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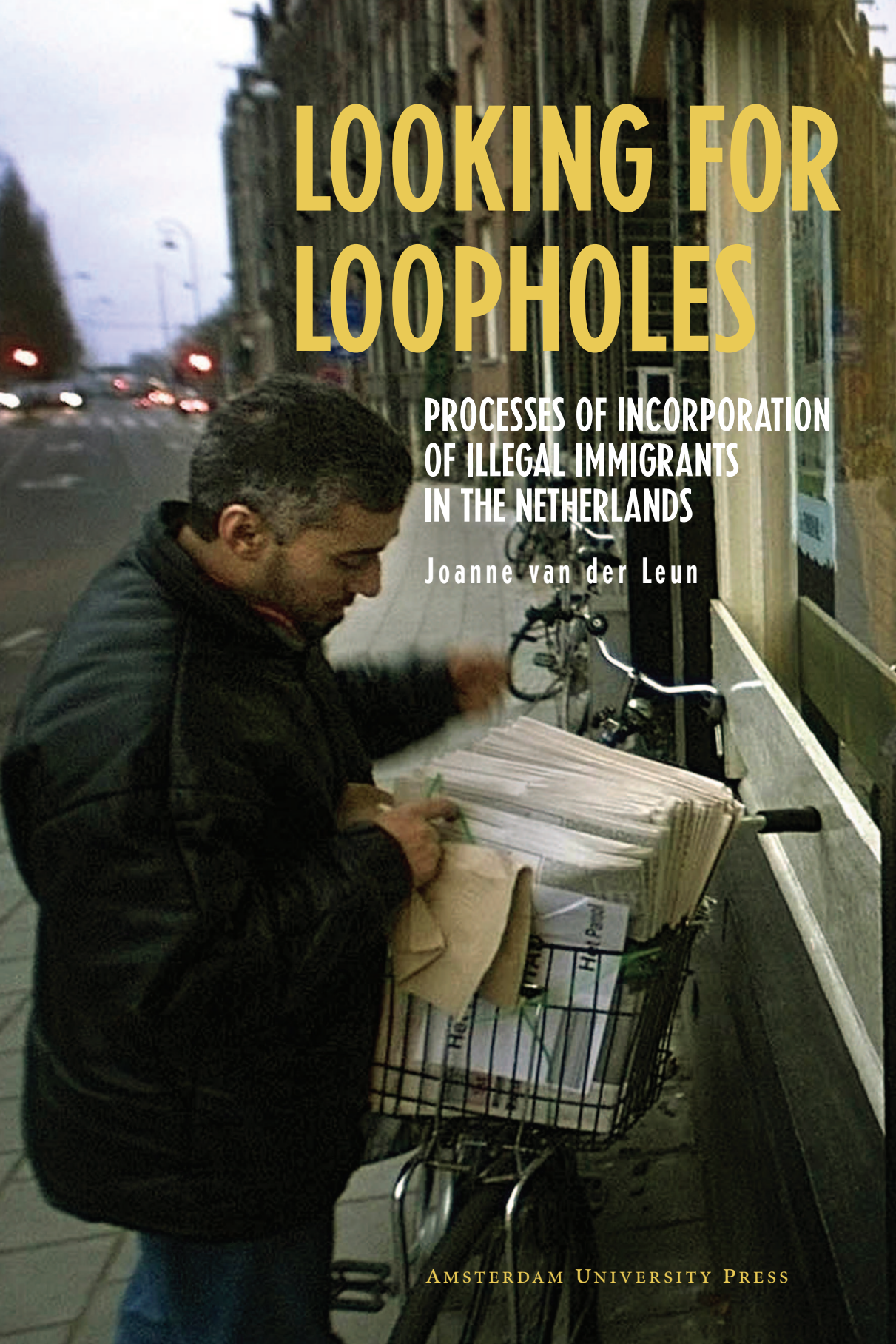

LOOKING FOR LOOPHOLES

PROCESSES OF INCORPORATION OF ILLEGAL IMMIGRANTS IN THE NETHERLANDS

Joanne van der Leun

Amsterdam University Press

Looking for Loopholes

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Processes of Incorporation of Illegal Immigrants in the Netherlands

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For my parents

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1 Incorporation of illegal immigrants and 'internal migration control'

> I am invisible, understand, simply because people refuse to see me.
> (*Invisible Man,* Ralph Ellison 1965, orig. 1952: 7)

1.1 Setting of the scene

Governmental policies on irregular or illegal immigration are notorious for their ambiguities, as even a superficial glance at public discussions on the issue in the Netherlands can illustrate. Contentions that illegal or undocumented immigrants are not entitled to medical care alternate with messages that everybody who needs medical treatment of any kind should receive it. Representatives of municipalities openly back local initiatives to support illegal immigrants, while at the same time the national government emphasises that illegal immigrants are utterly responsible for themselves. Public assertions that there will be no regularisation schemes in the Netherlands are followed by a series of amnesties for semi-integrated 'white illegals'. These few out of many examples illustrate that societal reactions to illegal immigration, and the presence of unauthorised immigrants are anything but clear-cut. Officially, the political aim is to put an end to the issue by implementing a sound and coherent 'discouragement policy' or *ontmoedigingsbeleid.* Comparable sets of policy measures are introduced all over the European Union, which is frequently depicted as 'fortress Europe'. Yet in the meantime, the presence of illegal immigrants has become a common feature of many advanced states, including those that did not perceive themselves as countries of immigration for a long time.

The presence of illegal immigrants is a corollary of large-scale movements of people across national borders on the one hand and governmental attempts to regulate immigration on the other. Without the coincidence of these two processes, and without the imperfection or the

imperfect application of regulations, there would be no illegal immigrants (Sassen 1999). These processes – and the driving forces commonly subsumed under the label of internationalisation or globalisation – are having a considerable impact on Dutch society, as they are in the surrounding countries. Since the 1980s, it has finally begun to dawn on the Netherlands that it has become a *de facto* country of immigration and that many newcomers eventually will stay. In particular in the larger cities, immigrants from all walks of life are adding to the variety of the population and policies are increasingly oriented at encouraging their well-being and their integration through intensive integration schemes. At the same time, visa requirements, work permits and behind-the-border checks aim at controlling unwanted immigration. As it becomes more and more recognised that keeping people out is highly problematic in a world of porous borders, the more traditional immigration policies are increasingly supplemented with measures of 'internal migration control'. A landmark piece of Dutch legislation in this respect has been the Linking Act, which was introduced in 1998 in order to tie the use of services such as health care and education explicitly to residence status (see chapter 5).

Despite, and paradoxically also as a consequence of these governmental efforts, there are still illegal immigrants. To a certain extent, they have responded to the regulations and controls by behaving more unobtrusively. In this sense they appear to become the 'invisible men' of contemporary societies (a parallel with the situation depicted by Ellison in 1952). At the same time, it must be noted that restrictive policies do not make up the complete story. There are many actors within receiving societies who turn out to be not indifferent to the needs of illegal immigrants. Family members offer housing, information and moral support. Employers welcome the cheap and flexible labour supply. And a wide variety of individuals, networks and formal and informal organisations offer some kind of support for a number of reasons. Although immigration policies are still very much a matter of national states, it is obvious that these states are not able to steer their own course independently of other countries (Favell 2000). Nor are they monolithic entities. It is widely acknowledged that there are wide gaps between official policies and implementation when it comes to illegal immigrants (cf. Hollifield 1992, Cornelius, Martin and Hollifield 1994, Joppke 1998). Relatively little attention, however, has gone to the concrete processes that take place within these gaps, and the consequences of these processes both for illegal immigrants and for the professionals who are supposed to act as gatekeepers of welfare states.

The present study aims at investigating the *sociological* question of how illegal immigrants, who are legally excluded, manage to be incorporated into Dutch society and how their opportunities are related to the implementation of the 'discouragement policy'. It departs from the viewpoint that illegal immigrants are not only passive recipients of policy measures. They can create their own opportunities and exploit the loopholes that arise from the inevitable ambivalence of policies that try to deal with illegal immigration. Moreover, although they are legally non-existent, they do not live in a social vacuum. Other parties help shape the 'grey' areas or loopholes that illegal immigrants are dependent on, or point to them. In this respect, attention goes primarily to actors within public and semi-public welfare state organisations.

