

July 2009

Research Brief THE NETHERLANDS

by Joanne van der Leun & Maria Ilies

## CLANDESTINO PROJECT OVERVIEW

### *The project aims*

The CLANDESTINO research project is a response to the need for supporting policy makers in designing and implementing appropriate policies regarding undocumented migration. **The project aims** (a) to provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) to analyse these data comparatively, (c) to discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) to propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU.

### *The countries studied*

**Twelve EU countries** (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) **and three non EU transit migration countries** (Turkey, Ukraine and Morocco) have been under study in this project.

### *Methods, Data and Period of Reference*

Each country report reviews all relevant data sources on irregular migration (e.g. apprehended aliens at the border or in the inland, expulsion orders, people registered through health or other welfare schemes for undocumented immigrants, municipal registers, statistical estimates from national and European statistical services), assesses the validity of the different estimates given and produces a new estimate for year 2007 for each country studied. The country reports cover the period between 2000 and 2007 and the database offers estimates for each country for years 2001, 2004 and 2007 (as the last year for which data or estimates were available when the study was conducted, that is in late 2008). This quantitative analysis is complemented by the critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of irregular status in each country. It is noted that the non-registered nature of irregular migration as a social phenomenon makes any quantification difficult and always produces estimates rather than hard data.

### *Classification of data & estimates*

The Clandestino project has created a **database** (<http://irregular-migration.hwvi.net/>) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the 12 EU countries studied.

### *Terminology*

The terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration. These terms are accepted and used by the Clandestino consortium as synonyms. The term illegal is accepted by the consortium when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

### *Definitions*

For this project, **irregular or undocumented residents** are defined as residents without any legal resident status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their activities. **Irregular entrants** are persons who cross an international border without the required valid documents, either un-inspected over land or sea, or over ports of entry. For more see: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

### *Trafficking & Asylum Seeking*

The Clandestino project is not concerned with Trafficking in Human Beings because it considers this as a separate even if related phenomenon. Clandestino research touches upon asylum seeking and asylum processing issues only insofar they are related, in some countries, to irregular migration issues.



**Background of migration situation in The Netherlands**

The Netherlands lies in North-western Europe, bordering the North Sea in the West and North, Germany in the East and Belgium in the South. According to Statistics Netherlands (CBS), in July 2009, the population of the country numbered 16,523,116 inhabitants. Of these, a total of 3,287,706 or almost 20% (last count June 2009), are either foreign born and/or have at least one foreign-born parent (commonly referred to as being of ethnic origin). 1,661,505 of them are foreign born, which amounts to 10% of the Dutch population. In 2008, for the first time in five years, the Netherlands has had an immigration surplus: a record number of 140,000 immigrants came to live in the Netherlands that year. We have estimated that in 2005, there were 88,116 irregular migrants present in the country, a figure that has been roughly constant since 2000.

**Data sources used for estimating size & features of irregular migration**

There is no official registration of irregular immigrants in the Netherlands, and censuses do not take place in the country. However, the Netherlands has a rich scientific experience with estimating the numbers of illegally residing foreigners. The aspects that are researched in this regard are irregular residence and labour performed by irregular migrants. Estimations regarding the residence and employment of irregular migrants are primarily based on data gathered by the law enforcement authorities, namely police and labour market inspectors. Police data provide information regarding the number of apprehensions of irregular immigrants as well as background information of those apprehended, while labour market inspections furnish data regarding the infringements of alien labour law by undertakings.

The estimations regarding irregular residence are calculated starting from the police data recorded using the *capture-recapture (Poisson) method*. The downsides of such estimations are the quality of the official data, which tends to mirror policy priorities and is inherently selective, as well as the fact that the capture-recapture method builds on assumptions that do not represent the actual situation of irregular migrants. Added to these, researchers use fieldwork in ethnic communities and interviews with immigrants and key informants (notably labour recruitment agencies) to gain a better understanding of irregular migration size and features.

**Social and demographic features of irregular migration**

Researchers estimate that irregular immigrants in the Netherlands come from as many as 200 source countries. Traditionally, the largest groups are Turks, Moroccans and Surinamese, which are chain migrants following the paths of their legally settled co-nationals in the Netherlands. Until joining the European Union in 2004 and 2007 respectively, Poles, Bulgarians and Romanians were singled out as the biggest source of irregular labour (prior to EU accession, these nationals did not require visas in order to travel to the EU as tourists, however they were not allowed to work). They have been circular/seasonal migrants, traveling between the Netherlands and their countries according to the availability of work.

Other sources for irregular migrants are sub-Saharan Africa, China, and to a lesser extent, the Middle and Far East as well as the former Soviet republics. Irregular immigrants increasingly come from a high number of different countries, often with no special ties to the Netherlands, and this is mostly the case for the rejected asylum-seekers. In the last couple of years, Somalia has been the single most popular source country for asylum seekers, followed by Sierra Leone and Sri Lanka.

