



CLANDESTINO

PICUM Field Visit Report: Berlin, Germany

2nd – 6th March 2009

Actors Interviewed:

- Civil society: NGOs, trade unions, migrants' organizations: 12
- Media: 4
- Governmental representatives: 3
- Academics: 1

1. DESCRIPTION OF WORK AND TARGET GROUP

Research Brief:

"With respect to the altogether 39,972 foreign suspects without a legal residence status, the Federal Criminal Office reported as the most numerous nationalities Turkey, Romania, Bulgaria, Serbia and Montenegro, Russia, Ukraine, China, Vietnam, India and Iraq. (...) Furthermore, qualitative research studies show that, in addition to nationalities mentioned in official statistics, irregular migrants from some Latin-American countries (Brazil, Ecuador), Africa (Ghana, Cameroon) and Asia (Philippines) are also living in Germany. With respect to age composition, all available indicate that the majority of irregular migrants are between 20 and 40 years old, but also that children and elderly people live in Germany without a regular residence status. Most of the irregular migrants work in the shadow economy and perform informal job not attractive to natives because they pay offered does not reflect the arduous, dirty on unhealthy character of the occupations. Among other things, irregular migrants may work as nanny, cleaner, fruit-pickers, carer, building-worker, dancing master, teacher of languages, craftsman, waiter, kitchen-help, chambermaid, gardener, sex-workers, painter or dog sitter". (p. 2-3)

According to the interviewees, the majority of undocumented migrants entering the country are women though men represent a significant number. A member of an NGO pointed out that many children are undocumented. Another NGO representative believed that women who have experienced violence as well as people who have been trafficked should be considered as equal with regard to the overall percentage. Three respondents noted that their organizations regularly deal with men, women, children, elderly and people who have been trafficked. Some interviewees were not capable of providing any answer.

A trade union representative stressed that the majority of undocumented migrants are women who mainly work for the sex industry. One respondent underlined that gender composition may vary in relation to specific ethnic groups adding that women coming from Ukraine are usually smuggled hence trafficked. A journalist affirmed that it appears unlikely to provide any plausible answer. Another feedback came from an NGO according to which pregnant women represent an important number of undocumented migrants living in Germany.

There was consensus amongst the respondents in saying that migrants mainly come from Latin America, Africa, the Balkan region, Ukraine, Belarus and some Eastern European countries such as Bulgaria, Romania, Poland, Latvia, Lithuania. Filipino



women, Iraqis, Iranians, Chinese, Thai and Vietnamese people are other nationalities that two NGO representatives most often come across in their daily work.

***Terminology.** Majority used “illegal”. The terms “irregular” and “undocumented” were also employed. Most of the interviewees tend to utilize “illegal” to emphasize the absurdity of considering irregular migration a criminal offence (hence migrants as illegal residents). One interviewee used the term “illegalized” to show that an act or a procedure can de jure make irregular a regular migrant.

Research Brief:

“Among other problems, the term ‘irregular immigrant’ may include in some contexts not only third-country nationals but also EU-citizens”. (p.2)

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

Research Brief:

“The knowledge on the amount and composition of irregular migration in Germany is still fragmented. The picture is furthermore blurred by the inconsistent use of categories used in quantitative and qualitative data. (...) Another problem is the use of statistics referring to irregular foreign workers which may include legal residents in undeclared employment. Due to data exchange among control authorities the statistics include double counting. As a result of these intricacies it is difficult to gain a full picture – the available information allows an approximate one, only after a careful consideration. With respect to available flow data, until 1998 Germany faced an increase in cases of irregular entries, with a peak of 40,201 apprehended irregular migrants in this year. Since then, the number decreased to 17,000 irregular entries in 2007 although border enforcement was significantly expanded. The same trends expose official data on irregular stay”. (p.2)

“Knowledge on the trajectories of irregular migrants is still fragmentary. Unauthorized stay and undeclared employment after visa-free entry was, until 2004, probably the most important path into irregularity, while other relevant patterns like visa-overstaying or irregular entry without documents may have gained significance in relative terms since”. (p.3)

Paths into Irregularity

Irregular migrants seek from NGOs information, general, social assistance and legal advice (counselling). In Germany, NGOs, migrants' associations and trade unions are mainly focused on policy work through campaign and information sessions in order to raise awareness amongst migrants and the civil society. Health care and employment are the main areas of work NGOs are involved in. Education is considered as another important field of work to enable migrants to improve their life.