Theoretically, this study is located at the crossroads of several scholarly debates and fields of literature. It attempts to combine insights with regard to informal incorporation of immigrants (drawing on sociological, economic-sociological and criminological literature) on the one hand, and literature on immigration policies (as studied by policy analysts and political scientists) on the other. It differs, however, from the majority of studies in the field of migration policy studies in the sense that the focus will not so much be on formal documents and regulations, but rather on practices and rules-of-the-game at the lower level. This can be seen as a strategic level of analysis (Lipsky 1980, Hasenfeld 1983, Bakker and Van Waarden 1999) as it is the level where representatives of the state encounter real people instead of rather abstract administrative categories (cf. Bauman 1989). Local actors are often the first to look for pragmatic answers to concrete situations and dilemmas (cf. Rath, Penninx, Groenendijk and Meijer 1996). Moreover, it is the level where the immigrants in question encounter representatives of the state that officially defines them as non-members (Bauböck 1996). As the research was conducted in the highly regulated setting of the Dutch welfare state, it can also be read as a case study of the implementation of internal migration control.

Given the broad and multidisciplinary perspective, no single disciplinary theoretical approach can suffice. For this reason, the choice has been made to deal with the more specific literature in the separate chapters and present the general framework and the contextual background in this first chapter. Section 1.2 deals briefly with international migration to the Netherlands, including illegal immigration against the backdrop of migration policies. In section 1.3, basic definitions of illegality are presented. Section 1.4 subsequently introduces the central theories of immigrant incorporation which have guided the study. More specifically, sec-

tion 1.5 takes up theoretical discussions with regard to undocumented labour, while 1.6 focuses on the literature on policy implementation. These discussions of the literature lead to the central research questions, which are presented in 1.7. A short note on the methodology and the sources, in section 1.8, explains the different empirical studies on which the present study builds, and gives a general outline of the study.

1.2 Immigration to the Netherlands

Currently, roughly nine per cent of the Dutch population is from an immigrant background, meaning that they or at least one of their parents were born abroad (SCP 1998). Table 1.1 provides official statistics on ethnic minorities for the whole country.

Table 1.1 Ethnic minorities in the Netherlands, 1971-1997 (*1000)

Country or region of origin	1971[a]	1975[a]	1980[a]	1985[a]	1990[b]	1997[b]
Turkey	30	63	120	156	206	280
Morocco	22	33	72	111	168	233
Southern Europe /former Yugoslavia	62	76	72	65	105	143
Surinam	38	69	146	181	237	287
Antilles	18	19	36	47	81	95
Moluccas (estimated)	26	29	35	35	35	–[c]
Other Third World/ Eastern Europe[c]	10	18	33	53	64	435
Total Ethnic minorities	206	307	514	648	896	1,473
Id. As a percentage of the population	1.6	2.3	3.7	4.5	6.0	9.4

a: Antilleans and Surinamese by country of birth, others by nationality.
b: 'New definition' based on country of birth of the person or at least of one of the parents,
c: Excluding people from Indonesia and former Yugoslavia. c: People from the Moluccas are no longer recognisable in the formal statistics. Source: SCP 1998: 241.

Although recently younger generations appear to be moving out of the largest cities, immigrants are still highly concentrated in the four largest cities: Amsterdam, Rotterdam, The Hague and Utrecht (SCP 1998). On average, thirty per cent of the population of these cities is from a non-Dutch origin. And of the largest immigrant groups, Turks, Moroccans, Surinamese and Antilleans, about forty percent reside in the four large cities.

On the whole, the Netherlands can be characterised as what Cornelius, Martin and Hollifield (1994) have aptly called a 'reluctant country of immigration'. Despite the fact that in the post-war period immigrants

from former colonies started to settle in the Netherlands, later followed by recruited 'guest workers' from Mediterranean countries, the country has long been perceived primarily as a country of emigration (Van Amersfoort 1974, WRR 1979, 1989, Entzinger 1984). First, because the total figures of emigrants, often fleeing the high population density and the lack of space, outnumbered those of immigrants. Second, because immigrants were considered to be staying in the country temporarily. They were seen as workers who would return to their families after some years of (hard) labour, and in many cases this was what they themselves expected as well. During the oil crises of the 1970s, the first attempts were undertaken to put an end to large-scale international immigration, by proclaiming a formal stop to labour immigration. Just as in the surrounding countries, however, many former guest workers started to settle here more permanently, which also meant that they brought over family members and began to form families. So, although labour migration was slowed down, immigration continued, be it in different forms. Very slowly, it began to dawn on the Netherlands that immigration could no longer be considered a temporary phenomenon (Entzinger 1985, Lucassen and Penninx 1994).

By 2002, about one-fifth of the newcomers originate from Turkey, Morocco, Surinam and the Antilles or Aruba. They come mainly under the label of (secondary) family reunification. Another major factor explaining the migration surplus, by now, is the influx of asylum seekers from Third World countries such as Somalia, former Yugoslavia, Iran and Iraq. Claims for asylum rose sharply between 1988 and 1994 (from less than 10,000 to over 50,000) and after a short period of decrease, they appear to be rising again. In 2000 around 45,000 applicants were registered. Furthermore, the dramatic political changes in Eastern Europe and the former Soviet Union, in combination with rapid developments in communication and transportation, have resulted in more immigrants from a larger number of 'new sending countries' all over the world.

Between 1990 and 1997, the number of immigrants from other than the traditional countries (primarily Third World countries, Central and Eastern European countries) rose sharply from seven to thirty per cent (SCP 1998: 241, CBS 1998). In addition, labour immigration still exists, although it is now restricted mainly to people at the higher end of the skills hierarchy. The number of working permits has even started to rise again due to positive economic prospects and a growing demand for labour (Muus 1998, OECD 1999). Finally, new means of communication and the development of immigrant communities all over the world lead

to the emergence of 'transnational networks', which in turn lead to more flexible forms of migration whereby some of the immigrants travel back and forth without settling in one country permanently (Portes 1997, Faist 1997, Staring 2001).

The above-mentioned developments are reflected in the changing profile of newcomers and immigrants. Family members of former 'guest workers' are now joined by asylum seekers, temporary immigrants, highly skilled professionals and 'footloose' EU-citizens enjoying free movement within the European Union. As the movements of people have become less predictable and as people are constantly adjusting to immigration regulations, it is obvious that neatly defined statistical categories can cover only part of the actual developments. The proportion of immigration movements that escape regulation and registration is commonly labelled illegal, irregular, clandestine, undocumented or unauthorised immigration (ICG 1995, Delaunay and Tapinos 1998a, 1998b, Tapinos 1999).

Despite the invisibility in migration statistics, there is a wide held consensus that large and increasing numbers of unregistered immigrants are present in all European countries (Castles and Miller 1993, ICG 1995). First, because the 'fortification' of Europe has to a large extent closed the door to primary immigrants and pushed them toward illegal and clandestine channels. Secondly, because European countries reject more asylum seekers than they grant refugee status (Doornbos and Groenendijk 2000), while most of the unrecognised asylum seekers are never returned to their home countries. Thirdly, because an unknown number of tourists who enter the country legally overstay their rights and become illegal immigrants in the course of time (Burgers and Engbersen 1999).

In 1991, the total number of undocumented immigrants in Western Europe was estimated at 2.6 million (Castles and Miller, 1993: 79-82). In 1995, the International Centre for Migration Policy Development in Vienna estimated that the annual influx (or *flow*) of illegal immigrants into the European Union would amount to 400,000 in 1998 and 500,000 in 1999 (Widgren 1999). Others, such as the International Organisation for Migration, suggest that this is mere the number of women from Central Europe brought into the EU to work as prostitutes and that the total figure must be significantly higher (*The Economist,* 16 October 1999). Assessments for the Netherlands vary from approximately 50,000 to 200,000 illegal immigrants and are highly speculative.

The controversy surrounding the 'numbers game' stems from the political sensitivity of the issue in combination with a lack of reliable data. There has been no official population census in the Netherlands since the 1970s. Moreover, whereas countries like Italy, France, Spain and Greece have data at their disposal as a side effect of large-scale amnesties (Ruspini 2000), in most countries comparable data are scarce (Delaunay and Tapinos 1998a, 1998b). The last general regularisation schemes in the Netherlands – which were relatively limited in scope – date back to 1975 and 1979 (Groenendael 1986). The data from this operation are never used to estimate total number of illegal immigrants. Figures that circulate in the press in the Netherlands are typically claims made by police officers or municipal representatives who have a certain interest in stressing the scope of the issue. 'Conventional numbers' are popular (Larson and Sullivan 1987, see also Stone 1998: 163-187).

