



IRREGULAR MIGRATION IN CZECH REPUBLIC CLANDESTINO



Counting the Uncountable: Data and Trends across Europe

Research Brief

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KEY POINTS

Main facts and figures

- The population of legal (392,000 as of Dec. 2007) as well as irregular immigrants, and especially of economically active immigrants, is probably the highest among post-communist countries of Central and Eastern Europe.
- Main source countries of irregular migration are probably Ukraine, Vietnam, Moldova, Russia, Belarus, and China.
- Czech migratory patterns are very similar to those well-known in immigration countries of the Western World.
- Irregular migration to the Czech Republic is mainly a demand-driven phenomenon mostly sustained by established informal networks of brokers.

Quality assessment of estimates found in literature

- Estimates tied to stocks or flows of irregular migration are only rarely produced and are rather speculative.
- Information on the method used is usually unavailable.
- Estimates are mostly borrowed with no reference to the original source.

Main discourses

- Illegal migration and illegal work are not considered criminal acts unless defined as cases of human trafficking or smuggling.
- There is limited discussion of irregular migration in the public sphere but for a light focus on illegal border crossings, and recently on illegal employment of foreigners.

Relevant policies

- Combating illegal migration is one of the main goals of Czech migration policy, however, measures taken are minor and yield very little effect.
- The sanctions against employers of irregular/illegal migrants are tightening.
- There is a strict regime for asylum applications.
- There is a tight legal immigration regime, however this is beginning to show modest signs of liberalisation (e.g. green cards project).
- There is little attention paid to irregular employment of trade licence holders.

Main policy implications

- We can observe a shift from illegal migration movements to legal immigration, which is followed nonetheless by irregular/illegal employment.
- Irregular/illegal employment is fuelled by trade licence misuse.
- The above policy landscape leads to the increasing usage of established networks of semi-legal or illegal brokers and labour recruitment agencies.



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<http://www.eliamep.gr/en/category/migration/>

THE RESEARCH

Estimates and guesstimates of irregular migration in Europe 'travel' freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.

This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.

Background of Migration Situation in Czech Rep.

Over the last few years, the Czech Republic has had a positive net migration which is rising due to the steadily increasing immigration of foreigners alongside a smaller yet stable emigration of natives. The rapidly growing economy of recent years demanding cheap, low-skilled and flexible workers especially in construction and manufacturing industry, together with historical migration patterns and cultural proximity, not to mention a stable democracy, are the most important causal factors of current migration to the country. Moreover, the demographic situation (leading to population ageing) might become an important migration stimulus of the future. Up to now, the Czech Republic has served as a destination country mainly for temporary or circular legal and irregular labour migrants from post-communist countries (Slovakia, Ukraine, Poland), as well as from East and South-East Asia (namely Vietnam and China).

Size and Demographic Features of Irregular Migration

Irregular migration and the economic activities of irregular migrants have become important features of current Czech society and economy. Irregular migrants, especially labour migrants, come to the Czech Republic from economically less developed countries to take up labour intensive, demanding, and poorly paid jobs that are unattractive to most Czechs. One of the most crucial reasons for the presence of irregular migrant workers is the demand by Czech employers for the cheap and flexible labour that irregular migrants provide. Moreover, this inflow of irregular labour has already been effectively organized by various mediators (brokers, labour recruitment agencies) who make it easier, both for irregular migrants to come and find work, and for employers to hire foreigners with irregular status. The existence of brokers and foreigners' irregular work is to some extent caused by ineffective state policy regarding the legal recruitment and management of the foreign labour force. It is also worth stressing that irregular labour relations in the Czech Republic take place in an environment which is highly tolerant to undeclared work.

The size of the irregular migrant population rests unknown. According to official data on illegal migration provided by the Alien Police (counted as persons apprehended for illegal border crossing or illegal residence), there were 7,549 apprehensions in 2007, which compared to the number of apprehensions in 2000 (53,116) indicates a large decrease by almost 86%. However, one cannot rely on these numbers as their relation vis-à-vis the actual situation of illegal migration is not known. Nevertheless, various estimates of the number of illegal migrants in the country have been produced ranging from 15,000 to more than 300,000, with generally low levels of reliability and/or validity. Therefore, no conclusion concerning the size of irregular migration can be reached. Nor could we state any far-reaching conclusions on the gender composition of irregular migrants, although there are some signs that both sexes do participate in irregular migration. As for age composition, we can only presume that migrants in productive age dominate, as the data on persons apprehended for illegal migration reveals.

Ukraine seems to be the most important source country sending undocumented economic migrants to the Czech Republic. Other Eastern European and Far Eastern countries, namely Moldova, Russia, Belarus, Vietnam, and China, are thought to follow as the most important countries of origin of irregular/illegal migrants to the Czech Republic. It is assumed that irregular/illegal migrants may head mostly for Prague and sur-

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

Main Paths into and out of Irregularity

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

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

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

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

Policy Recommendations

There is no serious public debate on irregular/illegal migration in the Czech Republic. A slight increase in the occurrence of illegal migration topics within the public debate that we have encountered in recent years has not increased the role of estimates. Their role remains rather negligible. Estimates are not used in public debate as an argument on either side. This can be seen as a positive fact since their quality is questionable and they might lead to serious misinterpretations of the illegal migration situation

The same can be said for the role of estimates in the policy-making process. The estimates have not so far been misused by any political party in order to attack the effectiveness of the Police or the Government as such. On the contrary, official data on apprehended individuals showing a sharp drop in illegal migration over a long-term perspective could be seen as a "positive" sign of the Police enforcement efforts; these data are, however, quite modestly reported. The battle with illegal migration grows more pronounced over time and more enforcement measures have been taken to curb it, although the data has shown a sharp decrease in illegal migration. This in itself suggests that the data are not taken as a real indicator of the situation. After all, why be so hard on illegal migration when the illegal migration has so rapidly been reduced?

Furthermore, it seems that in the last years more policy interest has been focused on illegal migration (especially from certain Czech ministries) not only because it is one of

the EU priorities, but perhaps also due to the mere fact that irregular/illegal migrants have become “more visible” in the Czech Republic. State institutions have become more interested in getting more “objective” information on the phenomenon. In particular questions have been raised about the mechanisms of illegal migration and illegal employment of foreigners . Naturally, the size of it is a key question yet to be answered. As a consequence both qualitative and quantitative research focusing on illegal migration has been “activated” by the increasing support of the state.

To produce a more sophisticated estimate with a transparent and more robust and well-founded methodology remains a great challenge for scientific and research circles.

For more information

The full report on the Czech Republic, by Dusan Drbohlav and Lenka Medova, is available at <http://www.eliamep.gr/en/category/migration/>.

Read the research briefs and full reports of the other 14 countries included in the CLANDESTINO project at <http://www.eliamep.gr/en/category/migration/>

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