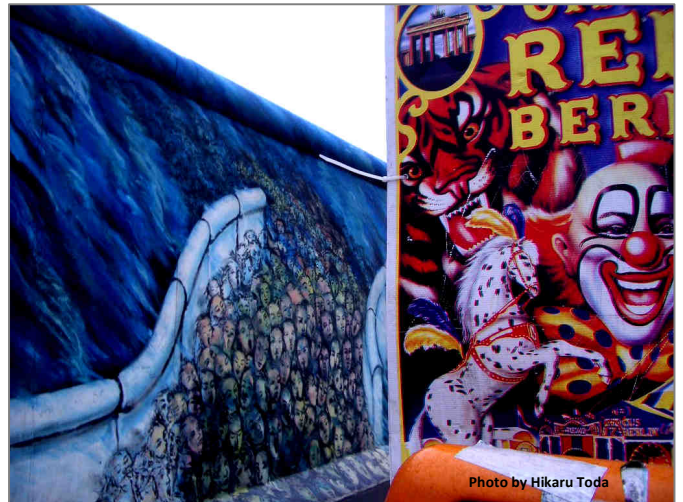
The majority of the interviewees (NGOs, the trade union, a governmental representative and journalists) felt that visa overstay is the most common path into irregularity; the denial of refugee status as well as irregular entry are perceived at the same time as important alleyways by twelve respondents (among the NGOs, two journalists and an authority) the first and eight other interviewees (NGOs representatives and two journalists) the latter. Moreover, four respondents mentioned that migrants turn out to be undocumented because they have been trafficked while two other interviewees from two different NGOs remarked that often students become undocumented representing thus another group raising specific concern. An additional category pointed out by an interviewee is characterized by women ‘irregularized’ by their husband although they do not represent a significant percentage. Women become undocumented since they were dependents of a national German citizen who usually denounces them to the police due to family breakdown. A journalist noted that migrants are not visible therefore their paths into irregularity could be various and depend on different reasons.



Flows of Undocumented Migrants Coming to Germany

Seven respondents amid the NGOs along with a governmental representative felt that the total yearly number of irregular migrants is decreasing; four, a trade union and some NGO representatives thought that is increasing whereas only two respondents from the civil society believed it is steady. Eight interviewees (two NGO representatives, journalists, an authority and a researcher) expressed their hesitation in replying to the question.

According to the first opinion, the number of undocumented migrants coming to Germany is decreasing due to the raise of protectionist immigration legislation and as a consequence of the national politics over the last 15 years. Border enforcement, such as Frontex, along with other European measures and the economic downturn were considered as other important causes. Another respondent pointed out that since access to Europe has become extremely expensive and unaffordable, this might have affected the flow of migrants coming to the country. From an NGO, the trend is increasing due to the fact that the NGO is providing assistance to an increased number of undocumented migrants whereas according to another association, the Berlin Convention has paved the way for welcoming more refugees. A trade union representative underlined that many migrants, coming from the new European member states, are allowed to reside legally in another EU country but not entitled to work. With regard to Eastern European countries in particular, the representative outlined a recent type of migration, consisting of migrants who without permanently leaving their home find work in a close neighbouring country.



Numbers of Undocumented Migrants Receiving Assistance from Organizations

It appears difficult to provide exact figures regarding the number of undocumented migrants receiving assistance by the organisations interviewed. Often NGOs are not interested in knowing their legal status.

According to an NGO representative, approximately 10 up to 15 people are weekly supported by his association which, in addition to several types of services, provides pastoral work in detention centres. A doctor noted that of 4.100 people who received medical assistance from her organization in 2008, 70% were undocumented. According to another respondent, over 200 out of 850 people assisted by her organization per year were regularized in 2008. She also said that 30 up to 35 people attend once a week the counselling her NGO offers to migrants.

Figures and Percentages of Undocumented Migrants Living in a Given Geographical Area (Berlin)

Estimating the total population of undocumented migrants in the working region of the interviewees is difficult. Some respondents stated that since the status of migrants is not a strict requirement to which their NGOs refer to, their number remains vague and unattainable. However, some others were able to provide figures.

- One interviewee believed that there are 150,000 undocumented migrants living in Berlin though she said the figure remains a rough attempt.
- According to a former governmental representative, although no reliable data are available, she believed that 50,000 is the number of undocumented migrants living in Berlin.
- To an NGO representative and his personal assumption, the total population of undocumented migrants in Berlin is estimated to be between 10,000 up to 100,000.
- According to an interviewee and based on some not specified figures provided by the government, 250,000 undocumented migrants reside in Berlin.
- Moreover, another respondent from the civil society indicated that 100,000 are the undocumented migrants residing in Berlin, according to some estimates which she was not able to quote.