Böcker and Groenendijk have maintained that it is preferable to refrain from trying to set the record. They argue, among other things, that data are inevitably poor and that reliable methods are lacking (Groenendijk and Böcker 1995, Böcker and Groenendijk 1996). Yet, poor and biased data are a problem in many fields of social research (Burgers 1996a). Moreover, there is a steady research tradition in the field of estimating unknown or 'dark number' populations (e.g. Bean, Edmonston and Passel 1990, Van der Heijden 1994, Massey and Singer 1994, Espenshade 1995, Fix and Passel 1995, Delaunay and Tapinos 1998a, 1998b). Starting from the viewpoint that it is important to have at least an educated guess about the scope of the issue, we made an attempt to estimate the *stock* of undocumented immigrants in the four large cities in 1995 (Van der Leun, Engbersen and Van der Heijden 1998). This calculation was based on the capture-recapture method, which originates in biological research and which has been adapted for criminological and sociological applications (Van der Heijden 1994, Smit, Van der Heijden and Van Gils 1994). The actual calculation was based on apprehension data of the police (see chapter 3), which for the time being are the most reliable data in this respect. We analysed 7,000 files pertaining to all illegal immigrants who had been apprehended in 1995 within the boundaries of the four cities.

This conservative estimate sets the minimal total number of undocumented migrants in the four largest cities at about 40,000, of whom 18,000 in Amsterdam, 11,000 in Rotterdam, 8,400 in The Hague and 2,600 in Utrecht. These numbers involve people staying in the four cities for at least one full year, and would make up about seven per cent of the

Table 1.2 Estimated number of illegal immigrants as a proportion of the total legal immigrant population in 1995, by city

	Amsterdam	Rotterdam	The Hague	Utrecht	TOTAL
Estimated number of illegal immigrants (A)	17,875	11,069	8,426	2,677	40,047
Total legal immigrant population (B)*	232,236	148,322	116,202	48,392	545,152
(A) as a proportion of (B)	7.7%	7.5%	7.3%	5.5%	7.3%

Source: Van der Leun, Engbersen and Van der Heijden 1998, based on police data and municipal statistics (COS 1996).

registered migrant population (Van der Leun, Engbersen and Van der Heijden 1998).

Immigrants from Eastern and Western European countries, many of whom are taken to be 'cross-border commuters', are not included. Nor are people who live a life completely in the shadows taken into account. Therefore, the actual number of undocumented immigrants is likely to be higher than the estimated 40,000. As some of the undocumented immigrants go back and forth, whereas others plan to stay in the country permanently and still others plan to transmigrate, the estimate can only roughly value the *stock* of people and not the *flow*. Despite the inherent problems with estimates of 'dark-number' phenomena and the deficiencies of the data, the above-mentioned estimate makes clear that a substantial population of undocumented migrants is residing in the four main cities in the Netherlands. The police data also suggest that larger cities attract considerably more illegal immigrants, and that within these cities, they tend to flock to certain neighbourhoods (see chapter 3).

From the 1960s onwards, the issue of illegal immigrants has gradually moved onto the national policy agenda. Between 1960 and the present, three phases can be differentiated in the ways in which the Dutch State reacted to the presence of immigrants who came of their own means (Engbersen 1999a: 15-20). In the first phase (1960-1969), there was considerable leniency in admitting 'spontaneous migrants' who came primarily from the Mediterranean region, just like their legal counterparts who were often actively recruited by employers. This leniency was closely related to the great demand for low-skilled labourers in the expanding Dutch economy. Labour migrants could travel to the Netherlands and try their luck in the mining, shipbuilding, metal or textile industries. If they found a job, they could get a work permit and subsequently a residence permit (Tinnemans 1994). The initiative of the immigrants was

seen as a sign of motivation rather than an unlawful act, and their 'illegal' status was often only a matter of time.

In the second phase (1969-1991), there was still considerable leniency, although less in terms of a liberal admission policy and more towards the presence and work of illegal immigrants. The 1980s were the years of tolerance *par excellence.* Although at the same time the need was stressed to curtail immigration (Entzinger 1985: 64) and to develop restrictive legislation, there was still a large gap between legislation and its implementation when it came to effectively combating illegal residence. Illegal immigrants could register in the municipal register, they could acquire the crucial social-fiscal number and their employment was checked and fined only to a limited extent. The actual toleration practices seem to have been partly based on economic considerations, as finding workers within certain economic sectors (e.g. agriculture and market gardening) proved difficult despite high unemployment.

From the beginning of the 1990s a policy turnaround became apparent, leading to the third phase (1991 up to now). In this third phase, a number of legislative and other measures have been taken to combat illegality more effectively. The advice of the government committee in 1989 (named after its chairman, a former Minister of State for the left-wing liberals Zeevalking) was the official starting point of the focus on a policy of internal migration control. The need for co-operation between separate departments and services was stressed, as was an effective expulsion policy (Commissie Zeevalking 1991: 4). This stricter stance vis-à-vis illegal immigrants is partly a reaction to the perceived 'asylum crisis' and the idea that the country is 'full'. In part, it also fits into a more general policy trend in the public policy field, in which a lenient stand towards benefit recipients is gradually being replaced by a tougher stand and a more activating approach (cf. Visser and Hemerijck 1997). Little by little, the famous Dutch custom of *gedogen* or 'condoning' – once translated by *The Economist* as 'looking the other side when you must' – appears to be losing its positive connotation (Engbersen and Van der Leun 1999).

Step by step, this policy turnaround has led to an ongoing process of fine-tuning the regulations, at least on paper. Within a single decade an extensive set of measures were taken to combat illegal residence, the most comprehensive of which, the 'Linking Act', came into force in July 1998. This law was preceded by several other measures that affected the position of undocumented immigrants, such as tying social-fiscal numbers to a valid residence status (1991); the Marriages of Convenience Act of 1994, the Compulsory Identification Act of 1994; and the Employment

of Aliens Act in 1994. In the closely related field of asylum policy, the Ministry of Justice announced a number of measures to control asylum seeking since 1994. These include closer co-operation with other EU members, increased use of fingerprinting as a means of checking identity, intensification of controls just behind the borders and the setting up of a special taskforce to deal with illegal trafficking (Muus 1998). Moreover, a new law on re-migration was enacted in 1998, and in 2001 the revised Aliens Act came into force with the main aim of speeding up asylum procedures.

These legislative changes were parallelled by major administrative operations. Since 1995 there is a central computerised database containing data on all foreigners residing in the Netherlands. Every police unit now has access to this database and keeps its own record of foreigners (the VAS or Foreigner Administration System) which is directly linked to a central database. In addition, other government services – like welfare departments – can also check the central database in order to see whether their clients are lawfully residents and hence entitled to certain services or benefits. The whole set of legal and administrative measures is meant to minimise openings for other than the formally permitted immigrants by enhancing the *administrative transparency* of the welfare state (Bernini and Engbersen 1999). In the terminology of James Scott this can be seen as one of many attempts in the history of national states to make societies 'legible' (Scott 1998).

1.3 Definitions of illegality

As the concept of one uniform national citizenship evolved over time, states began to rely more and more on what Scott calls 'state simplifications'. This holds true especially for the administration and the classification of their inhabitants (Scott 1998: 30-32). With respect to immigrants in advanced societies, this classification process continues. In all Western countries, including the USA and Japan, attempts are being made to classify immigrants into increasingly refined categories (Bauböck 1996). Yet it is widely recognised that a side effect of this classification process is that immigrants increasingly try to bend the rules or look for loopholes. Immigrants who do so, fall into the category of illegal or undocumented immigrants, which is not so much a predefined category, but rather a residual category. In other words, the possibility of becoming an illegal immigrant is strongly dependent on the legal framework of a specific country.

In the case of migration there are three basic sources of illegality: (1) entry, (2) residence and (3) employment. The three can coincide, but this is not necessary (ICG 1995: 17-18). Illegal immigrants often enter the country legally with a visa. On the other hand, asylum seekers who stay in the country legally can nonetheless work illegally when they do not have a working permit. A second point of complication is that the legal statuses of a person can change over time as a result of changing circumstances in the personal sphere, or as a consequence of a change in legislation (Groenendijk and Böcker 2000: 83-84). An amnesty can transform formerly illegal immigrants into legal immigrants almost overnight. Conversely, a divorce within the first three years of a marriage can turn a legal immigrant into an illegal immigrant. A third point of complication is that, in many cases, immigrants do not live as isolated individuals. They may have family members, spouses and children and they may live in households together with people of different status (Gächter, Waldrauch and Çinar 2000: 9-28). This all leads to a complicated picture, which is somewhat simplified in the figure below. The figure focuses on individual immigrants who do not have official permission to stay in the country according to the Aliens Act. Natives and legal immigrants who do not engage in any illegal activity are not included in the figure.

