national groups of non EU immigrants is almost the same as last year. Morocco is the most represented country (146,000), followed by Albania (92,000), U.S.A. and the Philippines (50,000 approx. each), Tunisia, Yugoslavia, Germany, Popular Republic of China, Romania, Senegal and Sri Lanka (30,000 each). After one year, the first ten groups on the list are still the same; while in 1997 they represented 47%, in 1998 they have amounted to 48%; these figures show how the strongest groups have managed to keep the lead through family reunion and the effectiveness of family chains.

### *The new flows*

In order to analyse in a more detailed way the migration phenomenon, it is necessary to pay attention to the new fluxes. In 1998, 110,966 foreign citizens came to Italy and their permits resulted valid at the end of that year. The majority consists of women (67,473, 60.8%) and of people from non EU countries (95,024, 85.6%). However, it is not taken into account other 35,000 permits granted and expired by the end of 1998. The new comers prefer the north of Italy (52.6%) and the centre (26.8%). As far as the number of new permits is considered, the first region is by far Lombardy (20,136), followed by Lazio (16,333) and Veneto (10,365). Among the provinces, on the top of the list there is Rome (14,431), followed by Milan (10,934), Lecce (4,153) and Turin (4,035).

Among the new permits, those granted on employment grounds or family reunion represent 60%; the remaining part is almost entirely connected to temporary activities. If one adds all the permits granted for employment and extraordinary reasons in 1998, the whole number amount to 16,187 arrivals: in other words, the 1998 permits are by far lower than the quotas programmed for the same year (initially 20,000, and only later increased to further 36,000 units). Therefore, it seems clear how the new mechanisms of employment placing have not worked properly, due to the lack of implementation. It should be highlighted that the nationality classification varies according to the entrance reasons. Romania, for example, takes the lead in the number of permits granted on employment grounds (1,432), followed by Germany, France, Great Britain, Poland, the Philippines and Albania (1,000). Albania, instead, is at the top in the list for the permits granted on family reunion grounds (8,320), with a second place occupied by Morocco (6,360). Morocco is also first in the list of permits granted to minors who entered Italy due to family reunion (1,232), followed by China (861), Albania (542) and Yugoslavia (418).

### *Irregular presence*

Irregular migration has increased during the past few years, despite the policy measures adopted to combat illegal entrance or stay. In April 1998, according to the relevant Ministry of Internal Affairs' Commission, irregular presence amounted to 235,000-295,000 units. On 15 December 1998, the expiry date to the legalisation of all the foreigners without any permit, 88,228 requests for a permit were presented and there were 312,410 reservations. According to relevant sources, there might have been a duplication of requests and reservations, due to the fact, for example, that the same reservation has been made in different police stations.

It must be considered that the Italian case is quite peculiar, due to the system of laws that are still to be implemented and to the impact of manpower's traffickers, who consider Italy as a preferential market. If one adds up the legalised foreigners in 1986-88, in 1990, in 1995-96 and in 1998, the total number exceeds the number of immigrants present at the moment in the country. In other words, the regularisation programmes have to a certain extent been a substitute of a long-term governmental plan.



## Appendix II

**Table 1: Top 15 Foreign Nationalities of Developing Countries, 1990-1999**

| Country                            | 1990    | 1996    | 1998    | 1999    |
|------------------------------------|---------|---------|---------|---------|
| <b>Morocco</b>                     | 80,495  | 119,481 | 145,843 | 139,305 |
| <b>Albania</b>                     | 2,034   | 63,976  | 91,537  | 105,112 |
| <b>Philippines</b>                 | 35,373  | 57,071  | 67,574  | 59,985  |
| <b>Tunisia</b>                     | 42,223  | 44,821  | 47,261  | 42,493  |
| <b>F.R. of Yugoslavia</b>          | 30,121  | 44,259  | 40,848  | 37,677  |
| <b>Romania</b>                     | 7,844   | 31,673  | 37,114  | 46,568  |
| <b>China</b>                       | 19,237  | 29,073  | 38,038  | 44,115  |
| <b>Senegal</b>                     | 25,268  | 31,870  | 35,897  | 34,041  |
| <b>Poland</b>                      | 17,201  | 27,375  | 28,199  | 26,704  |
| <b>Sri Lanka</b>                   | 13,214  | 24,920  | 31,294  | 28,816  |
| <b>Egypt</b>                       | 20,211  | 23,785  | 27,664  | 26,749  |
| <b>Peru</b>                        | 5,385   | 21,738  | 26,832  | 25,725  |
| <b>Brazil</b>                      | 14,555  | 19,417  | 19,747  | 17,810  |
| <b>India</b>                       | 11,412  | 19,887  | 25,320  | 23,911  |
| <b>Croatia</b>                     | -       | 18,865  | 17,661  | 15,425  |
| <b>Top 15 Developing Countries</b> | 324,573 | 578,211 | 680,829 | 647,437 |

Source: Censis, Ministero dell' Interno and Caritas, 1999

**Table 2: Non-EU foreigners enrolled in employment offices, by qualification and status, 1995-1998 (total and %)**

| Sector                    | 1995   |      | 1996    |      | 1997    |      | 1998    |      |
|---------------------------|--------|------|---------|------|---------|------|---------|------|
|                           |        | %    |         | %    |         | %    |         | %    |
| <b>Unskilled worker</b>   | 71,945 | 73.1 | 107,623 | 73.3 | 124,620 | 80.7 | 151,723 | 73.8 |
| <b>Skilled worker</b>     | 20,312 | 20.6 | 28,365  | 19.3 | 43,649  | 13.7 | 41,115  | 20.0 |
| <b>Specialised Worker</b> | 3,395  | 3.5  | 6,042   | 4.1  | 5,940   | 4.1  | 7,813   | 3.8  |
| <b>Clerical</b>           | 2,765  | 2.8  | 4,888   | 3.3  | 3,635   | 1.5  | 4,934   | 2.4  |
| <b>Total</b>              | 98,423 | 100  | 146,912 | 100  | 178,850 | 100  | 205,594 | 100  |
| <b>Seeking first job</b>  | 53,994 | 54.9 | 93,290  | 63.5 | 116,131 | 65.3 | 74,423  | 36.2 |
| <b>Unemployed</b>         | 44,423 | 45.1 | 53,625  | 36.5 | 61,713  | 34.7 | 131,162 | 63.8 |
| <b>Total</b>              | 98,423 | 100  | 146,912 | 100  | 178,850 | 100  | 205,594 | 100  |

Source: Censis, Ministero del Lavoro and Caritas, 1999

**Table 3: Origin of Applicants for Amnesties in 1990, 1996, and 1998**

| Amnesty Year         | 1990           |            | 1996           |            | 1998           |            |
|----------------------|----------------|------------|----------------|------------|----------------|------------|
|                      | v.a.           | %          | v.a.           | %          | v.a.           | %          |
| European Union       | 3,742          | 1.8        | 7              | -          | -              | -          |
| Other W. Europe      | 325            | 0.2        | 24             | -          | 4              | -          |
| East Europe          | 18,259         | 9          | 65,344         | 25.5       | 80,914         | 37.1       |
| EUROPE               | 22,322         | 11         | 65,375         | 25.5       | 80,917         | 37.1       |
| N. Africa            | 79,921         | 19.5       | 64,092         | 25.1       | 39,239         | 18.0       |
| E. Central Africa    | 11,423         | 5.6        | 5,343          | 2.1        | 3,324          | 1.5        |
| W. Africa            | 28,019         | 13.8       | 33,314         | 13         | 31,879         | 14.6       |
| S. Central Africa    | 78             | -          | 27             | -          | 23             | -          |
| AFRICA               | 119,439        | 59         | 102,867        | 40.2       | 74,465         | 34.1       |
| East Asia            | 21,910         | 10.8       | 35,993         | 14.1       | 21,508         | 9.9        |
| South Asia           | 16,205         | 8          | 25,068         | 9.8        | 26,744         | 12.3       |
| M. East/Central Asia | 7,879          | 3.8        | 1,700          | 0.6        | 889            | 0.4        |
| Ex-USSR              | -              | -          | 414            | 0.2        | 3,363          | 1.5        |
| ASIA                 | 45,908         | 22.7       | 63,175         | 24.7       | 52,502         | 24.1       |
| N. America           | 1,229          | 0.9        | 257            | 0.1        | 148            | 0.1        |
| S. America           | 13,116         | 6.2        | 24             | 9.4        | 9,668          | 4.4        |
| AMERICA              | 14,380         | 7.1        | 281            | 9.5        | 9,810          | 4.5        |
| OCEANIA              | 269            | 0.1        | 70             | 0.1        | 33             | -          |
| STATELESS            | 111            | 0.1        | 5              | -          | 456            | 0.2        |
| <b>Total</b>         | <b>202,130</b> | <b>100</b> | <b>255,773</b> | <b>100</b> | <b>218,190</b> | <b>100</b> |

Note: Data for those 1990 cover those still with permits in 1998; for 1995/6 the data are for applications; for 1998/9 the data cover 70. 8% of the applications (218,191 out of 308,203).

Source: Censis and Ministero dell' Interno, 1999

**Table 4: Foreigners by region of permit, age and sex, 1999**

| Region of issuance of permit | Age 0-18           |                          | 19-40              |                          | 41-60              |                          | 61+                |                          |
|------------------------------|--------------------|--------------------------|--------------------|--------------------------|--------------------|--------------------------|--------------------|--------------------------|
|                              | Permits at 21.9.99 | % increase over 31.12.98 | Permits at 21.9.99 | % increase over 31.12.98 | Permits at 21.9.99 | % increase over 31.12.98 | Permits at 21.9.99 | % increase over 31.12.98 |
| Val d'Aosta                  | 202                | 13.5                     | 1,708              | 13.1                     | 413                | 4.3                      | 165                | 6.5                      |
| Piemonte                     | 6,300              | 10.4                     | 53,727             | 11.3                     | 13,022             | 5.9                      | 3,717              | 6.7                      |
| Lombardia                    | 13,092             | 4.1                      | 177,661            | 14.3                     | 46,228             | 4.6                      | 15,555             | 4.2                      |
| Liguria                      | 2,910              | 19.1                     | 18,885             | 13.5                     | 7,291              | 4.4                      | 3,882              | 0.6                      |
| Trentino-Alto Adige          | 1,422              | 92.7                     | 20,409             | 18.2                     | 5,536              | 8.7                      | 2,748              | -0.4                     |
| Veneto                       | 8,531              | 52.2                     | 81,895             | 27.8                     | 18,789             | 13.7                     | 4,084              | 12.3                     |
| Friuli Venezia               | 3,136              | 34.7                     | 21,213             | 11.9                     | 9,019              | 4.7                      | 2,656              | 3.9                      |
| Emilia Romagna               | 6,575              | 41.6                     | 71,495             | 19                       | 16,448             | 1.6                      | 3,689              | 10.5                     |

|                   |              |              |               |             |               |             |              |             |
|-------------------|--------------|--------------|---------------|-------------|---------------|-------------|--------------|-------------|
| <b>NORTH</b>      | 42,168       | 36.4         | 446,903       | 16.9        | 116,792       | 7           | 36,505       | 5.1         |
| <b>Toscana</b>    | <b>6,461</b> | <b>104.1</b> | <b>60,119</b> | <b>58.8</b> | <b>17,498</b> | <b>26.3</b> | <b>4,872</b> | <b>13.7</b> |
| <b>Umbria</b>     | 2,167        | 47.6         | 17,178        | 16.9        | 1,141         | 12.3        | 1,127        | 2           |
| <b>Marche</b>     | 2,314        | 51.4         | 20,483        | 12.8        | 4,408         | 12.6        | 1,052        | 17.1        |
| <b>Lazio</b>      | 6,714        | 53.7         | 131,894       | 9.6         | 49,633        | 1.6         | 25,662       | -0.5        |
| <b>CENTRE</b>     | 17,656       | 67.8         | 229,674       | 20.2        | 75,677        | 7.7         | 32,713       | 1.9         |
| <b>Abruzzo</b>    | 1,225        | 27.9         | 12,279        | 11.4        | 2,719         | 6.2         | 667          | 12.3        |
| <b>Campania</b>   | 3,150        | 36.7         | 39,870        | 17.7        | 13,830        | 5.6         | 3,511        | 2.2         |
| <b>Molise</b>     | 134          | 55.8         | 1,234         | 26.5        | 343           | 11          | 73           | 10.6        |
| <b>Basilicata</b> | 242          | 70.4         | 2,216         | 37          | 542           | 13.9        | 86           | 26.5        |
| <b>Apulia</b>     | 3,056        | 112.2        | 28,495        | 28.4        | 8,082         | 29.7        | 2,015        | 47.1        |
| <b>Calabria</b>   | 1,186        | 77.5         | 9,701         | 8.8         | 3,028         | 4.3         | 466          | 18.6        |
| <b>SOUTH</b>      | 8,993        | 60.6         | 93,796        | 19.3        | 28,544        | 11.6        | 6,818        | 15.1        |
| <b>Sicilia</b>    | 3,721        | 54.5         | 37,539        | 15.8        | 11,352        | 11.9        | 17,760       | 18.8        |
| <b>Sardegna</b>   | 419          | 49.1         | 7,249         | 6.3         | 2,592         | 2.7         | 462          | 1.1         |
| <b>ISLANDS</b>    | 4,140        | 53.9         | 44,788        | 14.1        | 13,944        | 10          | 2,222        | 14.6        |
| <b>Total</b>      | 72,957       | 46.7         | 815,161       | 17.9        | 234,957       | 7.9         | 78,258       | 4.8         |