Estimates of Undocumented Migrants in Germany

Research Brief:

“With respect to available flow data, until 1998 Germany faced an increase in cases of irregular entries, with a peak of 40,201 apprehended irregular migrants in this year. Since then, the number decreased to 17,000 irregular entries in 2007 although border enforcement was significantly expanded. The same trends expose official data on irregular stays. The figure of apprehended foreign suspects without a legal residence title increased to a peak of 140,779 persons in 1998 and has increased since to 64,605 persons in 2006. Both data sets indicate that irregular migration was reduced since 1998 and stabilized on a rather modest level (compared to other EU countries)”. (p.2)

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

- Although according to a journalist, “no one can tell it since everybody says different figures”, she stressed that estimating 1,000,000 undocumented migrants living in Germany is rather unlikely because the figure is excessively high.
- An NGO representative believed instead that 1,000,000 undocumented migrants live in Germany.
- While stressing that the government can provide figures, an interviewee believed that the number of undocumented migrants residing in Germany is lower than 1,000,000.
- One respondent pointed out that estimates for the number of undocumented migrants in Germany, provided by Jorg Alt, suggest a figure in the region of 1,000,000 people. He considered those data no more than an intelligent guess.
- According to a trade union representative, it is likely to assume that there are 1,000,000 migrants irregularly living in the Germany, although the source the figure comes from was not specified.
- Two NGO representatives thought that 1,000,000 might represent the overall number of undocumented migrants living in Germany while underlining the impossibility of providing estimation.
- According to an interviewee and his personal assumption, the total population of undocumented migrants in Germany is reported to be between 100,000 up to 1,000,000.
- Based upon the presumed validity of estimates provided at the end of nineties (which were not specified) and the official “guesstimates” ever since, a governmental representative estimated approximately 500,000 undocumented migrants in Germany.

According to one respondent, there are no fixed channels in order to estimate the total population of undocumented migrants neither in Berlin nor in Germany.

An NGO representative underlined that calculating how many irregular migrants live in Germany is impossible since data are just factual evidence; moreover, different solutions should be taken into account to produce figures with a certain degree of reliability.

From the above bullet points it is noticeable that there are not great varieties in the estimates due to the fact that the tables provided by CLANDESTINO were commented, although not in-depth, by the interviewees. Respondents showed lack of interest in figures due to lack of reliable information on the topic hence impossibility to give valuable arguments to support their thesis.

Assessment Regarding Estimates and Views on their Reliability

Research Brief:

“In particular, publications from public authorities (State Police, Federal Police, Federal Customs) and charity organisations provide information on irregular migrants in a more or less open and transparent form. However, the quality of quantitative data is often poor because circumstances of collection are not transparent, the definition of categories remains fuzzy, the distinction between case and person data is not always clear, and data exchange causes multiple registrations. Until now, the debate has been characterised by reference to guesstimates replicated continuously despite their lack of reliable methodological grounds. Only few scholars took steps to examine the available body of information in order to develop ideas for more methodologically-consistent approaches to get more reliable assessments”. (p.1)



“The knowledge on the amount and composition of irregular migration in Germany is still fragmented. The picture is furthermore blurred by the inconsistent use of categories used in quantitative and qualitative data. Among other problems, the term ‘irregular immigrant’ may include in some contexts not only third-country nationals but also EU-citizens. Another problem is the use of statistics referring to irregular foreign workers which may include legal residents in undeclared employment. Due to data exchange among control authorities the statistics include double counting. As a result of these intricacies it is difficult to gain a full picture – the available information allows an approximate one, only after a careful consideration”. (p.2)

“Knowledge on the trajectories of irregular migrants is still fragmentary. Unauthorized stay and undeclared employment after visa-free entry was, until 2004, probably the most important path into irregularity, while other relevant patterns like visa-overstaying or irregular entry without documents may have gained significance in relative terms since”. (p.3)

Most of the interviewees believed that reliable data would eventually constitute a useful basis upon which policies could be drafted. According to a journalist, “People want to know how many undocumented migrants we are talking about and perhaps, if the number is low, it would be easier to find solutions”, she was quoted as saying.

Another respondent emphasized her personal belief in statistical data since figures are a starting point for policy makers; a doctor stressed a ‘need for numbers’ in order to influence the political debate and foster the protection of undocumented migrants.