Figure 1.1 Types of illegality

Entry	Residence	Employment	Example
A Illegal	Illegal	Illegal /—	Illegal immigrants, either working or not economically active
B Illegal	Illegal	Quasi-legal[1]	Illegal immigrants, legally employed (mainly the case before 1991)
C Illegal/Legal	Legal	Illegal	Legal immigrants, illegally employed (i.e. asylum seekers or students who work without a permit)
D Legal	Illegal	Illegal /—	Visa overstayers, illegally employed or not economically active
E —	Illegal	Illegal /—	Child of illegal parents, born in the Netherlands, either working or not economically active

1. Although an immigrant who has a social-fiscal number can pay taxes and premiums, employment is still technically illegal, because he or she does not have a working permit. These permits have to be applied for by the employer before the immigrant enters the country.

In the present study, the emphasis lies on people who *stay* in the country without official permission to do so *at the time of the research.* This holds regardless of whether they have entered the country legally and regardless of whether they are economically active or not. So the focus is on the

categories A, B, D, and E in figure 1.1. The attention, furthermore, does not so much go to individuals who are in transit or only stay for a short period of time, but rather to those who stay for months or years in the country. The research is not confined to people from outside the European Union. EU citizens do have free movement within the European Union, but they also have to meet certain conditions, such as having means of support and not being involved in serious criminal activities. When they do not meet these criteria according to the police, these EU citizens are often registered as apprehended illegal immigrants (see chapter 3 and 4). In fact, they comprise a category not mentioned in figure 1.1: Their residence is legal by EU law, but the police treat them as illegal immigrants.

A last note has to be made regarding the distinction between illegality and criminality. There is a tendency both in the Netherlands and in the surrounding countries to blame crime on immigrants and particularly on illegal immigrants (Koser 1998, Quassoli 1999, Engbersen and Van der Leun 2001). Media coverage of the smuggling of human beings and a tightening up of anti-immigration policies reinforce this symbolic link. Yet, in practice, the link is anything but clear, as will be shown in chapter 3. Most illegal immigrants do not engage in crime. And, even in a period in which official policies increasingly criminalise illegality, it must be noted that crime and illegal residence should not be confused.

The foregoing makes clear that the national regulatory framework of a country – and its enforcement – defines who may become an illegal immigrant. In the remainder of the study it will become clear that the *consequences* of being an illegal immigrant depend heavily on the importance attached to this legal framework in day-to-day life, or in other words the level of enforcement. After all, illegal immigrants are living proof of the imperfections of the regulatory framework. Before we can formulate the research question, the next sections deal with the theoretical framework of the study.

1.4 Theories on migration and incorporation

From a neo-classical economic point of view, immigration is the outcome of wage differentials between the region of origin and the region of settlement. Immigrants are on the move in order to better themselves and their actions are purely motivated by economic considerations. Migration laws and controls – and other types of internal regulation – affect the costs and benefits and result in higher or lower levels of illegal immi-

gration (Borjas 1990, Chiswick 2000, Massey, Arango, Hugo, Kouaouci, Pellegrino and Taylor 1993). In the case of illegal immigration – which in principle takes place in a black market – costs like punishments, fines and deportations affect the cost-benefit calculation both for the immigrants concerned and for their employers. As long as the benefits outweigh the costs, illegal immigration will continue (Borjas 1990, Jahn and Straubhaar 1999). The virtue of these explanations is that they identify a clear 'principle of action' in human behaviour (Coleman 1994). After all, the wish to improve their situation is often found to be an important motive behind immigration. Some argue that if these models can explain one type of immigration, it would probably be illegal immigration, because illegal immigrants are primarily seen as workers (Collinson 1994).

Yet, in the past two decades, the narrowly defined *homo economicus* has proven to be unable to account for many aspects of the network-driven and network-generating processes of international migration (Massey and Espinosa 1997). To name a few problems, it is usually not the poorest people who migrate, but rather those with a slightly better perspective. Further, the dispersion of immigrants over the receiving countries shows highly contingent and path-dependent patterns that cannot be accounted for by labour-market characteristics solely (Böcker 1994). Once set in motion, immigration flows are often found to be cumulative and self-sustaining and they cannot easily be reversed by legislative measures (Portes and Rumbaut 1990).

The revival of economic sociology and of the sociology of immigration, which puts the emphasis on the wider context of social behaviour, can be seen as a response to these conceptual shortcomings (Portes 1995). Social aspects have become more central to the study of migration and in particular to the study of incorporation (once people are in the country of settlement). In this respect, there is a parallel with the interest in the 'new institutional economics' for institutions and 'practices' in the broadest sense of the term (North 1991, March and Olsen 1989). This approach, which has influenced several disciplines outside economics, has stimulated migration scholars to pay more attention to the formal and informal institutions that influence the relative position of immigrants and immigrant groups (Freeman 1998, Freeman and Ögelman 2000).

Key concepts in the recent sociology of immigration are *modes of incorporation* (Portes and Rumbaut 1990) and *forms of embeddedness* (Granovetter 1985, 1995, Portes 1995) which pertain to the insertion of human

action in wider social structures. There is a close kinship between the two concepts. The central argument made by Granovetter is that concrete personal relations and embeddedness within personal networks shape the structures, which influence the functioning of societies and economies (Engbersen et al. 1999). Building on Granovetter's work, Portes distinguishes two types of embeddedness. First, *structural embeddedness,* which refers to the insertion in the wider society – including the labour market – which is heavily influenced by formal (migration) policies, and secondly, *relational embeddedness,* which refers to migrant communities as potential sources of social capital (cf. Coleman 1994). Both forms of embeddedness exert influence on a person's behaviour in direct and indirect ways (cf. Kloosterman, Van der Leun and Rath 1999, Engbersen et al. 1999). These more social approaches are important when studying processes of *incorporation* rather than migration per se.

Over the years, the sociology of migration has shown that opportunities for the incorporation of immigrants are influenced by a number of factors in the receiving social environment. Portes and Rumbaut (1990) distinguish three quintessential dimensions of what they call *modes of incorporation:*
– Government Policies;
– Labour market characteristics;
– Ethnic communities.

The first dimension points to governmental policies which affect the legal framework in which immigration may be permitted and in which incorporation may take place. These policies can, in principal, range from passive acceptance to active support and they vary across different types of states (see also section 1.6). Labour market characteristics represent the second dimension in contexts of reception. This dimension refers to variables such as the demand for labour and wage differentials, the perception of immigrant groups by employers and the accessibility of the labour market for immigrants. Theories of economic restructuring and the growth of the informal economic sectors in advanced urban economies have suggested that opportunities for immigrants evolve at the lower end of the labour market (Tapinos 2000). Outsourcing by enterprises and by their highly-educated employees fuel the demand for flexible and low-paid services jobs (see section 1.5). Ethnic communities represent the third dimension. Many new immigrants arrive in a host society where an ethnic community already exists in one form or an-

other. Networks within these communities tend to offer information about employment possibilities and to facilitate access to the labour market, and this depends largely on the positions which the more established immigrants occupy. Bounded solidarity and high levels of trust foster the creation of immigrant niches that are to a certain extent sheltered (Portes and Zhou 1992, Portes 1995). Yet the extent to which illegal immigrants can fall back on immigrant networks as sources of social capital (Portes and Sensenbrenner 1993, Coleman 1994, cf. Bourdieu 1989) differs significantly among groups. On the one hand, illegal immigrants are strongly dependent on these networks because of the high level of trust that they generate; on the other hand, they do not always have full access to these networks. Even within migrant communities they may find themselves in a vulnerable position as a consequence of an unequal balance of reciprocity (Engbersen, Van der Leun, Staring and Kehla 1999, Staring 2001). Under harsh conditions, immigrant solidarity may even turn into exploitation (Mahler 1995, Kwong 1997).

As for integration or incorporation of immigrants more in general, a distinction is commonly made between the expressional or subjective dimension (feeling part of a community or society) and a functional dimension of incorporation (of which participating in the labour market is often seen as central). Engbersen and Gabriëls (1995) present a more differentiated view on integration. Following Walzer (1983), they point to the fact that people can be more or less integrated in several spheres at the same time, including the spheres of law, religion, housing and education. Integration in one sphere does not necessarily have to coincide with integration in the other sphere.

Much of the literature on incorporation of immigrants focuses – explicitly or implicitly – on the position of *legal* immigrants. In the Netherlands, their incorporation is stimulated by a wide array of measures, rights and public services. The present study, however, deals with processes of incorporation of illegal immigrants. At first sight this seems to be a contradiction in terms, as hampering the incorporation of illegal immigrants is one of the main objectives of the 'discouragement policy' (Van der Leun 2000b). Still, it is obvious that when illegal immigrants do reside in a territory, they commonly develop ties to their new environment, which eventually results in them being incorporated nonetheless (Chavez 1994). Jacobson (1996) speaks of 'quasi-legal' ties because they can only develop despite policies and regulations.