Source: Censis and Ministero dell' Interno, 1999

**Table 5: Foreigners with residence permit, by category of permit, (1990-1999)**

| <b>Permit Category</b>                   | <b>1990</b> | <b>1996</b> | <b>1998</b> | <b>1999</b> |
|--|-------------|-------------|-------------|-------------|
| <b>Contract work</b>                     | 177,212     | 544,037     | 447,721     | 559,513     |
| <b>Independent work</b>                  | 19,981      | 28,998      | 41,005      | 56,186      |
| <b>Study</b>                             | 75,653      | 745,650     | 29,878      | 29,380      |
| <b>Family</b>                            | 97,660      | 195,781     | 251,925     | 294,622     |
| <b>Chosen Residence</b>                  | 43,659      | 43,064      | 41,077      | 42,533      |
| <b>Religion</b>                          | 39,279      | 54,937      | 54,465      | 54,086      |
| <b>Tourism</b>                           | 68,968      | 29,950      | 9,465       | 14,742      |
| <b>Asylum</b>                            | 4,171       | 2,809       | 3,362       | 3,737       |
| <b>Asylum Request</b>                    | 614         | 1,093       | 2,793       | 1,767       |
| <b>Health</b>                            | 2,681       | 2,962       | 2,837       | 3,087       |
| <b>Sailors awaiting embarkment</b>       | 107         | 16          | 0           | 0           |
| <b>Awaiting work papers</b>              | 20,103      | 3,668       | 855         | 832         |
| <b>Awaiting emigration</b>               | 4,833       | 105         | 11          | 11          |
| <b>Special measures with work permit</b> | 53,994      | 5,062       | 1           | 10,447      |
| <b>Awaiting adoption</b>                 | 3,659       | 7,492       | 4,907       | 5,981       |
| <b>Awaiting foster care</b>              | 97          | 1,102       | 1,798       | 2,746       |
| <b>Permit ex Dublin conv.</b>            |             |             | 4,437       | 3,535       |

|                                       |  |  |        |        |
|---------------------------------------|--|--|--------|--------|
| <b>Awaiting contract work</b>         |  |  | 66,718 | 60,507 |
| <b>Temp. Nulla osta for Albanians</b> |  |  | 9      | 1      |
| <b>Permit ex.Art16 L40</b>            |  |  | 63     | 188    |
| <b>Temp. Protection for Kosovars</b>  |  |  |        | 18,123 |

Source: Censis and Ministero dell' Interno, 1999

**Table 6: 1998 Amnesty, applications and reservations by nationality (27/7/1999)**

| <b>Country of origin</b>    | <b>% of all reservations</b> | <b>% for Independent or Atypical Work</b> | <b>Family Reunification</b> |
|-----------------------------|------------------------------|---|-----------------------------|
| Albania                     | 18.1                         | 5.7                                       | 3,393                       |
| Romania                     | 10.7                         | 7.2                                       | 439                         |
| Morocco                     | 10.3                         | 11  | 334                         |
| China                       | 8.8                          | 7.2                                       | 305                         |
| Nigeria                     | 5.3                          | 34.7                                      | 58                          |
| Senegal                     | 5                            | 55.1                                      | 31                          |
| Bangladesh                  | 4.5                          | 30.3                                      | 6                           |
| India                       | 3.3                          | 7.5                                       | 9                           |
| Pakistan                    | 3.1                          | 16.8                                      | 36                          |
| Poland                      | 3                            | 2.9                                       | 157                         |
| Ghana                       | 2.9                          | 48.4                                      | 63                          |
| Tunisia                     | 2.7                          | 9.1                                       | 70                          |
| Egypt                       | 2.7                          | 7.2                                       | 36                          |
| Algeria                     | 2.3                          | 13.5                                      | 28                          |
| Ecuador                     | 1.6                          | 6.7                                       | 88                          |
| Yugoslavia                  | 1.5                          | 15.7                                      | 190                         |
| Macedonia                   | 1.4                          | 5.2                                       | 79                          |
| Sri Lanka                   | 1.3                          | 10.1                                      | 54                          |
| Peru                        | 1.1                          | 2.4                                       | 123                         |
| Philippines                 | 0.9                          | 1   | 83                          |
| Ukraine                     | 0.8                          | 4.3                                       | 35                          |
| Bosnia                      | 0.7                          | 23.1                                      | 87                          |
| Moldavia                    | 0.6                          | 9.8                                       | 11                          |
| Colombia                    | 0.6                          | 7.4                                       | 61                          |
| Bulgaria                    | 0.6                          | 5   | 56                          |
| Ivory Coast                 | 0.5                          | 34.8                                      | 48                          |
| <b>Top 26 nationalities</b> | <b>94.3</b>                  |   | <b>5,880</b>                |

Source: Censis. Ministero dell' Interno and Caritas. 1999

## Chapter 5: The British Case

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### 1. Introduction: Immigration policy, national identity and enforcement practice

Immigration control has been an important topic in British politics since the late 1950s. While *significant* progress has been made – after decades of ethnic minority community struggles against racism – in accepting and integrating existing populations, controls on further immigration from New Commonwealth and other Second and Third World countries are strict, with only some relaxation of procedures for family reunification in recent years. At the present time, a media-led ‘moral panic’ about the rise in asylum applications has put this aspect of immigration (the focus of policy in the later 1990s) high on the political agenda.

The UK government - which is relatively late to reform this aspect of law and policy among EU members - is now looking to align itself with other EU countries, and is implementing measures borrowed from Germany in particular. An important part of the urgency stems from a bungled attempt to ‘modernise’ the implementation of immigration controls. In 1996, the Conservative Minister, Ann Widdecombe, introduced computerisation of applications, which was so unsuccessful that a backlog of 103,000 cases (some of them 4 years old) was recorded this year. Hence the present methods for crisis management stem as much from implementation as from policy failures.

The Immigration and Asylum Act, 1999, is based on the assertion in the White Paper (Home Office, 1998) that the rise in asylum applications stems from ‘a substantial increase in the numbers of economic migrants seeking a better life for themselves and their families’ (para 1.3). The main measures, coming into force at the beginning of April 2000, are:

- (a) Speeded-up determination of asylum cases, and streamlining of appeals.
- (b) Vouchers worth £35 a week for an adult to replace welfare benefits, for applicants at the port of entry as well as in-country applicants.
- (c) Accommodation provided on a ‘no-choice’ basis, and asylum seekers dispersed around the country.
- (d) Regulation of immigration advisers, blamed for ‘unscrupulous’ exploitation of the rules and of their clients.
- (e) New legal framework for the detention of asylum seekers.

However, recent research suggests that *the* attraction of the UK for those who acknowledged economic motives for migration was opportunities for undocumented work, and that most of these come as tourists, not asylum seekers (Jordan and Vogel, 1997; Düvell and Jordan, 1999). The UK’s much-vaunted ‘flexible labour markets’ conceal a sector of casual work ‘off the books’, and in London much of this is occupied by undocumented immigrant workers.

Since 1997, the New Labour government has been attempting to address unemployment and 'benefit fraud' by improving incentives for claimants to leave social assistance for low-paid employment, and by clamping down on the shadow economy. Tax credits have been introduced to supplement low pay, and try to counter the unemployment trap; the New Deals have directed unemployed claimants towards work and training, under threat of losing benefits (DSS, 1998). Unemployment, specially among young people, has fallen significantly.

However, the topic of shadow work has been treated as quite separate from that of asylum and immigration. There are almost no references to undocumented work by immigrants in the White Paper, and no provisions in the Act. In the current politics of immigration in the UK, both main parties see the benefits system as the main element in the 'soft touch' that has made the UK attractive. This is in line with a strong tradition of regarding immigration as motivated by welfare provision, and immigrants as threatening to congest or compete away collective goods.

Enforcement practice reflects the politics of immigration in the UK, and national identity as a 'world society', an important centre for international finance and business, a former empire, and a successful multicultural polity. It also reflects the insular, xenophobic and competitive nature of UK culture, the populism of the current government, and the fragile balance in political and social relations that sustains this identity.

By long political tradition, the UK is a liberal individualist polity, with more affinity with the USA than with Western Europe (Dyson, 1978; Jordan, 1985; 1996). Citizenship is conceived as a set of rights and competencies that allow individuals to compete in an orderly way in an economic market and a political democracy. Hence nineteenth-century liberal notions of free trade and the open society (Popper, 1950) feed readily into global economic trends, and allowed Margaret Thatcher to embrace and mobilise many of the forces of 'creative destruction' (Schumpeter, 1936) that other European countries have resisted. Hence the UK provides itself on its contribution to the global financial system and world trade, on the fact that English is the international language of commerce, and that London is an important world cultural centre. But, having given up many of the institutions for restraining competition and enforcing solidarity that were part of the post-war welfare state, UK national identity is fragile and insecure.

Part of the justification for immigration control policies directed at black and Asian people from the New Commonwealth has always been that policies for racial equality and good race relations depend on such restrictions.

'The Government believes that a policy of fair, fast and firm immigration control will help to promote racial equality. One of this Government's central themes is tackling the problems of racism and creating a society in which our citizens, regardless of background or colour, enjoy equal rights, responsibilities and opportunities. The promotion of racial equality has, therefore, been high on the Government's agenda since it came to power' (Home Office, 1998, para 2.3).

The UK government can justifiably claim that it has, following the lead taken by the USA in legislating against various forms of discrimination, especially in the workplace, given a lead to other EU states in issues of racial equality. However, part of the cost of this has been a far tougher approach to the policing of its borders, and to the arrest, detention and removal of 'immigration offenders', than prevails in other EU countries. Far from apologising for these features of immigration control practice, New Labour insists that they must continue - partly for the sake of its racial equality programme.

‘The main focus of UK immigration controls has traditionally been at the point of entry ... These controls match both the geography and the traditions of the country and have ensured a high degree of personal freedom within the UK. This approach is different from practice in mainland Europe where, because of the difficulty of policing long land frontiers, there is much greater dependence on internal controls such as identity checks’ (Home Office, 1998, para 2.9).

Here it can be clearly seen that the UK’s national identity as an open society, in which free exchanges can take place, both between citizens, and in global market transactions, rests on the notion of strong and relatively impermeable borders. Furthermore, its identity as a plural and diverse society, with black and brown as well as white British citizens, all enjoying equal rights, depends heavily on these structures. Asylum is now seen as a threat to this identity, these controls, and raises fundamental insecurities – despite the relatively low volume of asylum applications, particularly in comparison with Germany.