From one interviewee from the civil society, although providing reliable estimates remains difficult, they could greatly contribute to plan social strategies as well as affecting the current policies. An NGO representative underlined that data are crucial as long as the political discussion on the issue is concerned whereas another one believed that many migrants could be legalized if the percentage of undocumented people living in Germany was made public. While affirming that the government could likely provide reliable estimation on the number of undocumented migrants, the NGO representative said she would strongly support a major regularization in the country to make workers gain a proper salary thus acceptable wages.

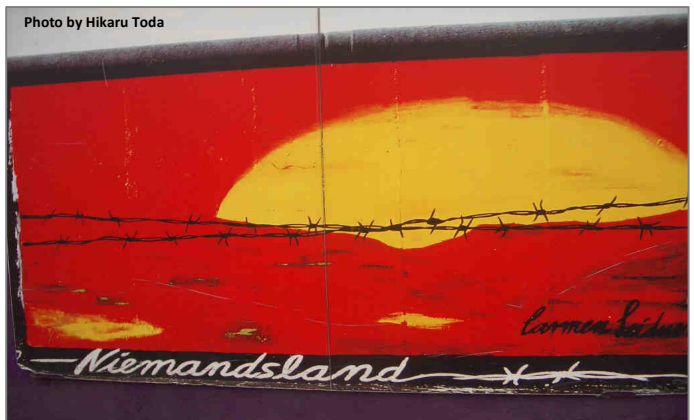
According to one respondent, trustworthy statistics could indeed be a useful tool to denounce the current situation and call attention to the problem. To a trade union representative, in Germany there is not an open debate as regards irregular migration; for this reason, clear-cut numbers could represent a powerful tool to rely on to lobby and bring a dynamic to the political debate. Lack of data at the national level decreases in fact the visibility over the issue. One interviewee believed that providing reliable figures to politicians would contribute to raising their awareness on the dimension of the problem while underlining that many people are affected by irregular stay. She said numbers are important for allocating resources as well as public funding since not only are data factual evidence but also they imply solutions. Furthermore, the same respondent stressed a need for systematic exchanges of information amongst NGOs yet between NGOs and academics.

According to a policy maker, reliable statistics could be useful for some ministries such as Education and Social Affairs with the aim of planning policies and strategies to deal with the issue. Moreover, another governmental representative stressed instead that it would depend on the political discourse to consider the impact of figures with regard to irregular migrants.

However, according to an academic, data would not make any difference due to their lack of reliability. “Human rights are not about numbers but people”, he was quoted as saying. He believed that figures are pure fiction and not a specific basis to work with; even if they were, they should always be adapted to the political background.

According to one interviewee from the civil society, statistics might be important for politicians but are not by far the most important means to focus on since “it’s more about emotions instead of data”, he was quoting as saying. He emphasized that the main aim of the Forum is to change the public opinion through a rights based approach and by acknowledging the fact that undocumented migrants live in the country. A respondent underlined her concerns regarding estimates and pointed out that if the number of undocumented migrants was high, there would be a risk of a backlash even a damage versus them. On the contrary, it would be easier for the receiving countries to plan inclusive policies and “invest money” in if the percentage of undocumented migrants was lower.

Two journalists stressed their disbelief as regards figures. The two media representatives believe instead in social data which could give a face to undocumented migrants. To another journalist, importance of statistics could vary in relation to their trend: “if the number was low, it would be good to have it but if it was high, that would create obstacles in order to protect them and people would say irregular migrants are taking their job”, she was quoted as saying.



3. DISCUSSION AND POLICY IMPLICATIONS

Research Brief:

“Immigration policies are dominated by the idea that the integration of immigrants already residing in the country should be accomplished before more liberal rules for new immigrants could be introduced. The implementation of new immigration law still aims to prevent or reduce permanent immigration of third-country nationals and prefers entries for temporary purposes. The policy towards unwanted immigration is dominated by rejection, non-integration and removal”. (p.1)

“Only during the last decade the protection and rights of migrants in an irregular situation were brought to light. But German governments followed and continue to follow a strict rationale with regard to irregular immigration. (...) On the one hand, politicians underline the need to combat and contain irregular immigration by stricter law enforcement. (...) On the other hand, at the national level the humanitarian situation of irregular immigrants was the subject in parliamentary expert hearings at federal and state level. (...) In Germany, irregular immigration is a constantly pressing issue, yet not top of the political agenda. Currently, the impression is that the German state and society tolerate irregular migration”. (p.4)

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

Most interviewees stated that there are no beneficial state policies implemented on the ground which could represent an advantage for undocumented migrants, though responses at the local level are perceived as much effective. Enforcement by means of border control, detention, deportation and criminalization are the main policy responses offered by the German government.