It can be maintained that despite many similarities the situation of illegal immigrants is fundamentally different in comparison to legal im-

migrants. As a consequence of restrictive policies, illegal immigrants have to rely on informal activities much more than their legal counterparts do. This holds for earning a living, as they cannot make use of the formal channels to meet this goal without difficulties and they cannot fall back on the safety net of the welfare state as legal citizens can. Moreover, in other domains – such as education, health care and housing – they also have to rely at least partly on informal markets (Chavez 1994, Mahler 1995).

The question of how (and to what extent) illegal immigrants manage to gain access to these domains *in practice* has not received much attention so far. A complicating factor in this respect is that the literature on illegal immigration draws heavily on the situation in the United States. In the American literature the boundaries between legal and illegal immigrants are often depicted as blurred. Many illegal immigrants improve their position over time (in terms of job mobility and income) and eventually legalise their stay (Chavez 1991, 1994, Massey and Espinosa 1997). As long as they are newcomers at the lowest rungs of society, they are more or less in the same unfavourable position as many legal immigrants are (Mahler 1995, see chapter 2). Strong welfare states – such as the Netherlands – tend to rely more on a protected labour market, a high level of internal migration control and other types of regulation that can put up barriers for the incorporation of illegal immigrants (Esping-Andersen 1990, Faist 1997, Jordan and Vogel 1997).

Incorporation, therefore, is here explicitly approached as a multilevel process in which not only the individual immigrant plays a part, but in which the influence of the wider context – in terms of the institutional environment – is also taken into account (cf. Soysal 1994). The general underlying assumption of the present study is that both the shadow dimension of the labour market and formal or informal implementation practices of formal policies can shape and limit the possibilities for incorporation of illegal immigrants. Because the emphasis is on the interaction between restrictive policies-in-practice and opportunities for incorporation of illegal immigrants, attention will primarily go to two of the three dimensions that Portes and Rumbaut (1990) distinguish: (1) labour market insertion and (2) the influence of regulations and policies. There exists a considerable body of literature on each of these two dimensions, which will be addressed in the next two sections. For reasons of limitation, inclusion in and exclusion from immigrant networks and immigrant communities will only be dealt with indirectly (see also Engbersen et al. 1999, Staring 2001).

1.5 The labour market dimension

The search for a better income on the part of the immigrant and the demand for low-paid and unattractive work in the receiving society are often seen as the driving forces behind illegal migration. Illegal immigrants are even equated with illegal workers. Illegal labour – especially as supplied by Mexican immigrants – has attracted the widespread attention of economists, sociologists and anthropologists in the United States. Broadly speaking, two types of theories have been introduced to explain the issue of illegal labour. First, macro-level theories of economic restructuring and globalisation. These influential theories aim at explaining where to find a demand for cheap and informal labour as well as where to find a supply of people willing to do the unattractive jobs (e.g. Sassen 1991, Waldinger 1996, Massey et al. 1997). Secondly, meso- and micro-level approaches focus on the embeddedness of immigrants in the specific urban economies (e.g. Portes and Rumbaut 1990) and on the relative position of illegal immigrants in concrete labour markets once they are present within receiving societies (i.e. Bean, Telles and Lindsay Lowell 1987, Massey 1987).

Both approaches bring up several themes that are relevant for the analysis of the labour market position of illegal immigrants in Rotterdam. The macro-level theories indicate where to expect opportunities for illegal workers. In broad terms, opportunities are expected as a result of the job growth that is linked to forces of globalisation. This job growth takes place mainly in certain sections of industrial activities that have not been relocated to the low-wage countries, like customised products made in sweatshops (Dicken 1992, Raes 2000). Secondly, it is supposed to take place in the services sector, which grows as a result of outsourcing by private households and by businesses (Sassen 1991). A third factor which may give rise to openings for informal economic activities, is the growing entrepreneurship among the immigrant population of the large cities (Light and Rosenstein 1995). Within the Dutch cities, including Rotterdam, the process of economic restructuring has also manifested itself clearly (Burgers 1996b, Kloosterman 1996), suggesting that opportunities for illegal immigrants could be found in the Dutch cities. These opportunities can be expected wherever employers compete on the basis of price, and wherever regulations (such as the legal minimum wage or tax regulations) have restricted the demand for legal labour. The latter is particularly the case in the field of personal services, although this sector is underdeveloped in the Netherlands in comparison to many other

countries because of relatively high minimum wages and the high degree of part-time work.

Meso-level theories are more attentive to the embeddedness of illegal immigrants in their direct social environment (Granovetter 1995). Subsequently, they pay attention to the type of jobs illegal immigrants get access to and to how demand and supply are matched. Strong social networks can facilitate entry to the labour market because they enable immigrants to obtain labour, capital, information and other resources on an informal basis. High levels of trust are crucial in this respect (Portes 1995). Trust is more easily obtained when the networks are dense, such as is said to be the case in 'ethnic enclaves' (Waldinger 1996). In the case of Rotterdam, it goes too far to speak of ethnic enclaves. Even so, recent studies point to a marked growth in the number of self-employed in retailing, wholesale, restaurants and personal services in Rotterdam since 1990. Immigrants markedly contribute to this growth (Kloosterman and Van der Leun 1999). For entrepreneurs, illegal employment can be one way to cut the high cost of labour. For illegal immigrants the small firms run by immigrants may provide opportunities for 'safe' employment, although this may also go hand in hand with dependency (Mahler 1995, Kwong 1997).

As to the relative position of illegal immigrants on the labour market, several studies show that *human capital* in terms of education, language ability and working experience is of greater significance than one's status as an undocumented immigrant. This means that years of experience translate into higher wages and better positions regardless of the legal status (see Bailey 1987, Borjas 1990, Massey 1987, Tienda 1995). It must be noted, however, that studies employing aggregate statistics tend to report similar outcomes, while ethnographic studies – also conducted in the US – put more emphasis on the dependent nature of the relationship between legal and illegal immigrants and the dead-end nature of the jobs (Mahler 1995, Kwong 1997).

When applying these general notions to Rotterdam, two points have to be made. First, most studies focus rather one-sidedly on monetarised labour and neglect other types of economic activities (cf. Tilly and Tilly 1994). In the next chapters, the scope will be widened to all economic activities of illegal immigrants in the broadest sense, both in and outside the labour market, including non-monetary and criminal activities (Van der Leun and Kloosterman 1999). The second point is that the theories were developed with the United States as a point of departure. A fundamental difference between the labour market in the US and Europe is that income from labour is taxed more heavily in extensive European

welfare states. Tax deduction and social security deductions can reach up to more than half of the gross salary, which can be an extra incentive for illegal work. At the same time, this is an incentive for controlling agencies to combat both illegal labour and tax evasion more strictly than is the case in the United States (Lowell and Jing 1983), which brings us back to the issue of the internal migration control.

1.6 The policy dimension

In 1985, Tomas Hammar introduced the influential distinction between 'immigration policy' which attempts to regulate entry and control of immigrants, and 'immigrant policy' which aims at speeding up the integration or incorporation of the immigrants present and improving their standard of living (Hammar 1985: 7-12). In the first post-war period, migration policies or integration policies became central in most advanced economies (Collinson 1993). Since then, however, migration policies have increasingly become oriented toward a dual goal: on the one hand stimulating the integration of legal immigrants and their offspring and on the other hand discouraging unwanted or illegal immigrants. The latter objective has spurred a major shift toward *internal migration control* (Cornelius, Martin and Hollifield 1994: 5), a term which refers to an array of measures such as employer sanctions, amnesties, exclusion from public services and surveillance by the police. These measures are meant to discourage or deter illegal immigrants. In particular throughout the 1980s and 1990s, most European countries have rapidly accelerated the pace of new legislative and administrative measures in order to fine-tune these internal controls. Because ever more parties become involved in immigration policy, Zolberg has coined the term *remote migration control* (Zolberg 1999, Guiraudon and Lahav 2000).

At the same time, it is widely noticed that migration policies constantly misfire and backfire (Sassen 1996, Freeman 1998, Joppke 1998). Qualifications like 'non-policy as a policy' or 'symbolic policy' evidently refer to this gap between rules and outcomes (Cornelius et al. 1994, Suárez-Orozco 1994, Jahn en Straubhaar 1999). The large gap between these policies and the observed outcomes has led to a heated debate around the question of whether states are (still) able to control migration. Some argue that primarily external pressures – such as transnationalisation, globalisation, human rights discourses and supranational policies – undermine the sovereignty of the state in this respect (Hollifield 1992, Soysal 1994, Jacobson 1996, Sassen 1999). Others ques-

tion the empirical validity of the claims made and argue that states are still very much in power and that domestic laws and policies rather than forces from outside the national states lead to limits of migration policies (Brubaker 1994, Freeman 1998, Joppke 1998, Lahav 1998). This (highly unsolved) debate focuses on the *extent* to which states are willing and able to control unsolicited migration flows.