However, the UK is characterised by the very low numbers (around 500 nationally) of immigration control staff deployed for internal operations. In this sense, once immigrants have entered the UK they are less likely to experience checks by immigration staff than in most EU countries. But, when ‘immigration offenders’ are apprehended, they experience high rates of removal and deportation by European standards. Here again, recent trends in implementation must be understood against a background of policy vacuum or policy failure, and bungled attempts at ‘modernisation’. UK systems for adjudication and appeals over asylum have not kept pace with the fluctuating but always historically high rate of applications, and the enforcement services have been drawn into a set of reactive responses, always shaped by the inadequacies of those other processes.

## 2. Factors in immigration control

### 2.1 Britain’s ethnic minority population

Britain’s immigration, the settlement of its immigrants and the development of its ethnic minority population is very much determined by its colonial and imperial past and its particular cultural and political links to its former colonies.

The most recent census dating from 1991 distinguishes between ethnic minority population and country of birth giving detailed figures on ethnic minorities although it does not satisfactorily distinguishing between ethnic minority British citizens and ethnic minority foreigners.

**Table 1: Ethnic minority population in Britain**

|                       | Number     | % of population | % born in UK |
|-----------------------|------------|-----------------|--------------|
| Total population      | 54,888,844 | 100             | 93.2         |
| White*                | 51,874,000 | 94.5            | 95.9         |
| All ethnic minorities | 3,015,050  | 5.5             | 47.0         |
| - Black Caribbean     | 500,000    | 0.9             | 53.5         |
| - Black African       | 212,000    | 0.4             | 37.1         |
| - Black Other         | 178,000    | 0.3             | 84.8         |
| - Indian              | 840,000    | 1.5             | 42.0         |
| - Pakistani           | 477,000    | 0.9             | 50.5         |

|               |         |     |      |
|---------------|---------|-----|------|
| - Bangladeshi | 163,000 | 0.3 | 36.8 |
| - Chinese     | 157,000 | 0.3 | 29.2 |
| - Other Asian | 198,000 | 0.4 | 22.4 |
| - Other       | 290,000 | 0.5 | 60.2 |

\* Includes Irish, Turkish and Greek Cypriot and Poles  
Source: Census 1991

The largest single group are traditionally Irish people, who for 150 years represented the main source of immigration to the British mainland. In 1971 about 900,000 citizens were claiming Irish descent in some way. Rees (1978) calculates that 10 % of Britain's population are descendants of such immigration.

Nearly half of Britain's ethnic minority population were born in the UK, and 'it is estimated that some three-quarter of them are British citizens'(Commission for Racial Equality 1995: 1). 54 ethnic or national groups larger than 10,000 individuals have been identified, whose people were born abroad. 19 have more than 50,000 members.

**Table 2: Country of birth and size of community in Britain**

|                       |                |                                  |                     |
|-----------------------|----------------|----------------------------------|---------------------|
| <b>Irish Republic</b> | <b>592,000</b> | <b>Cyprus, Greek and Turkish</b> | <b>78,000</b>       |
| India                 | 409,000        | Poland                           | 74,000              |
| Northern Ireland      | 245,000        | Australia                        | 73,000              |
| Pakistan              | 234,000        | Hong Kong                        | 73,000              |
| Germany               | 216,000        | South Africa, Black and White    | 68,000              |
| USA                   | 143,000        | Canada                           | 63,000              |
| Jamaica               | 142,000        | Middle East                      | 57,000              |
| Kenya                 | 112,000        | France                           | 53,000              |
| Bangladesh            | 105,000        | Uganda                           | 51,000              |
| Italy                 | 91,000         |                                  | Source: Census 1991 |

In all, some 200 languages are spoken. Regarding major world faith other than Christianity about 1.5 million are Muslims; 400,000 are Hindus; 400,000 are Sikhs; 300,000 are Jews and 120,000 are Buddhists (CRE, 1995).

Nearly half of Britain's ethnic minority population is under 25 of age.

Britain's ethnic minorities are not evenly distributed over the country but tend to live in England only (97 %). Conurbations and cities are the main settlements, the vast majority, 47 % or 1.3 million lives in London, major places of settlement are also Birmingham (207,000), Manchester (148,000) and Leicester (90,000). In some boroughs of London their proportion is as high as 45 % of the population. They tend to form clusters, particular groups are concentrated in some cities or London boroughs although there never were US-American like ghettos. Some places, cities or boroughs can be identified with a particular ethnic minority group, for e.g.: London/Bethnal Green with Bangladeshis; London/Southall and Birmingham/Soho with Sikhs; London/Brixton with Jamaicans; London/Hackney and Haringey with Turks; London/Tottenham with Jews; London/West-Kensington with Poles. Such areas are



characterised by an organic community, cultural, social, political, religious amenities and a net of ethnic businesses serving the communities' needs.

Ethnic minorities still suffer from disadvantages despite strong efforts to uphold equal rights and opportunities. Unemployment still tend to be as double as high as with white people, for e.g. 9 % to 18 % in 1995, (CRE, 1995) discrimination or racial harassment are frequent occurrences.(see CRE, annual reports) Ethnic minorities may also face discrimination in housing matters (London Research Centre, 1993) or by the police (Institute of Race Relations, 1987). On the positive side ethnic minorities tend to be in further and higher education in higher proportions than their 'white' counterparts (CRE, *ibid.*)

## **2.2. Undocumented immigrants, dimensions and figures**

The overall number of people arrived at British ports for example in 1993 was 57 million, only 60,000 – 70,000 passengers a year are subject to further enquiries (National Audit Office, 1995) Any figures of illegal immigration have to be evaluated against these. Officially the Home Office stated in 1996 that 'any estimate of the full extent of illegal immigration ...including people working in breach of their immigration conditions ...can be no more than speculative' (Home Office 1995, para. 3). Also the National Audit Office (NAO) confirmed in 1995 that 'the number of immigration offenders cannot be estimated with any confidence'. In addition the Controller and Auditor General concluded, that also 'the total cost to public funds (of immigration offenders) is unknown' (NAO, 1995). Despite such doubts several estimations have been given by several sources. In 1973, MacDonald QC quoted that their might have been 'perhaps thousands' of 'visitors technically have overstayed ever since' the mid 1960s (*Race Today*, 5, 6, 1973, p. 172). In 1978, the CRE stated that 'the problem of illegal immigration into the country does not appear to be a large one, judging by the number of people who came forward to avail themselves of the two amnesties which were granted during the period April 1974 to December 1978 (i.e. under 5,000) (CRE, 1979: 7). Between 1973 and 1983, 4,950 illegal entrants were removed, in the same period 14,787 deportation orders were issued; in 1983, 983 people were dealt with as illegal entrants, 550 were removed or departed voluntarily (Gordon, 1985: 5). The number of unauthorised workers being detected in 1988 was less than 4,000 (Home Office, 1995) the number of persons against whom action was commenced as illegal entrants was 1,500 during the first two quarters of 1988 (Hansard, 21.6.89, p. 136).

Migrants from Turkey were the second largest group (180) after Nigerians (229); the number of East Europeans was quite small (34).The Home Office's 1991 statistics on illegal entrants stated 4,446 cases with a 35 % increase since 1990. The overall number of immigration offenders (illegal entrant and breach of condition) rose from about 7,000 in 1989 to 10,300 in 1993 (NAO 1995: 20). The methods of entering illegally are divided and numbered into five main categories: deceiving the immigration officer (declining from 62 % of all detected cases in 1989 to 46 % in 1993), document abuse/false identity (rose from 13 % in 1989 to 22 % in 1993, some 3,300 fraudulent documents were found on arriving passengers in 1993); clandestinely/without leave of an immigration officer (rose from 8 % in 1989 to 19 % in 1993); absconder from temporary admission (fell from 10 % in 1989 to 4 % in 1993); others (rose from 7 % to 9 % in the same period), (NAO 1995: 19). From those being removed in 1994 over 20 % were from Europe, 25 % from the Indian subcontinent, from those being deported again 20 % were from Europe and 15 % from the Indian subcontinent (Select Committee on Social Security, 23.11.95). By 1995 the number of detected forged or falsified travel documents rose to 4,486 (Hansard, 6.6.1996).

The latest available figures also showed a steady increase in those absconding, whilst the number of illegal entrants removed increased steadily.

**Table 3: Persons removed as illegal entrants between 1980 and 1994 and persons persecuted of knowingly facilitating the entry of an illegal entrant**

|      |       |      |
|------|-------|------|
| 1980 | 1,938 |      |
| 1981 | 1,601 |      |
| 1982 | 1,315 |      |
| 1983 | 1,196 |      |
| 1984 | 1,357 |      |
| 1985 | 1,425 | 21*  |
| 1986 | 1,552 | 25*  |
| 1987 | 1,993 | 41*  |
| 1988 | 3,047 | 41*  |
| 1989 | 3,839 | 28*  |
| 1990 | 3,762 | 46*  |
| 1991 | 5,302 | 73*  |
| 1992 | 5,830 | 63*  |
| 1993 | 5,484 | 33*  |
| 1994 | 4,308 | 124* |

Source: Hansard, 19.12.1995

\*Knowingly facilitating illegal entrants, source: Hansard, 9.1.1996

**Table 4: Passengers on temporary admission who absconded**

|             |            |
|-------------|------------|
| <b>1991</b> | <b>601</b> |
| 1992        | 530        |
| 1993        | 667        |
| 1994        | 1,240      |
| 1995        | 1,577      |

Source: Hansard, 22.1.1996

Amongst the ten main groups Poles following Indians and Nigerians came third (451 persons), Turks following Pakistanis, Ghanaians, Jamaicans and Bangladeshis came as eighth (145 persons) (Hansard, 19.12.95).

In 1995, the number of illegal immigrants being removed was less than 5,000, this number had fallen steadily since 1992 (Hansard, 29.11.95). The TUC noted that ‘the number of prosecutions for working illegally under section 24 (1)(b)(ii) of the 1971 Immigration Act in 1994 was 12, just 2.4 % of the annual number of prosecutions for misuse of NI numbers’ (TUC, 1996: 3, referring to Hansard, col. 781, 29.11.95). On the other hand, the same Home Office document says that in 1994 some 10,000 migrants were detected working illegally while being in the UK illegally or while not entitled to work. It was speculated that this may ‘only be a small proportion’ of all working illegally. Alternatively the NAO (1995) qualified that ‘relatively few cases (of alleged offenders) are subsequently confirmed, partly because departure records are incomplete and partly because of poor screening of the cases referred for investigation’. Due to a BBC report in 1997 the Home Office estimated the number of annual illegal immigration at 10,000, the same report gave it’s own estimation with up to 20,000 (BBC 2, *Panorama*, 14.7.97) The latest study carried out on behalf of Haringey Council on the refugee community in this borough revealed that 48.1 % of a sample of 949 respondents had an unsecured immigration status. 27.2 % had temporary admission, 10.9 % had an initial refusal but were seeking an appeal/judicial review, whilst 1.9 % had been finally refused but not removed (Haringey Council, 1997). According to immigration enforcement agencies their work in detecting offenders ‘may save us much as £ 19m a year in income support’ (NAO, 1995: 20).

### 2.3. Particular features in immigration characterising the 1990s

During the 1990s migration, immigration and settlement was characterised by rising passenger numbers, rising applications for citizenship and the inflow of asylum seekers.

**Table 5: Passenger arrivals in millions**

|         | 1985* | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---------|-------|------|------|------|------|------|------|------|------|------|
| Numbers | 37.6  | 50.3 | 48.7 | 54.2 | 57.7 | 63.0 | 68.1 | -    | 79   | 85   |

\* For comparative reasons

Source: IND, 1996; IND, 1999

All figures are estimations as 'the immigration service does not systematically record the movement of passengers into and out of the United Kingdom' (NAO, 1995: 2) Taking the year 1995, 11 major statuses can be identified.

**Table 6: Passengers, status and number**

| Status                               | Number     |
|--------------------------------------|------------|
| British citizens                     | 44,900,000 |
| EEA nationals                        | 13,600,000 |
| Non-EEA nationals of whom            | 9,620,000  |
| - ordinary visitors                  | 5,490,000  |
| - business visitors                  | 1,310,000  |
| - students                           | 284,000    |
| - work permit holders and dependants | 52,000     |
| - transit passengers                 | 948,000    |
| - Returnees after temporary absence  | 1,370,000  |
| - others                             | 166,000    |

Source: IND 1997: 7

During the 1990s about 360,000 individual applied for asylum compared with only 53,000 between 1982 and 1989.