According to a journalist, there is a general fear of irregular migration which leads people to think that German citizens have to pay for them. Furthermore, the public opinion does not make any difference between undocumented migrants and asylum seekers and that paves the way for a great risk of distortion as regards the issue. Two representatives of an NGO said that Germans fear that too many undocumented migrants will come to Germany.

While another journalist emphasized that in Germany talking about irregular migration and undocumented migrants still remains a taboo, a trade union representative stressed that the official line taken by the government consists of not having any mercy towards them; “the government wants them to leave the country”, she was quoted as saying. The respondent believed that instead of denying the problem, the government should consider a new approach, which encompasses the economic and social situation, to envisage a solution.

Shadow Economy

An NGO representative underlined that according to the government, undocumented migrants are not entitled to have human rights; they simply should be sent back to their home countries. “Germany needs irregular migration since Germans are not willing to be employed in low skilled jobs which are usually taken up by undocumented migrants”, she was quoted as saying.

Nonetheless, another respondent said that the topic is on the political agenda: while at the regional level there is confrontation as regards access to education, at the local level inventive solutions are provided within the framework of the national laws and their status quo. To one interviewee, while the federal level applies enforcement measures, liberal policies are implemented at the regional level. “Laws have become stricter”, a respondent from the civil society was quoted as saying whereas according to another, “there is not enough lobby for undocumented migrants”.

One more interviewee believed that shadow economy is a structural problem and extremely difficult to solve not only due to tax evasion but also as to social security; “there is a market and a huge offer for undocumented migrants to work in”, he was quoted as saying. To an academic, the main policy response regarding irregular migration in Germany is not to let it happen thus not to tolerate undocumented migrants. While the public debate on integration is not related to irregular migrants, there is a clear aim in order to prevent any action which could imply allocating resources for them. Upholding conflicting laws and policies seems also to delay any improvement on the issue.



Education for Children and Health Care

However, the majority said that free education provided to children is considered as a beneficial state policy though implemented on the local level only (not at the national). According to it, undocumented children are entitled to go to school, be registered and attend classes regardless the status of their parents.

Access to health care remains an issue due to criminalization of assistance, though most doctors treat people irrespective of their status. An NGO representative wanted to stress that although undocumented migrants have rights to receive the basic medical treatment, according to the German law, GPs will be punished if they assist an irregular migrant.

A journalist underlined that the City of Berlin plans to provide free access to health care for undocumented migrants regardless the policy implemented at the national level, though it is still under discussion. One respondent also indicated that the City of Berlin aims to change the current policies in the field of access to health care and education; the same opinion was pointed out by another interviewee, who noted that access to health care is improving at the regional level.

A trade union representative emphasized that at the regional level, doctors with the support of the churches provide medical assistance. Two representatives of an NGO said that access to health care is a border line topic: patients are not considered as regular citizens but what doctors provide is perceived as humanitarian help which should never be denied. A doctor from the same NGO revealed that although the legislation prevents GPs from assisting undocumented migrants, no doctors encounter problems in exercising their profession. She stressed that thanks to their action and information released over the last past years, politicians have started focusing on undocumented children and considering the issue on their agenda.

Role of Civil Society (including NGOs, Churches)

A former governmental representative believed that the most beneficial state policy for undocumented migrants consists of allocating funds to NGOs to enable them to support migrants. The other governmental representatives did not express any opinion on the topic.

According to one journalist, churches in Germany play an important role since they influenced the political debate in order to allow undocumented children to go to school. A year ago the right wing parties manifested their willingness of changing the law to provide education for undocumented children and the religious groups greatly contributed to enhance the visibility of the issue. To one interviewee from the civil society and as regards Berlin, while basic social help such as housing, health care and education for undocumented children are provided by NGOs only, assistance given to irregular migrants is merely done underground, in the shadow, to not raise any public pressure. A respondent once again stressed that, at least concerning the city of Berlin, humanitarian assistance is not criminalized; she also added that education for undocumented children in some schools is still banned and provided only by presenting a regular residence permit.

With regard to the City of Berlin, an academic pointed out that recognising the problem officially, involving the civil society thus all the actors from the field in the political process, approaching the issue from the perspective of health and education, relieving social authorities from the pressure of denouncing irregular migrants in need and readiness to allocating additional resources to NGOs are the responses the government aims at. In the light of the above, the City of Berlin has implemented these policies on the ground by creating alternative structures to provide basic medical care for irregular migrants, supporting these structures while searching in the meantime additional solutions within the existing framework.

Majority amid the NGOs, a trade union and an academic are convinced that the civil society will tackle migration's issues by further strengthening their actions and lobbying.