In a careful analysis of the developments in the field of migration control in the last decade, Guiraudon and Lahav (2000) argue that Western European states are not losing control, but that they are rapidly adapting to internal and external pressures by adopting a specific mixture of remote control measures. According to them, European states are now shifting up, shifting out and shifting down their responsibilities in the field of migration. Shifting up refers to forms of international or supranational co-operation, such as within the EU framework. Shifting out refers to the role of private parties like airline carriers who face sanctions when they transport people without documents (Guiraudon 2001). And thirdly, the delegation of control-based tasks to public and semi-public workers is a clear example of shifting down. The latter is particularly relevant for the present study. Where the central dilemma of advanced welfare states that are confronted with migration is drawing the line between members and non-members (Faist 1996), it is obvious that the responsibility to do so is increasingly being shifted down to 'gatekeepers' of the welfare state.

Studies in this field focus primarily on laws, on explicit regulations, on policy documents and on political decision-making processes. In doing so, they fail to take into account implicit matters of implementation and enforcement (cf. Brochmann 1998, Collinson 1993) as well as the resilience of lower-level counterforces. Since the classic study by Pressman and Wildavsky (1984, originally published in 1973), a large body of policy literature has warned against straightforward ideas about the process of implementation of public policies (Lipsky 1980, Lane 1993). Among other things, these studies show that implementation practices are influenced by deeply rooted national (or even local) regulatory styles and traditions (Van Waarden 1995,1999). Within one national context, factors such as the organisation, the character of the regulations, the discretionary freedom of lower-level workers and the nature of the 'clients' all influence implementation practices (Van der Veen 1990). The political scientist Lipsky (1980) was one of the first to recognise the central position of lower echelon workers in this respect and he goes as far as to state that 'policy is actually made in the crowded offices of street-level bureaucrats' (Lipsky 1980). Lipsky put emphasis on the ways in which street-

level bureaucrats bend the rules according to their own objectives rather than the formal goals of policymakers. Moreover, informal practices or rules-of-the-game are often found to be much more persistent than newly imposed policy changes (North 1991).

The bottom-up approach of policy matters that fits into this perspective was so far mainly applied in empirical studies on social service allocation (Knegt 1986, Engbersen 1990, Van der Veen 1990). These studies have painted a picture of a large discretion of lower-level workers, although they did not necessarily use this discretion to the disadvantage of their clients, as Lipsky seemed to suggest. In the field of migration policies, the study of the degree of discretion and the question how enforcers use their discretionary freedom is still in its infancy, with the exception of studies in the field of the sociology of law (cf. Minderhoud 1993, Clermonts 1994, Böcker and Clermonts 1995, Van den Brink 1999). Subsequently, systematic knowledge about actual enforcement or implementation practices of internal migration control is limited. For a number of reasons (such as difficulties in reaching them, and the vulnerability of the immigrants in question) sound empirically based studies in this field are still scarce. Another reason for this apparent lack of insight is the result of state bodies not being very open about their activities and the outcomes of these activities. This is even more complicated because there is a lack of knowledge on the (relatively invisible) group that is addressed by these policies: the illegal immigrants.

Although Guiraudon and Lahav (2000: 177) seem to assume that the interests of 'new actors' in remote migration control coincide with those of the central state, it is still unclear whether and how the delegation of responsibilities has affected the discretionary freedom of the workers concerned. More specifically, we can ask to what extent agents in the fields of health care, housing or education (so-called Human Service Organisations, see chapter 5) are willing and able to engage in control-based activities that do not necessarily coincide with their professional opinions and considerations (see Hasenfeld 1983). This question is crucial for the understanding of migration policies in an era of internal migration control. Yet, it is also relevant for understanding how illegal immigrants find their place in societies despite an adverse 'mode of incorporation'. This brings us to the more concrete questions that have guided the study.

1.7 Research questions

The original starting point – the wish to understand processes of incorporation of undocumented immigrants into Dutch society – can now be translated into the following more concrete central research questions (which will be refined in the following chapters). The first question reads: *How do undocumented immigrants find ways of making their living in the receiving society?* Analytically, three ways of generating an income for undocumented migrants can be distinguished, apart from support within the family sphere. One of the ways for immigrants to bypass legal obstacles and other restrictions is starting one's own business (Mahler 1995). Nevertheless, within a strong welfare state with a concomitantly regulated labour market, self-employment is only possible for illegal immigrants by bypassing both administrative procedures and tax and labour regulations. Secondly, undocumented immigrants can try to gain access to the formal or informal labour market as employees. While common ways of obtaining a job such as formally applying or responding to an advertised vacancy, are in most cases out of question, illegal immigrants need information on where opportunities are to be found and on how to diminish the chance of being detected. These more traditional informal economic activities are dealt with in chapter 2. The third possibility is to act completely outside the general regulatory framework by being active within the criminal sphere where no tax and labour regulations apply, but which falls under the criminal laws. Although it can be argued that there is a gradual transition from informal economic activities to criminal activities (Letkemann 1973, Ruggiero en South 1997), criminal activities are dealt with separately here (in chapter 3), because the consequences for undocumented migrants are supposed to differ significantly. Once they are viewed as 'criminals' they belong to the publicly most feared category of migrants and formal policies on the undocumented ones give priority to the expulsion of criminal illegal migrants. The additional question then becomes: *To what extent does crime function as an alternative to informal labour?* It is often assumed that illegal immigrants are dependent more than others on illegal ways of making a living. At the same time, this contention is to some extent difficult to reconcile with their attempts to remain unseen and their fear of being expelled. These two contradictory statements have served as the point of departure for the study of illegality and criminality in chapter 3. In this respect, it is not only relevant to know whether illegal immigrants are more or less involved in crime than others, but also, if any, in what types of crime they engage and how they become criminally active.

The second set of questions refers to the other side of the coin: the receiving society: *How do lower-level public and semi-public institutions of the welfare state implement the official policies on illegal migration? To what extent do lower-level workers have discretionary freedom and, if so, how do they use this freedom? In what ways are opportunities for illegal immigrants influenced by these implementation practices?* This set of questions relates to the less visible dimension of governmental policies, the implementation practices, whether formal of informal. It can be assumed that illegal immigrants do not easily turn to representatives of the government. Still, they cannot always avoid it. Undocumented immigrants have to turn to formal institutions under specific conditions, that is when they have needs that migrant communities cannot meet or if they cannot fall back on well-established communities. These encounters can either occur on the initiative of the undocumented immigrants (if, for example, their children attend school) or in case of emergencies (e.g. when they are brought to a hospital). A second possible ground for encounters between undocumented immigrants and official representatives of the host society is when the police detect them. This happens obviously not on the immigrants' initiative, but on account of the formal attempts to combat illegality. Contrary to professionals in Human Service Organisations such as schools or hospitals who only come into contact with illegal migrants passively, policemen – especially those working for the Aliens Department – are supposed to take an active part in the search for undocumented migrants (see chapter 5). To gain insight in the practice of policies on undocumented immigrants, we conducted interviews with police officers in the four cities (see chapter 4).

Police officers are not the only professionals who face a task in the internal migration control. In particular, as a consequence of the Linking Act, these responsibilities are now being shifted down to street-level professionals or semi-professionals who are supposed to act as gatekeepers of the welfare state. To gain insight into their practices and the dilemmas resulting from the new regulations, we interviewed workers in health care, housing and education (see chapter 5). Together with police surveillance, these three sectors are seen as the crucial sectors for illegal immigrants who try to get incorporated. Because the Linking Act is often seen as a crucial step in excluding illegal immigrants from Dutch society and as a landmark piece of regulation, the interviews were held both before and after the enactment, in order to enable comparison.

1.8 Methods and sources

This book is the outcome of my participation between 1994 and 1999 in the *Unknown City* research project. This large-scale and multi-disciplinary project aimed at providing insight into the social position of undocumented immigrants in Dutch cities, until recently not a well known category in European sociological literature. Illegal immigrants constitute a difficult subject for empirical research (Cornelius 1982, Rodriguez 1987). This also holds, albeit to a lesser extent, for (informal) enforcement practices (Van der Veen 1990). At least at first sight, these subjects do not lend themselves to surveys or to the study of official statistics. Instead, they call for intensive research strategies, such as ethnographic fieldwork or face-to-face interviews. This was the way in which the project began. At a later stage, it became clear that quantitative data should not necessarily be ruled out when studying 'hidden' phenomena (cf. Komter 1983). The process of inquiry is inspired by Robert Putnam who states, in *Making Democracy Work,* that 'The prudent social scientist, like the wise investor, must rely on a diversification to magnify the strengths, and to offset the weaknesses of any single instrument' (Putnam 1993: 12).