**Table 7: Asylum applications in the 1990s**

| YEAR         | 1990   | 1991   | 1992   | 1993   | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   |
|--------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Applications | 26,205 | 44,840 | 24,605 | 22,370 | 32,830 | 43,965 | 29,650 | 21,190 | 46,000 | 71,160 |
| DECISIONS *  |        |        |        |        |        |        |        |        |        |        |
| granted % *  | 23     | 10     | 6      | 9      | 5      | 5      | 6      | 3,100  | 5,300  |        |
| E.L.R % **   | 60     | 44     | 80     | 64     | 21     | 19     | 14     | 4,000  | 3,900  |        |

Sources: Refugee Council, (1997): Asylum statistics 1986 – 1996, London: Refugee Council; Refugee Council (1997): Statistical analysis, London

\* Backlog on November 1999: 94,000 cases, Guardian, 30.11.99

\*\* Full refugee status

\*\*\* E.L.R.: Exceptional leave to remain

The number of refugees and asylum seekers is estimated with 295,000 – 350,000 individuals. They in their vast majority tend to settle in London, 85 % of all refugees and about two thirds of all applicants, an estimated 250,000 – 300,000 (Haringey Council 1997). The main refugee communities are Indians, Pakistanis, Sri Lankans (Tamils), Ghanaians, Nigerians, Turks and Kurds, Somalis, refugees from former Yugoslavia; considerable numbers of Ugandans, Kenyans, Zairians, Vietnamese, Ethiopians, Iranians, Iraqis and Sudanese.

Regarding naturalisation 40,000 applications have been granted citizenship in 1995, a success rate of 89 %, with 45,000 decisions outstanding. Available figures can estimate to up to about 450,000 naturalisations in the 1990s. These cases represent individuals from all ethnic minority as well as some ‘white’ communities. Another 130,000 plus Hong Kong residents have been registered as British citizens (Immigration and Nationality Directorate, 1996). Contrasting with Germany, double citizenship is no barrier to naturalisation, indeed most New Commonwealth and Pakistan immigrants of British nationality also held Pakistan, Nigerian or Jamaican passports.

**Table 8: Settlement and Citizenship granted**

|             | 1994   | 1995   | 1996 | 1997   | 1998   |
|-------------|--------|--------|------|--------|--------|
| Settlement  | 55,000 | 55,000 |      | 59,000 | 70,000 |
| Citizenship |        | 40,000 |      | 37,000 | 54,000 |

Source: IND, 1997.

## 2.4 Immigration and nationality legislation, past and present

The post-war history of migration and immigration legislation is a history of immigration restrictions. British immigration policy initially was two-fold distinguishing between non-Commonwealth aliens and Commonwealth citizens. British foreign policy as well as its immigration policy was and still is developed on and recognising the background of Britain’s colonial past distinguishing between Old Commonwealth – Canada, Australia, New Zealand and the New Commonwealth – India, Bangladesh, its former African colonies and Pakistan.

The first ever established immigration legislation was the 1905 Aliens Restriction Act. It was issued to control and prevent the then East-European Jewish migration although applying to all non-Commonwealth citizens subject to immigration controls and contract labour schemes, whilst Commonwealth citizens were not subject to any immigration control. In 1914 the Imperial Act was declaring every person born in any part of the British Empire being thereby a natural born British subject. It was then not inspired by immigration restrictions – there was no overseas immigration then – but reflecting British claims on this people. In 1948, the British Nationality Act was issued regularising their status as British citizens (Hall, 1988: 278).

In 1957, exceptional regulations were agreed in the case of EC citizens rooted in the Treaty of Rome. Since then freedom of travel, residency and work is more or less guaranteed to citizens of EC and today EEC member states, only the entitlement to welfare benefits is restricted usually to the relevant country of nationality only.

Commonwealth citizens did not face any immigration restrictions and controls until 1962 when the first restrictions were introduced by the Commonwealth Immigrants Act to control rising numbers of overseas immigrants. It was particularly designed to target non-white New

Commonwealth migration. It linked migration to limited numbers of work vouchers effectively reducing primary Commonwealth migration, leaving entry beyond workers mainly to wives, husbands and underage relatives. For the first time deportation rules were introduced in those times affecting sentenced offenders only. In 1965, the number of employment vouchers was reduced again and access limited to particular skills followed by a White Paper on Immigration. A further Commonwealth Immigration Act came into force in 1968 stopping further immigration from Asian Africans and for the first time made the failure to submit to examination by an immigration officer a criminal offence. Only secondary Commonwealth migration was left. In 1969, an Immigration Appeals Act was added mainly directed against immigration of underage relatives, husbands, parents and students by introducing entry clearances.

New Commonwealth immigration until the late 1960s was determined by two forces, on the immigrants' side the migrants desire to better themselves, to 'see the motherland' or to leave countries not meeting their expectations in newly granted independence (namely Afro Caribbeans). In fact many such migrants were actually refugees, victims of early ethnical or religious 'cleansing' (Indians in Pakistan, Pakistanis in India, respectively Muslims in India and Hindus in Pakistan), expropriated by post-war policies (Pakistanis and Indians) or Africanisation policy (Indians in Uganda). On the other hand Britain was accepting and sometimes even actively encouraging and inviting migrant workforce for its post-war economical development.

Other than Germany for example, the influx from South European migrant workers from Italy, Spain or Portugal never reached high levels. There also never were large scale recruitment or advertising schemes.

In 1971, the Aliens Restriction Act and the Commonwealth Immigration Act were replaced by the Immigration Act 1971, distinguishing between patrials and non-patrials as well as between Commonwealth and United Kingdom citizenship, bringing not only primary Commonwealth immigration to an end but more or less working migration, too. It also actually makes a difference between migration for settlement, migration for work and for temporary purposes. The law distinguishes between deportation following a recommendation by a court and/or an order by the Home Office, and removal by the immigration service without having the right to appeal against. It also made illegal immigration a criminal offence making their removal possible. A new Nationality Act was introduced in 1981 distinguishing between three categories, British citizenship, British Dependent Territories' citizenship and British Overseas citizenship. British citizens are defined as people having close personal connections with the United Kingdom because their parents or grandparents were born, adopted, naturalised or registered as citizens or because of their permanent settlement in the UK. In 1987 it was followed by the Carriers' Liability Act and another Immigration Act in 1988. The mid 1980s saw a 'sharp rise in the number of asylum applicants' (HO, 1993: 7) being responded by visa restrictions imposed on 81 countries, extended to 117 countries until 1996. 1993 saw the introduction of the Asylum and Immigration Appeals Act, which also introduced the fast track procedure for particular asylum applications. The subsequent law coming into force has been the Asylum and Immigration Act of 1996.

Immigration and Nationality Acts are supplemented by the 1985 Immigration Rules and by 'internal instructions to immigration officers, containing guidance on the interpretation of the law and the rules' (Ardill, 1987: 10) Since 1996, these are under review, whilst in the same year a Suspect Index System (SIS) was introduced to help staff coping with their requirements (HOIND, 1997: 12) A further document is IL(Gen)37/91, which 'contains detailed instructions

on the practice if decided on port level to detain an asylum seeker'.(Immigration Service: General instructions to the immigration service – chapter 35, para 35.11.6)

Quite new features are regulations on businesses under the provision of EC Association Agreements, in particular applying to East European states, Poland and since 1995 for Bulgaria, the Czech Republic, Romania and Slovakia. It effectively allows their citizens to coming to or to stay in the UK for the purpose of establishing a business.

Beyond acts and rules there are some informal but nevertheless written ‘concessions’ made regularly by the Immigration Service, which are known amongst advice officers, nothing on which one can rely on and nothing somebody can apply for. Those are for e.g. known as the 7-years or 14-years concessions, more or less stopping removal or deportation.

Most relevant is that the immigration authorities are administrating and investigating agencies only with strongly restricted power of execution. Immigration officers have no power to entry or search a premise and although they have the powers to arrest ‘it is the policy of the [Immigration Service Enforcement Directorate] not to allow immigration officers to exercise such powers except in most exceptional circumstances’ (UK Immigration Service, chapter 35, para 35.14.2 and 35.14.2.11). It is explained that ‘a warrant is only allowed to be executed by police officers’ and ‘any arrest should be made by police officers’, executing immigration laws is subject to the 1984 Police and Criminal Evidence Act (PACE).

Due to the still valid official view ‘the focus of United Kingdom immigration control has been, and remains, very clearly on fontiers controls, the United Kingdom intends to retain checks at its borders with other member states of the EU (NAO, 1995: 14) Britain has indeed never joined the Schengen agreement and insists on border controls with other EEC member states. Despite such evaluation Gordon states that since the 1971 Act was introduced also ‘internal controls have become increasingly significant’ (Gordon, 1985: 17)

The current British legal immigration system is make up by three levels of frameworks, the Nationality Act, the Asylum and Immigration Act and the Treaty of Rome; all of which are of course interlinked. What has disappeared are the categories and their inherent distinctions of aliens and commonwealth citizens; the privileged latter category has been abandoned and merged with the former category into a general new category treating all the same. The change in immigration and nationality legislation reflects Britain’s changing role in the post-war era as well as its response to the industrial revolution in transport and communication allowing mass migration all over the world.

**Table 9: Chronology of immigration and immigration related legislation and rules**

| <b>Year</b> | <b>Law/rule</b>             | <b>Aim</b>                                  |
|-------------|-----------------------------|---|
| 1905        | Aliens’ Act                 | Regulating East European Jewish immigration |
| 1914        | Imperial act                | Defining British subjects                   |
| 1948        | British Nationality Act     | Regulating nationality                      |
| 1957        | Treaty of Rome              | Regulating EEC migration                    |
| 1962        | Commonwealth Immigrants Act | Restricting New Commonwealth immigration    |
| 1968        | Commonwealth Immigrants Act | Immigration restriction in African Asians   |
| 1969        | Immigration Appeals Act     | Restricting relatives immigration           |
| 1971        | Immigration Act             | End to Commonwealth immigration             |
| 1981        | Nationality Act             | Restricting nationality                     |
| 1985        | Immigration Rules           | Regulating immigration control practice     |

|      |  |   |
|------|--|---|
| 1986 | Immigration act  | First visa restrictions on New Commonwealth         |
| 1987 | Carriers' Liability Act  | Immigration control responsibilities to carriers'   |
| 1988 | Immigration Act  |   |
| 1989 | National Health Service (Charges to overseas visitors) Regulations | Health service restrictions on foreigners           |
| 1993 | Asylum and Immigration Appeals Act                                 | Regulating the asylum procedure                     |
| 1993 | Income Support (General) Amendment Regulations                     | Restricting asylum seekers' entitlement to benefits |
| 1995 | Social Security (Persons from Abroad) Miscellaneous Act            | Restricting asylum seekers' entitlement to benefits |
| 1996 | Asylum and Immigration Act   | Making irregular employment an offence              |
| 1996 | Changes to Immigration rules                                       | Restricting asylum seekers' entitlement to benefits |
| 1996 | Several changes to Immigration rules regarding visa requirements   | Extending visa requirements to 117 countries        |
| 1997 | Court ruling on 1948 Nationality Act and Children's Act            | Accommodation and food entitlement under such acts  |
| 1996 | Housing Act  | Restricting asylum seekers entitlement to benefits  |
| 1999 | Asylum and Immigration Act   | Complete review of 1996 Act                         |

### 2.4.1. Work restrictions

Any migrant subject to immigration controls is also subject to work permits or permission to work. Each group is dealt with another authority or department. Permission to work for refugees are issued by the Home Office; students or non-EU entry with intention to work is dealt with by the Department for Employment and Education (DfEE).

Work permits are issued for non-EC nationals to work for a particular employer in a particular job for a limited period. After four years these restrictions can be lifted allowing resident status and free choice on jobs. 80,000 permissions in average are issued annually, the main occupations permitted entry with intention to work are in information technology, banking, engineering, teaching and health (doctors and nurses).