**Main nationalities of irregular immigrants based on type of migration**

Chain migrations	Europeans	Other migrations	New source countries
Turkish	Poles	Chinese	Somalis
Moroccans	Bulgarians	Middle Eastern	Iraqis
Surinamese	Romanians	Far Eastern	Afghans
		Former USSR	

**Source countries/regions of the irregular immigrants apprehended by the police, 2005-6**

Bulgaria	Romania	Turkey	North Africa	Africa rest	Suriname	Asia	America
1,013	446	799	816	1,450	120	1,980	338

Although the sex ratio may differ considerably among different ethnic groups, it seems that there are many more men than women residing irregularly in the Netherlands. Women represent almost one quarter of all irregular migrants, even if the share of female immigrants is somewhat higher among Eastern Europeans and those from the former Soviet republics. With respect to age, police apprehension data from 2005 and 2006 shows that approximately 80% of those stopped by the police without a valid residence permit were men under 40 years of age.

The Netherlands has no EU/Schengen external border which would be a potential entry point for irregular migration. Its only EU/Schengen external borders are airports and the North Sea. This last is not a route for irregular migrants. Irregular migrants already in the Schengen area come to the Netherlands through the green borders with Belgium and Germany without being detected by the authorities. Other than this route, irregular migrants coming from a non Schengen country arrive at Schiphol International Airport and usually use forged documents.

#### **Irregular third country nationals apprehended at border regions**

<b>Year</b>	2004	2005	2006	2007
<b>Apprehensions</b>	10,883	10,803	11,634	8,900

#### **Main Pathways into and out of Irregular Status**

- Most irregular immigrants enter the country with a tourist visa or other type of visa and overstay. Others do not succeed to renew their residence permits.
- Another factor that leads to a change in migration status is to be declared an undesirable alien, but numbers involved are significantly low. Between 1997 and 2003, around 5,500 third country nationals were declared undesirable aliens, and an additional 928 lost their residence permit or saw their residence applications otherwise refused, as they were deemed a threat to public order.
- Failure to depart after exhausting all the asylum-seeking channels is another source of migrant irregularity. Those refused asylum must leave the Netherlands and are responsible for their return to their country of origin. If they do not leave voluntarily, rejected asylum seekers can be taken by force from their homes or from the reception centre. However, in practice, this is seldom the case, as roughly 50% of those served with a deportation order are actually removed.
- As the Netherlands applies the *jus sanguinis* citizenship principle, those born to irregular migrant parents are irregular themselves as well.
- Regularisations, although having taken place in the past in a few particular situations, are not commonplace in the Netherlands. Thus in today's conjuncture they do not constitute a realistic path out of irregularity. Roughly 20,000 irregular residents had benefitted from such programs between 1975 and 2000 and the application criteria have been strict. The more substantial general amnesty which took place in 2007, received ample public attention. It involved a group of 26,000 asylum seekers who had applied for asylum before the 2000 change in asylum law and saw their appeal rejected, but nevertheless did not leave the Netherlands. In 2004, the Immigration Minister announced their imminent deportation but due to a change in government they were eventually regularized in 2007. The particularity of this general amnesty has been the peer pressure leveraged by the Dutch public opinion, NGOs and advocacy groups, which has led to the regularisation of this group of people.
- Family formation with Dutch national is theoretically a pathway out of irregularity although its scope is limited. Since March 2006, the law requires those who wish to marry a Dutch citizen to take a Dutch language and culture test at consulates in their countries of origin.

**Key  
Messages  
for Policy  
Makers**

- Irregular migrants can apply for asylum; the Netherlands has on average 50% recognition rate.
- **Scrap the work permit-requirements for employees from Bulgaria and Romania.** Both Bulgarians and Romanians already work in the Netherlands, thus both the jobs and therefore the need for this type of labour exist. Perpetuating the current status merely swells the ranks of irregular labourers from the new EU members.
- **Create a simplified immigration channel for low skilled-migrants.** Highly-skilled migrants are welcomed in the Netherlands and immigration rules for such migrants are simplified. Although a service-based economy, the Netherlands also benefits from sectors such as agriculture and horticulture where low-skilled labour prevails. Currently, irregular labour fills in the labour needs in these sectors. A legal channel for such workers therefore seems pertinent.
- **Start discussions on a feasible roadmap out of illegality,** for at least those migrants who have been working in the Netherlands for a number of years.
- **Address the nexus between immigration and integration.** Although policing immigration and promoting integration – especially addressing the problems posed by culture and religion – are two inseparable policies, the Dutch response to the problem of integrating ethnic minorities has been to toughen its immigration policies. The law has especially been tightened with regard to immigration for employment and family formation. This breeds irregular migration and makes the livelihoods of irregular migrants tougher. It also contributes to the increase in petty/survival crime among irregular migrants.

The CLANDESTINO Research Project is funded by the European Commission, DG Research, Sixth Framework Programme, Scientific Support to Policies.

All Project Reports and Research Briefs as well as the Database are available through the project's web site <http://clandestino.eliamep.gr>

For more information on the case of The Netherlands, please contact, the authors of this Brief, Joanne van der Leun & Maria Ilies, Leiden University, Faculty of Law, dept. of Criminal Law and Criminology, at the email: [j.p.vanderleun@law.leidenuniv.nl](mailto:j.p.vanderleun@law.leidenuniv.nl) .

For general information on the Project please contact Prof. Anna Triandafyllidou, Project Coordinator, at [anna@eliamep.gr](mailto:anna@eliamep.gr)



**CLANDESTINO**

You may also visit the Social Sciences and Humanities Research Programme of the European Commission: [http://ec.europa.eu/research/social-sciences/index\\_en.html](http://ec.europa.eu/research/social-sciences/index_en.html)