The first stage of the Unknown City project consisted of ethnographic fieldwork, including intensive semi-structured interviews with 170 illegal immigrants, conducted in the city of Rotterdam between 1993 and 1995 by a team of researchers (see Burgers and Engbersen 1999, Engbersen 1996, Engbersen et al. 1999, Staring 2001). A variety of contacts with individuals and organisations – such as churches, migrant organisations, brothel owners and police officers – were used to get in touch with illegal immigrants (see appendix 1). Although we did not adhere to statistical notions of representatives in this part of the research, we attempted to include a wide range of 'categories' of immigrants in our research and therefore did not rely on snowball sampling too much. The absence of systematic random sampling in this part of the study implies that the reader should approach the statistical outcomes cautiously. All the same, the interviews provide valuable information, which cannot be obtained in another way (Cornelius 1982).

In order to obtain more systematic information on illegal immigrants' involvement in crime, the fieldwork was extended to police data in the second stage of the project (see appendix 2). With the permission of the Ministry of Justice, three samples were taken from anonymous police files in Rotterdam: a sample of 330 apprehended illegal immigrants and two control samples pertaining to legal residents. These data

were gathered in 1994 and pertained to 1989-1994 and they provided insights into patterns of apprehensions and criminal activities of illegal immigrants (Engbersen, Van der Leun and Willems 1995). This undertaking was later repeated in the four largest cities on a larger scale. At this stage, all apprehensions of illegal immigrants (almost 7,000) within the period of one year (1995) were analysed. They were used to estimate the illegal population and, again, to look at patterns of apprehensions (Van der Leun, Engbersen and Van der Heijden 1998).

With a special regard for policies in practice, the third part of the study focused on day-to-day implementation practices in the field of internal migration control. These practices were studied on the basis on semi-structured face-to-face interviews (see appendix 3 and 4). Although participant observation within organisations was considered, this turned out to be problematic because most professionals deal with illegal immigrants only occasionally. Therefore, face-to-face interviews appeared to be more suitable. Interviews were held with police officers and professionals working in other sectors. The aim was to gain an understanding of their daily practices. The interviews with police officers (N=40) were held in 1997 (Van der Leun et al. 1998). These interviews were supplemented with 30 interviews with professionals in three other sectors education, health care and housing, in 1996 and 1997, before the introduction of the Linking Act (see chapter 9 in Engbersen et al. 1999). Roughly one year after the introduction of the Linking Act, in 1999, another 60 interviews were conducted in the same sectors with an extension to welfare departments (Van der Leun and Botman 1999). The research was conducted in the four largest cities with the emphasis on Rotterdam. These are the cities were legal immigrants are highly concentrated and police data suggest that this also holds for illegal immigrants (Van der Leun et al. 1998). The data sources are summarised in the table below.

Figure 1.2 Data collection and period of time

Subject	Chapter	Data	Time scope
Labour	2	170 interviews with illegal immigrants	1993-1995
Crime	3	Police data (N=330) (+ 2 control samples)	1989-1994[1]
		Police data (N=7,000)	1995
Police	4	40 interviews with police officers	1996-1997
		Police data (N=7,000)	1995[2]
Public services	5	30 interviews with (semi-)professionals	1996-1997
		60 interviews with (semi-)professionals	1998-1999

1 The data pertain to 1989-1994 and were gathered in 1994.
2 The data pertain to 1995 and were gathered in 1996.

Every type of data has its specific shortcomings, which will be discussed in the separate chapters. Together, however, they provided me an insight into the interplay between strategies of immigrants and policies-in-practice. Data from different sources have been combined whenever possible and useful. Using different methods to study one phenomenon is often labelled triangulation. Triangulation, however, was not the primary aim. Instead, I wanted to increase the internal validity of the information by studying different aspects of the issue in combination. In doing so, findings that arose from one source informed my later analysis of findings from another source (for example when the apprehension data were compared to the outcomes of the interviews with police officers). Sometimes, they enabled or facilitated further inquiry (it was much easier to conduct the interviews with police officers after I had spent some time in the Aliens Police offices when gathering quantitative data). Finally, the fact that the different parts of the research were conducted in consecutive years enabled me to dwell on the time dimension and to build in a dynamic component.

In order to bring some clarity into this complexity and as a consequence of the specific history of the research project, the book is organised in a thematic way. Chapters 2 and 3 deal with strategies of illegal immigrants: Chapter 2 pays attention to the labour market insertion of illegal immigrants and chapter 3 deals with the involvement of illegal immigrants in crime. Chapters 4 and 5 focus on enforcement practices and depart from the perspective of policy implementers. Chapter 4 deals with internal surveillance by the police. Chapter 5 focuses on practices in the health care, housing and education sectors before and after the introduction of the Linking Act.

2 Loopholes in the labour market: informal employment

> The promise of informality is therefore the promise of choices – choices made more available but by no means universally available by the informal economy.
> (J. C. Cross 1998: 250)

2.1 Introduction: informalisation

Employment is the backbone of many theories on illegal immigration. Illegal immigrants are first and foremost seen as economically motivated individuals who exploit informal economic opportunities in prosperous countries. Studies on the informal economy indicate that these opportunities exist in one form or another, not just in Third World countries, but also in advanced economies (Castells and Portes 1989, Portes 1994). Economies need a certain degree of activity on the fringes to function smoothly (Jahn and Straubhaar 1999) and governments commonly tolerate at least some forms of informality. Globalisation theory, moreover, suggests that informal economic activities are recently gaining importance in advanced economies, as a result of far-reaching socio-economic transformations. Sassen has pointed out that immigrants play a crucial role in global cities where job growth takes place both at the top and the bottom end of the labour market (Sassen 1991). New immigrants are most likely to benefit from the opportunities at the lower end of the spectrum, where competition is fierce and informality is one of the ways to cut prices. Sassen attaches crucial importance to illegal immigrants in this respect, as they comprise the flexible and less-demanding workforce that restructuring economies need in particular.

Many European cities, even when they are strictly speaking not 'global cities', show similar tendencies of a 'conjoining of informalisation and immigration' (Mingione 1999: 209). In the *Journal of Eco-*

nomic Literature, Schneider and Enste (2000) maintain that 'shadow or underground economic activity is a fact of life around the world and that there are strong indications that it is increasing' (ibid: 70). According to them, the size of the informal economy in the Netherlands ranks somewhere in the middle of the OECD countries. They estimate that the shadow economy covers between thirteen and sixteen per cent of GNP, which is similar to countries like Ireland, France, Germany and Great Britain (ibid: 81) and which is significantly less than in countries like Belgium, Spain, Portugal and Greece. In nearly all countries under study, there are indications that the informal economy is gaining ground. Estimates of the size of the informal economy – and especially internationally comparative ones – should be treated carefully, as definitions are slippery and measurement problems obvious. Even so, the work of Schneider and Enste and others makes it plausible that the informal economy in the Netherlands is not among the largest in the OECD countries, but still of a considerable size. This does not automatically imply a sheer endless demand for illegal workers. Many legal inhabitants engage in social security fraud, unreported labour, unreported self-employment, barter and do-it-yourself work activities. The labour market participation of illegal immigrants ('illegal labour') is one of the many components of the informal economy (Renooy 1990, Kloosterman, Van der Leun and Rath 1998, Rath 1999).

The essence of informal economic activities is that they escape regulation. This does not imply that the activities are criminal. Criminal activities can be distinguished by the illegal nature of the product, regardless of how they are produced or distributed (Light and Rosenstein 1995, Kloosterman et al. 1998). Income-generating criminal activities such as theft or drug dealing are treated in this chapter as special variants of informal economic activities. The same holds for semi-criminal activities like prostitution (see also chapter 3). In this chapter, the attention goes specifically to informal economic activities that involve illegal immigrants.

The present chapter is based on interviews with illegal immigrants in Rotterdam that were conducted between 1993 and 1995 (see appendix 1). The main questions addressed in this chapter are: where, to what extent and how do illegal immigrants find employment? In what sectors do they find openings? How do they get access to jobs? And to what extent are they able to secure an income and to better themselves? In section 2.2 this is placed against the background of policy measures in this respect. In section 2.3 empirical data on the labour market position of illegal immigrants in Rotterdam are presented. Reference is made to how illegal

immigrants find their jobs and to the role of social networks. Section 2.4 deals with the more dynamic perspective, focusing on labour market careers and issues of mobility, while section 2.5 provides the central conclusions with regard to informal employment in a highly regulated environment.