Overseas students are not entitled to work until they apply for a work permit and are then limited to 'taking employment in their free time or during vacations. Permission is only given if there is no suitable resident labour' (Home Office, 1993: 20). In 1994, stricter rules on students have been imposed, 'no longer any discretion to allow a student to remain on a course at lower than university level who is attending less than 15 hours daytime studying (para 57 (ii)(b)) (*JCW Bulletin*, 5, 6, 1994). Migrants from the Commonwealth are entitled to enter the UK as working holiday-makers, as long as they do not work more than half the time of their visit. Au-pairs are entitled to a two-years visit, working as au-pairs is restricted to 6 hours a day and work outside their host families is restricted. They do not obtain work permissions although according to the immigration rules they are defined as workers and therefore are equipped with National Insurance numbers. Asylum seekers are only entitled to work - paid or unpaid (for e.g. volunteering) - after their six month of residence in Britain, which is not a right but a concession. If their asylum application is rejected within these six month and they appeal they do not fall under this concession for a work permit and remain without it, otherwise they can then apply for a work authorisation.

But a study by Bloch (1996: 43) shows that 86 % of work permit applicants have to wait at least 6 month, 14 % more than a year to get their permit. This leaves most of them actually at least 12 to 16 months without a permit. It did not apply to family members until November 1997, neither

husbands nor adult children, when applicants dependants became entitled to working as well (HM Immigration Office, 29.10.97, Letter to Lloyd & Assoc. Solicitors, London). Asylum applicants being refused and launching an appeal against were not entitled to work until their case had been accepted again, a practice overthrown by the High Court (High Court, Jammeh, Patel and others v. H.O., 30.7.97). Until the Home Office's appeal is decided the fore-mentioned groups are entitled to working (Immigration and Nationality Directorate (28.8.97): Judicial review of the employment concession for asylum seekers, letter to JCWI, London). Refugees including those with 'exceptional leave to remain' get permission to work. Work permit-free categories are seasonal agricultural workers on schemes, teachers on exchange programs, migrants with British grandparents, commonwealth working holidaymakers, businessmen and people of independent means. Visa holders and visitors are not entitled to work at all. In 1996, with the new Asylum and Immigration Law the employment of workers not entitled to work has become an offence (section 8) leaving employers with the duty to check entitlement to work of any applicant subject to this law. So far hardly any prosecutions have taken place.

#### **2.4.2. Welfare legislation referring to immigration**

Entitlement to services and benefits is closely linked to immigration status again leading to the residential status. The 1982 NHS regulations excluded anyone from hospital treatment not 'ordinarily resident', further restriction came into force with the 1989 National Health Service (Charges to overseas visitors) Regulations. Other services are linked to the status of residence but whilst applicants have to prove ordinary residence - demanding a lawful status - National Insurance schemes are only rooted in simple residence. The 1985 Immigration rules tie up any leave to remain by demanding a life 'without recourse to public funds' which are Income Support, Family Income Supplement, Housing Benefit and homeless person's housing. In 1993, the Income Support (General) Amendment Regulations were changed exclusively affecting refugees withdrawing their entitlement to urgent case payment (*JCWI Bulletin*, 5, 4, 1993: 7).

Further restrictions issued by Social Security (Persons from abroad) Miscellaneous Amendment Regulations 1995 coming into force in 1996 have been more or less exclusively directed at asylum applicants, leaving all those applying inside Britain without entitlement to diverse social benefits. This law is affecting up to 70 % of all new asylum applicants, refused asylum seekers on appeal, temporary residents (like students under particular circumstances), immigrants originally sponsored and most applicants for temporary benefit under Regulation 70(3). In the same spirit the Housing Act 1996 removed claims to child benefit and council housing from people not settled in the UK (*JCWI*, 1996: 13). And again in the same year changes to immigration rules came into force changing the definition of public funds excluding immigrants effectively from the welfare system. The 1996 Act's sections 9, 10 and 11 confirmed these restrictions, as well as excluding illegal immigrants and overstayers from child benefit. Also excluded from social benefits are asylum seekers applying in country or having lost their application and appealing against these decisions. But in the course of 1997 it was partly ruled out by court decisions regaining asylum seekers entitlement to accommodation and limited assistance under the National Assistance Act 1948 (*The Times*, 10.10.1996) and the Children Act, 1989. Local authorities are obliged to provide destitute singles with accommodation, basic needs and food, respectively families with rent and cash. In the education services mandatory payment of fees and students grants are limited to people who have been resident in the UK for three years, except people with full refugee status, but on a local level funding can be obtained by some Local Education Authorities (Bloch, 1996: 35). New restrictions deciding that any course that involve 16 or more hours of study a week are deemed to be full-time resulting in



withdrawing students entitlement to social security benefits are affecting refugees in particular. Up to 30 % of all refugees have to reduce their (language) training hours or will lose their entitlement to social security benefit (Bloch 1996: 25).

## **2.5. Settlement policy**

Up to now no settlement regulations are in force, neither for immigrants nor for asylum seekers, instead a laissez-faire policy was in place allowing immigrants and refugees to create or to settle within existing clusters and communities, where they would find community support. The only exemptions were resettlement schemes for Polish veterans (120,000) in post-war Britain; for Asian Ugandan refugees during the 1970s (40,000); for Vietnamese during the 1980s and for Bosnians in the early 1990s. From 1996 the Social Security (Persons from abroad) Miscellaneous Amendment Regulations 1995, withdrawing benefits to in-country asylum applicants were partly ruled out by court decisions defining local councils' responsibility for such needy residents under the National Assistance Act and the Children's Act to house and feed them. It was widespread interpretation by local councils to make housing a precondition for benefits, resulting in first policy measures for dispersal and collective accommodation. The 1999 Asylum and Immigration Act has introduced collective accommodation and dispersal nationwide undermining freedom of settlement for refugees.

## **2.6. Immigration authorities, enforcement and enforcement figures**

Responsible for immigration control is the Home Office's Immigration and Nationality Department, (HOIND) which is made up of nine divisions, of the Asylum Applications Division, the European Policy Division the Immigration Policy Division and the Nationality and Citizenship Applications Division (which includes the Public Enquiry Office and casework groups) on the one hand and the Appeals and After Entry Applications Division, the Finance and Services Division, the Information Technology Division, the Personal Management Division and the Immigration Service Division on the other hand.<sup>51</sup> The latter is subdivided into two directorates, the Ports Directorate (PD) and the Immigration Services Enforcement Directorate (ISED), which was set up in 1991, which also held the sub-units Illegal Entry Section (IES) I and II. Further internal units are the Immigration Service Forgery Desk (collating information and issuing a bulletin of detailed guidance on methods of forgery) and the Intelligence Desk. Only since 1991/92 the Immigration Service has been 'putting greater emphasis on intelligence information and enforcement activities' (NAO, 1995: 1) Detention centres, six in 1995, are also managed by the ISED but increasingly run by contractors. Also HM Custom Service use to be part of the entry control system. Pre-entry controls are done by British Embassies and the Foreign and Commonwealth Office. Work permits are administered by the Overseas Labour Section of the Department for Employment on behalf of the Home Office. Executive forces were the Illegal Immigrants Intelligence Unit of Scotland Yard, active in the 1970s, the Overstayers Tracing Intelligence Unit (OTIS), in force in the 1980s, the CID and the national police forces.

Attached to the IND are the South East port Surveillance Team (SEPST), 'whose principal remit is the detection, apprehension and removal of clandestine illegal entrants attempting to breach the Channel Ports'. Allied to this is the Facilitating Support Unit (FSU), 'which investigates

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<sup>51</sup> see appendix 1, especially for recent changes

cases of suspected facilitation of illegal entrants' (Home Office/Immigration and Nationality Directorate, 1997: 5). Recently an Immigration Smuggling Unit has been formed tracing illegal entrants at the ports and borders as well as networks beyond. In November 1997 the Home Office published the launch of an Immigration Crime Squad to tackle with racketeers (*The Guardian*, 27.11.97) Based at the Immigration Service Enforcement Directorate is the Marriage Abuse Team and the Students Loan Fraud Desk.

Of some relevance also is the Asylum Fingerprint Bureau (AFB) attached to the Asylum Directorate. Further investigation is being done by Scotland Yard's Organised Crime Group on corruption of Foreign Office officers involving the issuing of British visa in overseas embassies (*Financial Times*, Police investigate alleged corruption over visas, 23.1.97). Affiliated to the Home Office are the Voluntary Services Unit, responsible for the reception and resettlement of refugees, the United Kingdom Immigrants Advisory Service, formerly running the Refugee Legal Centre and the partly Home Office funded British Refugee Council. A long and hotly disputed issue is those of internal immigration controls. Traditionally, no local authority or welfare service played a role in such controls. But in 1995, the Home secretary announced new regulations, instructions and training courses, under which health and welfare officials and professionals would be required to report those immigrants claiming benefits and using services without proper status to the Immigration Service. A recent study by Newham Refugee Centre on refugees in the NHS found, that 57 % of their sample stated that they do request details on immigration status at registration.(NRC, 1996: 9)

In the education sector in 1996, an attempt was made by the DfEE to establish checks of immigration status in schools with the intend 'telling the Home Office' when 'reasonable suspicions are aroused that an applicant is in the UK without permission' (DfEE 1996a: Letter 7.6.96; DfEE 1996b: *Draft guidance – admission to maintained schools of children from overseas*, London). Even before the 1996 Act 'employers are already playing safe by adopting a more intrusive and intimidating approach than required under existing legislation' due to the experiences of the NACAB's work (NACAB, 1996: 2). Due to the Immigration Law Practitioners' Association 'the provision of the Asylum and Immigration Bill are seeking now to make employers part of the enforcement process, ...to act as policemen' (ILPA, 1996: 1). Indeed most offenders are not detected by the ISED but 'identified from information from third parties: a third as a result of calls from the police, typically when investigation of an unrelated offence raises doubts about a suspect's immigration status; and a quarter as a result of tip-offs from the public. Around 20 % of offenders are identified by examining case files. Some 10 % are detected as result of targeted operations or research into patterns of offending or areas of abuse' (NAO, 1995: 20).

The rise in enforcement numbers may reflect three main developments, 1.) the rise in passengers; 2.) the dismantling of immigration rights leaving less space for legal immigration or stay and 3.) efforts to increase the immigration control agencies' efficiency.

**Table 10: Enforcement figures**

|                    | 1990   | 1991   | 1992   | 1993   | 1994   | 1995   | 1996  | 1997   | 1998   |
|--------------------|--------|--------|--------|--------|--------|--------|-------|--------|--------|
| refused entry      | 19,180 | 18,270 | 14,947 | 16,738 | 17,223 | 19,147 |       | 25,000 | 28,000 |
| Deported / removed | 4,100  | 5,800  | 6,000  | 5,900  | 5,000  | 5,000  | 5,200 | 6,100  | 7,200  |

Source: Home Office, 1999

On the other hand, in a number of cases a policy of ‘turning a blind eye’ or *laissez-faire* was adopted, both in the case of domestic workers, au pairs, illegal employment in an urban setting and section 8 (employers), and in the case of failed asylum seekers, students applications or bogus language schools the immigration enforcement seemed to put high priority on checking or enforcing matters (cf. Bhaba, 1994; Duevell and Jordan, 1999). Only regarding failed asylum seekers New Labour changed policy in 1998 by deciding to put enforcement on top of the priority list.

Immigration control, nationality or asylum matters, administration and enforcement is very much centralised with one body, the Home Office’s Immigration and Nationality Department in London, having some branches in other cities. But regarding enforcement issues it needs to co-operate with and rely on the police. Regarding deportation detention centres, pre-entry controls and work permissions some responsibilities are shifted to other agencies. In 1996 the IND was trying to establish co-operation with other statutory agencies in order to implement immigration status checks, this was positively responded by the Benefits Agency only, any other agencies (for e.g. in housing or education) were rejecting co-operation in immigration matters. Only recently London Registrars co-operate in marriage matters. It can be concluded that immigration control agencies appear acting in a rather isolated situation and that immigration status checks are an issue not liked being touched by other statutory agencies.

From 1999 onwards, the Immigration and Nationality Department along with the Asylum and Immigration legislation is under review and reform with several legal and organisational gaining relevance soon.

## **2.7. Nationality policy, national identity and immigration policy<sup>52</sup>**

‘Britain has traditionally favoured the free movement of capital and labour within the Empire’ (Layton-Henry, 1989: 61). Until the mid twentieth century the United Kingdom itself was a country of emigration used to feed overseas continents with its people, even deporting its subjects as far as North America and Australia. ‘By the turn of the century, migration had become a conscious part of British imperial policy, and it was felt that encouraging emigration from Britain would help the economic development of the Dominion territories, strengthen ties with Britain, and increase the power of the Empire’ (Layton-Henry, 1989: 59). Emigration was growing to such an extent – 2 million from 1919 to 1930 and 720,000 between 1946 and 1950, many of them highly skilled – that it became a cause of concern to some government bodies (Cheetham, 1960). Even between 1964 and 1981 emigration was always outweighing immigration (Fothergill and Vincent, 1985).

However, other government’s representatives were still opposing large scale immigration and ‘every effort was made to repatriate the colonial labour that had been recruited to work in Britain’ during war time (Layton-Henry, 1989: 61) The post-war era was characterised by such contrasting views on immigration. In 1948, when the Nationality Act was introduced it was not designed to encourage or allow large scale permanent overseas immigration into the United Kingdom. Anyway, that time was characterised by the then absence of regular shipping lines or flight connections to the UK. In an era of independence movements and the collapse of the

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<sup>52</sup> This paragraph is based on Düvell, F. (1996): *Die sozialgeschichtliche Dekodierung des ‘schwarzen’ Aufruhrs in Grossbritannien zwischen 1970 und 1989*, Bremen: unpublished doctoral thesis.

British Empire the act was expressing a policy of preserving the links of commonwealth citizens to the motherland. National identity, carefully distinguishing between England as the cultural core, the United Kingdom as its white European body, the Old Commonwealth as its natural allies and the New Commonwealth as its extremities, never intended to become the same. But in post-war Britain these levels began to move and overlap, business as well as commonwealth individuals were then making use of such legal opportunities and overseas subjects migrated to Britain despite any deliberations by immigration negating government bodies. Only a few recruitment programs were in place; commonwealth citizens generally came 'on spec', often facing initial unemployment before being absorbed by particular sectors or niches of the labour market.

The years between 1950 and 1980 were characterised by a host society not accepting its new role as an immigrant country, which was demarcating its national identity by crude racism, segregation policies, right wing extremist organisations and racist violence keeping its new residents on the margins of society. It needed an era of painful conflicts, riots and burning cities for the British society to realise that its immigration story is irreversible. Only from 1981 and in response to widespread 'black' inner city riots successive steps were made to deconstruct institutional and structural segregation and discrimination, to implement and enforce anti-discrimination policies and to offer affirmative action in order to allow social and political integration of ethnic minorities. By the late 1980s and another series of riots such measures began to show some effect; clashes were dying down, the tension was eased and an atmosphere of positive changes began to spread. In course of its Racial Equality policy and legislation a new national identity began taking shape as Britain being a multi-cultural, multi-ethnic and multi-religious society. Most significantly certainly is that the majority of Britain's ethnic minority at any time has had full citizenship, hence democratic rights, civil liberty and equal rights. The black struggle was less for rights as it was for the implementation and enforcement of these rights.

Today Britain is neither inviting nor encouraging further permanent immigration; citizenship is mainly granted to long-term residents and members of established immigrant communities. Temporary migration on different visa is welcomed, whilst it is possible through different mechanism to extend a stay, to become resident and finally citizen. On the one hand integration and multi-ethnicity is promoted whilst on the other hand any further immigration is strongly regulated and restricted, enforcement figures rise significantly under New Labour.

## **2.8. Anti-racist legislation, organisational culture and the state of civil liberties<sup>53</sup>**

Any discussion, policy and politics, any organisational culture, educational curriculum whatsoever is inspired by and reflecting Britain's strong tradition in democracy, civil liberties, individual rights and most recently to its anti-racist legislation. Any regulation, restriction, control or implementation matter is itself regulated and outbalanced by these forces.

There is no requirement for keeping identity documents; there is also no requirement to register the residential address with any central or police authority except the election register.

Most public services put a strong emphasis on clients' needs and clients' safety; data protection is rigorously observed to and data exchange between different statutory agencies is limited.

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<sup>53</sup> see Düvell and Jordan 1999, conference papers.

Public services' social workers are rather advocates putting clients' rights first than enforcement measures. Public services tend to have an autonomous and self-reliant self-image sticking to their statutory responsibilities description.

Entrepreneurial freedom, increased under the past conservative government limits interferences with private businesses, by the way contributing to the extension of Britain's shadow economy.

Particular emphasis needs to be put on the Race Relations Act 1976, enforced by the Commission for Racial Equality (CRE) set up by Parliament with some statutory power. Its duties are to work towards the elimination of racial discrimination, to promote equal opportunities and good race relations, and to monitor the way the Act is working. The Act covers discrimination on grounds of a person's colour, race, nationality, citizenship, and ethnic or national origin.

In the interest of race relations and public order any enforcement action needs to be seen in the light of its potential to risk communities' alienation or even public unrest. A consideration particular relevant to be taken into account for the police and the immigration enforcement agencies. In-country immigration checks are widely seen as discriminating against Britain's usually perfectly legal ethnic minorities who would tend to be targeted.

In immigration the actual realisation and enforcement is very much influenced, adjusted and determined by court rulings in appeals, by interventions of Members of Parliament in individual cases and by campaigning and lobbying groups. Or the other way round, enforcement agencies are very much aware of public response and use to take into account protest and campaigns.

## **2.9 Research overview**

### **2.9.1 Research in immigration and immigration control implementation**

Research and publication topics have been changed over the decades covering most topics one can think of. Dating back to the era of black struggles in the 1960s, 1970s and 1980s ethnic minority issues are highly politicised, from the mid 1980s on any research is inspired from and obliged to obey antiracist legislation and politics.

The main areas of research are:

- ? Immigration, immigration policy and legislation
  - Immigration, immigrants and the labour market
  - Immigrant youth
  - Refugee studies, refugee settlement
- ? Cultural studies, linguistic
- ? Community studies, Social-Geography of settlement (distribution, settlement patterns)
- ? Race relations, disadvantages, racism, racial violence and Equal Opportunity policies
  - Policing black people
- ? Black history, politics, philosophy
  - Self-organisation, self-help, black struggles
- ? Immigrant and refugee integration
  - Ethnic business

Studies into most recent features of immigration usually fall into the category of refugee studies (forced migration and refugee settlement), which tend to be from an advocacy point of view.

### **2.9.2. Research in immigration control implementation and undocumented immigrants**

Research or publications in immigration control or implementation is available from the immigrants' standpoint and their support agencies only. It often tends to be non-academic, politically engaged publications. There is virtually no academic research on immigration authorities or immigration enforcement and implementation matters. The reason is that a high level of secrecy surrounds immigration authorities and its rules, both are classified and not yet fully accessible to outsiders including academic researchers. Only some side-topics are studied like the effects of the Carriers' Liability Act (Nicholson, 1997). But there are some studies on internal immigration control by public services like the National Health Service (NHS) or welfare agencies (Hayes, 1997; Cohen, 1996). Such studies tend to critically observe efforts to extend immigration checks on public services other than immigration agencies by linking eligibility to services with immigration status.

There is also not much research in undocumented immigration exempt the authors' recent research projects. 'The fact is that almost nothing is known about unauthorised workers in the UK nor the impact, which they have. No research has been commissioned to establish who these people are, what kind of jobs they are doing, how long they stay, whether they have National Insurance Number, or indeed whether or not they are paying taxes. Nor has any assessment been made of their effect on the labour market, on unemployment or public expenditure' (Institute for Public Policy Research, 1996: 2).

Despite such pessimist evaluations some publications can be found. The first reference ever seems to have been made is by Aurora in 1967 describing in detail illegal practises of migration from India and Pakistan into Britain. Dahya followed with documenting some further practices of Pakistani on outsmarting immigration controls (Dahya, 1973) Only two publications are explicitly on the issue of illegal immigrants, resp. undocumented workers, the first one was a file included in *Race Today* in 1978 giving one case study on illegal immigration as well as an interview with an immigration officer (*Race Today*, 5, 6, 1973: 171-82). In 1982 and 1983 Maldonado was publishing articles focussed on Moroccans, Filipinos and South Americans stating that 'the illegal status of these workers is created by the state' (Maldonado 1982, *Morning Star*, 18.10.82; Maldonado and Esward, in *Race Today*, 15, 1, 1983: 8-9).

Esward and Duzgun did some work on Turks in Northeast London without neglecting illegal workers (Esward and Duzgun, 1983). The latest one was a descriptive work published in 1987 (Ardill and Cross, 1987) based on 25 interviews with migrant workers in London with a strong focus on Philippines, Colombians, Turks and Kurds. It was sponsored by the trade unions TGWU, NUPE and GMB. Its approach saw migrants as workers only, as 'one of the most vulnerable section of workers in Britain' (p. 4) but bearing in mind 'the interplay between economic and political pressure to migrate' (p. 35), also mentioning some social aspects like access to welfare services and education. The report came to two main conclusions. First the 'unequal relationship with their employers', resulting in exploitation, severe limitations in worker's legal rights, down-skilling explaining the employment of undocumented migrants with the 'structural dependence on cheap labour, ...weak trade unions allows this to happen' (p. 61) The second conclusion was on 'growing links between agencies of the welfare state and the Home Office' leading to the 'exclusion from claiming all benefits' (p. 75). Two years later

Labour Research took this issue up by referring these results citing TGWU general secretary Todd 'the union movement existed to help unauthorised workers and protect them from the exploitation to which their unauthorised status exposed them' (Labour Research 1989) although this cannot be verified by recent observation.

A feminist publication has generally stated that there is a tacitly 'accepted poll of workers from abroad, technically working without permission, but essential for the function of restaurants, hotels and smaller factories' (Bhaba and Shutter, 1994: 164). It emphasises women's role by exemplifying that 'there is another group of women who still come to Britain as servants, unofficially, but who are in much more vulnerable position than au-pairs. They are domestic servants in rich households. The immigration rules do not provide for servants (except those for diplomats) who do enter the UK. Nevertheless immigration officers often turn a blind eye and allow them to come in, either as part of the household of the employer or as visitors'. The Home Office's position in relation to this practice is at odds with its usual strict adherence to the Immigration rules. '...If they enter Britain as visitors, they are immediately placed in a position of illegality. ...If they make a complaint, they will lose their job; if they will lose their jobs they also lose their claim to remain and therefore can only survive by working illegally' (p. 181).

The only official publication more or less being on illegal immigration is a report on 'Entry into the United Kingdom' by the National Audit Office published 1995, it is mainly on the efficiency of immigration control and detection of illegal immigrants by the Immigration Service. In 1995, Udayan Prosad's film 'Brothers in trouble' was covering the experiences of 18 illegal Pakistani, followed by an article in 1996 on 'Asian reality: a journey through the subworld of illegal immigrants' (*India Today*, 30.6.96). With few exceptions the majority of publications are focussed on Asian illegal migration, whether from the Indian subcontinent or the Philippines. Only in 1989 after three raids targeting Turks and Poles the Runnymede Trust paid some attention on these groups (Race and Immigration, 1989: 224). The very recent publications on illegal immigration and undocumented migrant workers are published on the topic of contemporary slavery, trafficking human beings and the trade with false documents. Fekete and Webber give a good overview on facts and policy, Ruggiero bases his study on examples of East European undocumented migrant workers (Fekete and Webber, 1997; Ruggiero, 1997).

Further literature represents the category of campaigning publications usually making a stand against immigration controls (see Greater Manchester Immigration Aid Unit's Bulletin 'No one is illegal'), criticising immigration checks and raids (CARF, 1989; 1995), being distributed in defence of workers' rights or in support of strike actions by immigrants (see Migrant Support Unit 1994) or defending welfare rights. In recent times strikes of Turkish and Kurdish workers in the fast food and the textile industry of East London gained some publicity, at JJ Fast Food in 1995 and at Euroscene in 1996. But whilst one sample of publications usually do not take into consideration the situation of (illegal) immigrants as (undocumented) workers, another category does not take into consideration the situation of striking workers as immigrants and/or undocumented.

## **2.10 The context of immigration and nationality**

It must be outlined that there are reasons to reject the pull-and-push factor model, which could be seen as far too crude and mechanistic for providing an appropriate theory in immigration studies. In the past it used to effectively hide the migrants' subjectivity, their aspirations, expectations, motives, in short the individual and autonomous elements that influence

immigration decisions (for a comprehensive discussion see Duevell, 1996). However, pull factors as being identified for immigration to the UK are political safety and human rights record; women's rights; individual and economical liberties; living standards; safe and better future for the children; language knowledge prior to immigration; education opportunities, mainly English courses; adventure and travel experience; family links; cultural links; employment opportunities; need for remittance or quick savings; benefits.

Push factors are defined through their relation with the emigrant's country conditions and his or her position within the social, cultural, political and economical context. Such push factors are different for each immigrant group and indeed for each individual, depending on region, social class, and gender. Pull factors like the attraction of the British welfare state may be used in an often unfounded, stereotyped and politicised manner. Push factors have changes over the last decades: dissatisfaction with independence; post-colonial wars; early ethnic cleansing; political persecution; social, educational and economical disadvantages; women's suppression; war and civil war.

## **2.11 Brief summary of British particularities and characteristics**

Immigration in Britain has taken place initially in the period between 1948 and 1968 and at a later period between 1968 and 1978. Inflows have been decreasing from 1978 onwards while asylum applications have increased since 1988. It is worth noting that early immigrants are defined as ethnic minority population and enjoy full citizenship rights. Ethnic minorities and recent immigrants and refugees tend to concentrate in major urban centres in which welfare services provide support and shelter to newcomers. Anti-discrimination legislation and overall and anti-discrimination culture are strong and arguably deeply rooted in society. Indeed, after decades of racial tension and clashes, Britain has adopted a multi-cultural, multi-ethnic national identity. This identity is however contested by some social and political groups (cf. the recent controversy on the report on the Future of a Multi-ethnic Britain, 2000) and has been considered to be 'under threat' by the so-called asylum 'crisis'. Despite the crisis discourse developed by the media concerning the rise of asylum seekers in recent years, the overall number of undocumented migrants is estimated to be considerably smaller than in some continental European countries. These are the main factors that determine the contours of immigration policy in this country.

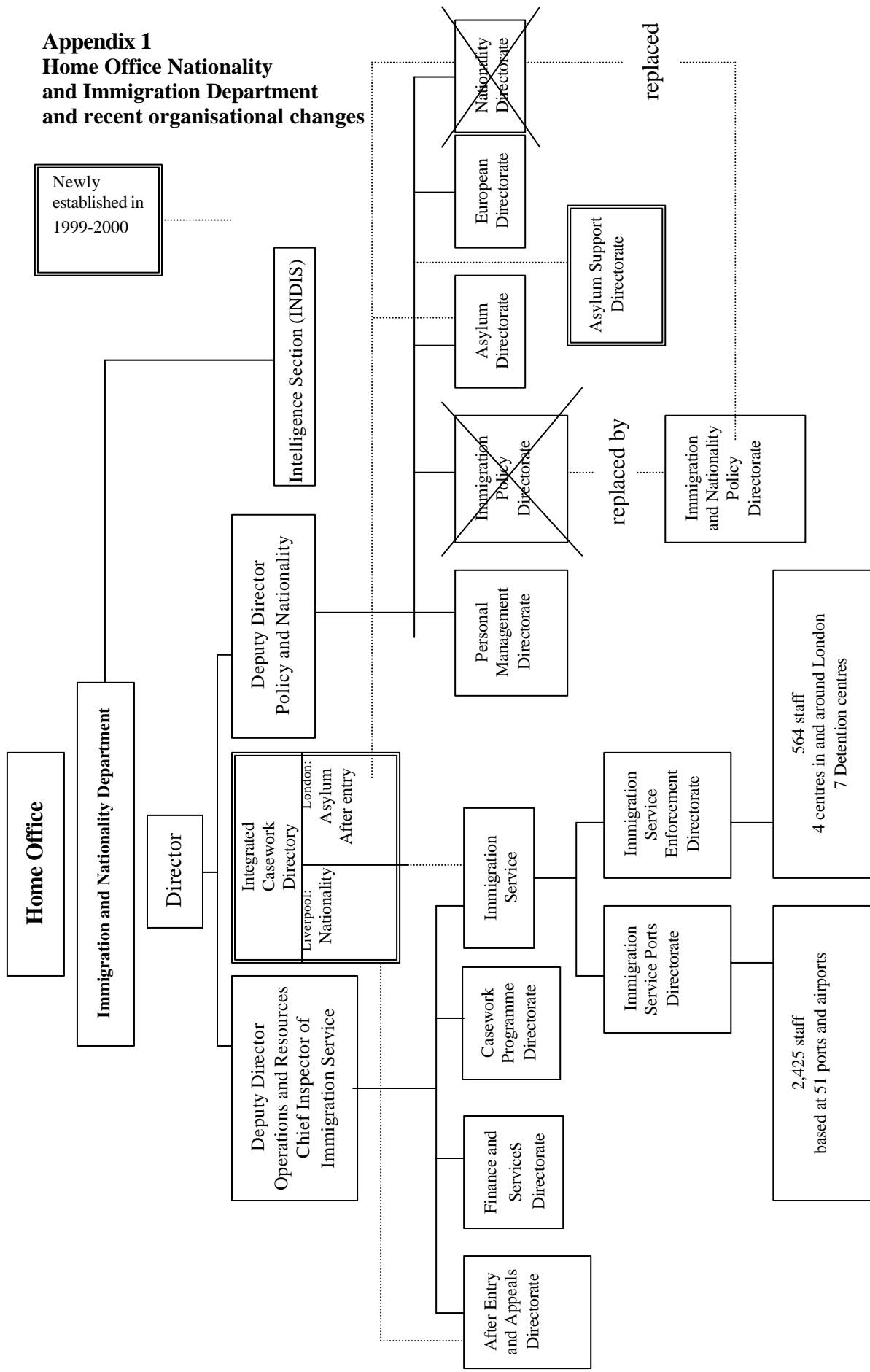
As regards immigration policy, there have been considerable changes in asylum and immigration provisions since the mid-1990s with an important rise in enforcement actions since 1996. Currently, a major reform of immigration legislation and a re-organisation of immigration authorities has been started (1999-2000), which makes this study particularly topical and necessary. In fact, we shall be looking not only at the organisational culture and structure of the agencies in charge of immigrant labour market control but also at the effect of recent changes on these.

As regards policy decisions and implementation, it is worth noting that lobbies and campaigning forces have considerable influence on immigration enforcement matters. Furthermore, border controls appear easier to enforce in Britain than in continental Europe because of its insular geography and its neighbouring to EU countries only. Ports and airports are the main, and indeed only, points of entry to the country and since Britain has not agreed to the Schengen treaty, controls take place in all of them for all passengers. Overall, in-country controls have been traditionally given low priority but more recently they tend to be strengthened. These



features are worth studying from a comparative perspective, in relation to other European countries, so as to assess their importance and role in the design of EU-wide immigration policies.

# Appendix 1 Home Office Nationality and Immigration Department and recent organisational changes



## Chapter 6: Concluding Remarks for a Comparative Framework

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### 1. The comparative framework

The four countries selected for this project share a number of features that make them particularly interesting for comparison at the European level. The comparative analysis will in fact take into account the following three dimensions of similarity/difference between the countries studied:

- (a) ‘old’ (Germany and the UK) and ‘new’ (Greece and Italy) immigration countries;
- (b) rational, efficient (Germany and the UK) and clientelistic, inefficient (Greece and Italy) administration systems;
- (c) ethnic (Germany and Greece) and civic (Italy and the UK) nation-states.

Thus, we shall test whether the division between industrialised North (Germany, UK) and less-favoured South (Greece and Italy) is still valid in terms of policy-making within the EU or whether the distinction between ethnic vs. civic nationalism is more important for immigration policy implementation. In reality, the reports presented in this volume show that differences are much subtler than our three-dimension scheme for comparison shows. Moreover, the situation is dynamic and constantly in evolution not least because of the deepening and widening of European integration, which influences greatly immigration matters. As pointed out in the country studies presented here, pressures and efforts for policy co-ordination and co-operation among EU member states are high. At the same time a number of identity issues are raised including changes in the classification between the country nationals, EU citizens and aliens.

The aim of this report as well as the overall project is not simply to compare between member-states but also to identify significant dimensions of comparison that may be valid across the EU, and to assess the importance of different factors that influence immigration policy in various countries. The results of the research may thus provide guidelines for policy design throughout the European Union.

### 2. Old and new immigration destinations

Most scholars working on the field of migration in Europe point to the distinction between ‘traditional’ immigrant destinations, namely countries of northwestern and central Europe, such as Germany, Britain, the Netherlands, Belgium or Sweden and ‘new’ host countries, namely their southern European counterparts: Greece, Italy and Spain.

Indeed, Greece and Italy represent the farthest southern and southeastern borders of the EU, acquiring thus particular significance for its immigration policy as fears are expressed that these two countries provide for easy points of entry for illegal immigrants who may then continue

their journey towards other member-states. Moreover, Greece and Italy have recently been transformed from emigration to immigration poles. As a matter of fact, since the late 1980s, these two Mediterranean countries have become hosts of large numbers of immigrants from Albania, Poland, Romania and also from African and Asian countries.

In the Mediterranean, and in particular in Greece, the presence of immigrant workers has existed first as part of the village system. Within the latter, immigrants were integrated into the ritual process of identity - exchange formation. However, the progress of industrialisation and the establishment of nationalism and a cultural division of labour have created the first processes of marginalisation of immigrant workers. During 1970-1974, Greece developed its first *guest-worker* policies with the intention of establishing an austere labour policy (for Greek workers) and a reserve army of cheap labourers. Since the end of the military dictatorship, and the late 1980s in particular, Greece, like Italy, has faced a new set of population flows both from neighbouring countries and from distant ones. This recent immigration must be seen in relation to the globalisation of society and economy and the development of global migration networks. Indeed, especially in the case of Italy, immigrants come not only from a wide variety of countries but often from very distant ones, with no previous cultural or economic relationships with the host society.

However, the situation in Italy differs from that of Greece because immigrants concentrate not only in urban centres (e.g. Rome and Milan) but also in the northern and northeastern industrialised regions finding employment in small and medium firms. Furthermore, as a result of a policy (or rather non-policy) or repeated regularisation programmes, Italy has managed to regulate immigrant stay and work to a much larger extent than Greece, which is still at the process of doing so. The first regularisation programme in Greece was introduced in 1998 and is still in course due to bureaucratic inefficiency and lack of co-ordination between the various services involved.

Germany and the UK, on the other hand, are two 'traditional' immigration countries having experienced large waves of immigrants throughout the post-war period. Moreover, they continue to attract large numbers of short- (temporary or seasonal) and long-term, regular or undocumented migrants in search for better employment opportunities and living conditions.

Britain has faced a first wave of immigration from New Commonwealth countries in the period between 1948 and 1968. Secondary immigration continued until 1978 but has been decreasing since then, while the immigration and citizenship policy framework has been changed so as to reduce significantly the possibility for entry. The UK is also characterised by a relatively large wave of asylum seekers from 1988 onwards, which has led to occasional risk discourse campaigns by the media and some political forces in the country. It is worth noting that the vast majority of ethnic minorities present in Britain enjoy full citizenship rights. Furthermore, ethnic minority, immigrant and refugee communities are concentrated in major cities where they provide support and shelter to newcomers. Anti-discrimination legislation and culture is strong and now deeply rooted in society. As a matter of fact, many of the above mentioned aspects of immigration/asylum control, ethnic minority integration and anti-discriminatory policies are closely related to the conception of the British identity.

As regards control of irregular immigration, it is worth noting that the number of undocumented migrants appears to be considerably smaller than in some continental countries. Border controls seem easier to enforce than in continental countries, due to Britain's insularity surrounded by EU states only, with ports and airports as its main or only points of entry. In fact, priority is

given to border control – it is worth noting that Britain has not agreed to the Schengen treaty – but in-country control, which traditionally was given low priority, has been strengthened recently. Moreover since 1996, there has been a considerable rise in enforcement actions (deportations and removals) and asylum law has become more restrictive.

Similarly to the UK, Germany has experienced large migration inflows since World War II. Contrary to Britain, however, a large part of this immigration was German or of German ethnic origin and thus was not framed in terms of actual ‘immigration’. As regards foreign nationals, large inflows have generally been framed as a reaction to exceptional labour market or political needs, and policies have been directed at keeping the temporary nature of labour and refugee flows. Although Germany is indeed characterised by substantive inflows *and* outflows, these policies have not been successful in preventing, as originally planned, the long-term residence of populations of non-German origin. With its priority on return encouragement and even enforcement, integration efforts started late in the individual migration history, when individual immigrants and their children born in Germany have already made experiences of not-belonging, deterrence and exclusion for many years. At the same time, expectations concerning the degree of assimilation to some sort of German standards are high. There is also political consensus that successful integration policies for long-term residents depend on enforcement efforts against unintended prolongation of stay and illegal residence.

Clearly, there is a commonality of immigration experience between UK and Germany, on the one hand, and Italy and Greece, on the other hand. Moreover, in the first set of countries, there already exists a set of policies dealing with both immigration control and integration while in Italy and Greece, such a framework has only recently been developed and has, especially in Greece, important gaps at the level of integration provisions. Indeed, neither the Greek nor the Italian administration was ready to deal with the sudden influx of foreign workers. In both countries, the issue was initially dealt with as an emergency, which would soon be over. Thus, emphasis was put on stricter border control. Gradually, however, regularisation programmes and a policy framework were created. Nonetheless, only very recently (August 1998, put into effect in February 1999) did Italy create a unitary corpus of norms which regulates the rights and obligations of foreigners, while in Greece such a comprehensive law on immigration is still in preparation.

The different size and nature of immigration flows in the ‘old’ and ‘new’ hosts has not prevented however policy convergence at the European level. Recognising the need for inter-governmental co-operation (cf. Schengen treaty and Dublin Convention) and under the pressure of the European integration process, member states have sought to co-ordinate their immigration policies and, more recently (Maastricht and Amsterdam Treaties), have partly delegated immigration matters to European institutions recognising the transnational nature of the phenomenon (cf. Stetter, 2000). Thus, although differences between industrialised North and less-favoured South still persist and are reflected also in the relationship between irregular immigration and the labour market, policy measures have common aims. Nonetheless, up to now the outcomes are largely divergent. Two factors appear to play a role in distorting policy implementation and hence outcomes among different countries: first, the administrative structure and organisational culture prevailing in each country and, second, the predominantly civic or ethnic character of national identity.

### 3. Bureaucracy and administrative structure

Greece and Italy do not only share similar experiences as regards immigration flows but also common features of their public sectors and administration systems. Indeed, they are both characterised by an oversized state apparatus governed by clientelistic type of relations – that also prevail within their political systems – and, overall, inefficient bureaucracies.

A number of observations made in the Italian report, seem to be true for Greece too. More particularly,

- 1 *The lack of continuity in the actual policy provisions.* Legal provisions need to be periodically attuned to changes in policy and society. Furthermore in the immigration sphere there is often a need to flash political reactions to impressive events. These unbalances contrast with the capacity to deal with immigration in a cohesive long-term perspective;
- 2 *The crucial role played by civil servants appointed to specific posts as experts.* Their high decision making position ‘allows’ for putting into practice, to a certain extent, their political proposals;
- 3 *The importance of local, often contra legem, practices* motivated by a number of possible causes, such as exclusive regional competence, discretion or specific organisational culture;
- 4 *The structural ambiguity in decisions and competencies between authorities.* Inconsistency along actual implementation flourishes, particularly when personal or political considerations also play a role.
- 5 In practice, a large proportion of *immigrants are subjected to cases of self-contradictory and ambiguous pieces of legislation and thus to authority discretion.* The difficulties immigrants encounter are dealt with *ad hoc* measures and there is much conflict between the ways in which different agencies react to these groups’ employment, education and housing demands.

Clearly, the specific legal situation of immigrants in both Italy and Greece as non-citizens and in many cases as undocumented residents, leaves them utterly vulnerable to authority discretion while, at the same time, requires that provisions are catered for also at a semi-official or informal voluntary level by social services, NGOs, local bodies and, indeed, individual employee initiatives. On the other hand, with regard to administrative practices, Italian and Greek laws are easily trespassed for political (conservative or liberal), social, civil and personal reasons. The fragmented and incoherent nature of the policy framework allows, in fact, for a large degree of discretion. Moreover, the different professional and political cultures prevailing among public and private agencies leave room for the employees and other operators to manoeuvre in favour or against specific individuals or groups. Thus, one of the side effects of this phenomenon is the enhancement of discretion and local variation in a centralised institutional framework such as that of Italy and Greece.

Nonetheless, the situation in the two countries presents important differences too. Italy disposes of a recent single text for immigration provisions (law n. 40/1998), which has marked a turning point in Italian policy, not least because it provides for a long-term comprehensive framework. However, the Italian system presents two important particularities:

- a) The administrative system is in transition. There is a lack of structural and/or operational continuity in administration. In an effort to modernise the Italian bureaucracy and fight the inertia of old attitudes, a re-arrangement of offices, employees and competencies has been recently institutionalised;

- b) The distinction between national and regional level in the policy-making and enforcement of immigration laws (with a large increase in the decision-making competence assigned to regional offices).

These two elements are not true for Greece, which although generally striving for modernisation is not currently into any major plan of administration restructuring. Moreover, Greek administration (as well as politics and economy) is centralised and the distinction between national, regional and local level is much less pronounced than in the other three countries examined here.

Indeed, the distinction between different territorial levels of policy-making and implementation is a systemic feature of German and British administration too. Germany is a federal republic where a number of policy sectors are left to the competence of the individual *Laender* while the UK is a multi-national society, with a developed decentralised administration.

However, in contrast to Italy, Germany and the UK share not only a long-term tradition of immigration flows and policies but also developed and efficient welfare systems and public services. Being highly industrialised and geared towards market competition, their bureaucracies function in a rational manner. Nonetheless, as the country reports show, internal coherence and rationality within an agency, such as an immigration control service, does not necessarily imply rational co-ordination with other agencies. Indeed, collaboration between different immigration officers concerning stay and work issues as well as enforcement agencies, such as police, appears in many instances problematic.

It is worth noting that in the UK, as in Italy and perhaps to a lesser extent in Germany and Greece, lobby and campaigning forces – including NGOs, immigrant associations, other voluntary bodies or trade unions – have a considerable influence on implementation and enforcement. Moreover, the UK too is going through a major reform of immigration legislation and immigration authorities in 1999-2000.

#### **4. Ethnic and civic nationalism**

An important issue that interferes with immigration policy decisions and implementation in all four countries, and in the European Union in general, is that of national identity and the prevailing perception of a country as an immigration host. The countries studied here may be divided into two categories, without neglecting individual differences. In Italy and the UK, the conception of the nation is based mainly on civic and territorial features with a large degree of regional and national (in the case of the UK) autonomy and variation. A large part of the ethnic minorities and immigrants residing in the UK enjoys citizenship rights and is regularly integrated into the domestic population even though racial and ethnic discrimination is not completely eradicated. After decades of racial tension and clashes Britain has adopted a multi-cultural, multi-ethnic national identity, which is currently put to the test of another asylum 'media panic'. In Italy too, the recent facilitation of permanent resident status and naturalisation for aliens shows a certain degree of openness to a fuller integration of immigrants and the concession of political rights to them, although media and party promoted panics concerning the 'invasion' of the Italian coasts and security issues put severe limitations to the making and implementation of liberal policies.

Greece and Germany, in contrast, are characterised by a predominantly ethnic view of the nation, where citizenship is attributed according to the *jus sanguinis* principle. Thus, diaspora members maintain their right to citizenship even after residing abroad for a few generations and without request for proof of language or cultural competence. In contrast, immigrants who reside in the country and probably are fluent in the language and well acquainted with the national culture, are refused political rights because ethnically alien.

Greek and German nationalism have produced social systems that emphasise national identity as a framework of civil existence, which has proved more as a *straight-jacket* for minorities and immigrants. Moreover, since neither country recognises itself as a 'country of immigration', their policies aim at temporality, flexibility and the establishment of a legal framework that allows for the presence of a cheap labour force in the country, while integration may take place only upon assimilation of the dominant cultural framework and, in some cases, rejection of the immigrant's country of origin citizenship.

This issue has attracted international attention in the case of Germany due to the large percentage of immigrant population permanently established in the country already since the 1970s. The German report shows in fact that the self-perception of being a non-immigration country in spite of large immigration, and of Germanness in spite of a large foreign population, is reflected in the institutional structure, which deals with migration-related aspects and is reinforced by features of German federalism: It is decentralised, fragmented, co-operative and enforcement-minded. Besides, in contrast to Greece where national identity definition is a largely non-controversial issue, the high importance of some sort of national identity in Germany does not mean that this is a clear concept. For people in the Federal Republic, the suppression of and debate on the guilt for atrocities during the Nazi-regime was as constituent for their Germanness as their identification with the so-called economic miracle – two experiences which people in the DDR did not share in the same way as they were officially encouraged to identify with resistance against national socialism and experienced only moderate post-war growth in comparison to their Western neighbour. Today, issues of German identity are much more influenced by German unification than by immigration from abroad although recently efforts have been made to facilitate both formally (reduction of necessary length of stay, elimination of the cultural and linguistic competence test) and informally (toleration of dual nationality) the naturalisation process for immigrants residing in Germany.

Greece, on the other hand, has for the time being excluded the issue of full integration of immigrants into the Greek society and keeps treating the phenomenon as fundamentally temporary and at the fringes of the societal and economic system. As the media debate on recent 'national issues' – such as the Greece-FYROM controversy or the arrest of the Kurdish leader Ocalan by Turkey with the unhappy involvement of the Greek state – shows, the dominant view of the Greek nation is based on ethnic and transcendental features rather than civic or territorial elements.

Such historical legacies of nation formation and citizenship definition influence the ways in which various countries cope with challenges in the field of migration, which are common to many EU member states, and particularly, also the modes of implementation of common European policy decisions, which are due to come in the following decade. The regulation of flows and other immigration provisions reflect mostly the political will on the issue rather than the actual size or socio-economic features of the phenomenon in a specific country. Both earlier research on Germany and Britain as well as more recent research on the relationship between the informal economy and undocumented immigration in southern Europe have shown that



immigration is largely subordinated to the needs of the host country, becoming functional both economically and socially. Thus, the implementation of immigration policies depends largely on national 'moods' and perceptions rather than actual social and economic conditions. It is difficult in fact to ascertain whether it is a political view that leads to an over-evaluation of the phenomenon and, hence, instigates an intensively negative public debate and restrictive measures on immigration; or whether it is the public alarm that leads to restrictive policy decisions and implementation.

## **5. Plans for the future**

Having outlined the similarities and differences between the four countries studied, taking into account their particularities and also their European relevance, our next research task will be to address the two main issues raised in this project. First, we shall examine the role of organisational culture and administrative structure in the implementation of immigration policy in each country. More specifically, we shall analyse the impact of the (de-)centralised character of the administration system; the functional differentiation between offices; the hierarchical or egalitarian; and personal or impersonal character of authority in public administration; the level and type of discretion allowed; as well as the solutions privileged by different national systems in 'difficult' cases, on the implementation of stay and work regulation provisions. Second, we shall concentrate on the impact of national identity, personal beliefs and professional identity on the performance of duties by immigration authorities and relate these also to the informal codes and administrative routines involved in immigration policy implementation.

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