2.2 State regulation and opportunities

According to Barros and Garson of the OECD (2000) all national governments in European countries currently adopt a mixture of the types of measures that aim at combating illegal employment: (a) sanctions on foreigners working without due authorisation, (b) sanctions on employers, and (c) preventive measures. Preventive measures are still an exception, but the other measures are apparent in the Netherlands. Due to the coincidence of increasing immigration and rising unemployment in the 1970s, labour market protection has become an important aim of immigration legislation. In the official 'discouragement policy' of the Ministry of Justice, curtailing illegal labour and detection of employers who hire illegal workers are important components. The Law of Employment of Foreigners (WAV) and its forerunners prescribe that an employer who wants to hire a non-EU worker must get permission. A working permit is only provided when there is no alternative supply of labour within the European Union. As it became clear that illegal employment was still flourishing, a number of new laws and administrative measures were introduced in the 1990s (see chapter 1). Since 1991, illegal immigrants cannot register at the population registrar and can no longer obtain a social-fiscal number. Finally, in 1994 the Compulsory Identification Act was introduced, obliging employees to be able to identify themselves in the workplace. Sanctions on immigrants can consist of apprehension and expulsion. When awaiting expulsion, furthermore, they can be held in detention. It is not a criminal offence, however, to work illegally. Illegal employees risk apprehension when they work in firms, but activities like street vending also require permission.

Employers face penalties when they employ illegal immigrants and in extreme cases even imprisonment or, in theory, withdrawal of their trading licenses (in the case of repeated offences). The Law on the Chain Liability (*Wet op de Ketenaansprakelijkheid*) also renders indirect employment (i.e. via an intermediary) of a foreign worker without a work permit a criminal offence. This means that the actual offender can be prosecuted in such cases as staff swapping or lending. Moreover, labour

regulations apply to illegally employed foreigners, who can in principle force a civil action for payment of sums due.

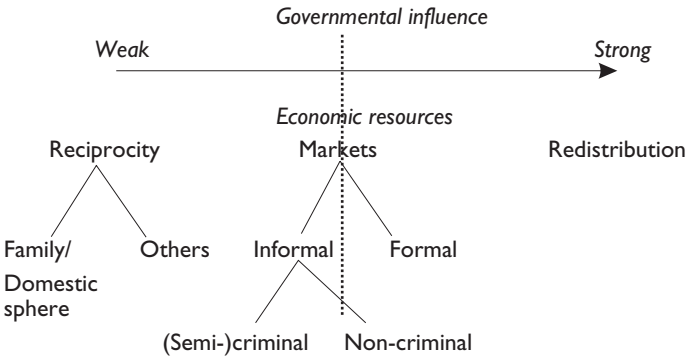
In enforcing the struggle against illegal labour, the Netherlands assigns a central role to the aliens police and to agencies enforcing labour and employment regulations that fall under the Ministry of Social Affairs and Employment. The Aliens police and the Labour Inspectorate have powers to inspect and to conduct investigations when they have indications that an employer hires persons without valid working permits. Part of the on-site inspections are carried out by specialised teams consisting of the police, the Labour Inspectorate, tax authorities and other bodies who take joint actions. These teams focus specifically on alleged high-risk sectors, such as (until now) the restaurant sector, taxi services, the confection industry and greenhouses. Increasingly, the search for illegal labour is based on administrative checks of the files of tax authorities. Empirical information on practices of enforcement in the sphere of the labour market is scarce.

Research among the Aliens police (chapter 4) demonstrated that the priority given to combating illegal labour varies locally. In Amsterdam and Rotterdam, where the Aliens police is more oriented towards combating crime, less importance is attached to it than in the smaller cities of The Hague and Utrecht (see chapter 4). On the whole, spot checks commonly focus on well-known risk sectors such as the restaurant sector. These checks are usually based on information of the tax authorities and sometimes on tip-offs. When the police find illegal employees, they aim at expelling them, but this policy often reaches its limits because not everybody can be expelled and because expulsion does not always prevent people from coming back (see chapter 4). The National Government Audit recently evaluated the inspections carried out by the Labour Inspectorate (Algemene Rekenkamer 1999). The Audit concludes that manpower is limited, and that resources invested in these checks differ between cities. The available legal sanctions, furthermore, are not always put into effect. In only a quarter of the cases, the judge imposed a fine on the employer, and the fines were significantly lower than the law allows. Regarding the economic sectors targeted, the Audit concluded that the same sectors are checked over and over again, while others are largely left aside. One of the sectors which is notorious for its employment of illegal workers is horticulture. A recent report by the 'greenhouse intervention team' shows that in the region around The Hague, about five per cent of the employers in horticulture were checked in a period of six months, implying that one in ten employers (in this particular area) may be checked on a yearly basis.

These sources indicate that enforcement of labour market measures is often more relaxed than the official policy suggests. Moreover, enforcement is highly selective. This is not to say that illegal labour as such is tolerated. A clear example of intensive intervention took place in the (mainly Turkish) garment industry in Amsterdam, where a so-called 'confection intervention team' was established in 1994. As a result of these actions, together with relocation of production to other countries, the number of contract-clothing firms in Amsterdam plummeted between 1992 and 1997 from an estimated 1,000 to an estimated 40 to 50. A large number of illegal workers were apprehended and sent back to their home country (Raes 2000: 73, Rath 1999). At the same time, the much smaller and less visible clothing firms in the other cities were apparently largely left alone.

In short, the risk of being caught employing illegal workers (or doing illegal work) is far from stable. The risk of being checked is influenced by a number of factors including priorities of (local) law enforcers, political negotiations and compromises and the structure and location of the production (cf. Raes 2000). It must be added that in many instances it is not so much the deliberate policy on illegal employment that restricts the opportunities for illegal immigrants, but other factors such as general regulations and requirements (Faist 1996). Both the level of regulation and the extent to which general and specific rules are enforced, restrict the potential openings for illegal immigrants. Figure 2.1 depicts the 'economic resources' in the broadest sense that are theoretically available to inhabitants of the Netherlands within levels of government regulation (cf. Tilly and Tilly 1994). The most heavily regulated resources are put on the left, the least regulated on the right.

Figure 2.1 Economic resources and government regulation



Cf. Van der Leun and Kloosterman 1999: 121

Illegal immigrants are largely confined to the less regulated spheres on the left side of the figure. As controls and checks tend to concentrate on identifying illegal employment within the formal sector, it is likely that illegal immigrants are pushed to the informal economy and to the domestic or family sphere where controls are less strict or non-existent. Illegal immigrants will, therefore, be pushed to those domains to the left of the line. In the case of criminal and semi-criminal activities, the situation is more complicated. On the one hand, these activities escape most kinds of regulation, whereas on the other hand they fall under the criminal code and thereby increase the probability of being detected by the police (see also chapter 3). The line is shown as dotted rather than continuous because there are exceptions – loopholes – whereby it can be crossed. These loopholes may occur in the case of 1) legalisation of status; 2) use of fraudulent or forged documents or 3) tolerant enforcement practices. In the first case, undocumented immigrants succeed in becoming 'documented' by obtaining a legal residency permit. They cease to be 'illegal' and hence fall outside the scope of this study. The second case involves strategies employed by undocumented immigrants to circumvent the existing legislation. Through manipulation of their identity and/or the use of borrowed or forged documents, undocumented immigrants can gain access to the 'formal' labour market. The third instance relies on the manner in which the rules and regulations are enforced. If officials charged with excluding those without entitlement to residency fail to do their work properly (or choose not to do so), the legislation loses its effect and undocumented immigrants may become active in the domain to the right of the figure. Undocumented immigrants' access to government welfare provisions is extremely limited (see chapter 5). Consequently, only the less-regulated informal part is within reach for undocumented immigrants. In this case, there are basically three possibilities: 1) to work for monetary reward; 2) to work for non-monetary reward and 3) not to work at all. In the latter case, the undocumented immigrant has to rely on relatives or on charity. In the case of monetary work, we can distinguish between 'formal' tax-paid jobs, 'informal' non-tax-paid employment and semi-criminal or criminal employment. These types of work correspond to the positions in the figure when moving to the left. In the following sections, the position of undocumented immigrants in Rotterdam will be studied against the background of figure 2.1.

2.3 Employment of illegal immigrants in Rotterdam

The interviews with illegal immigrants in Rotterdam focused on the actual labour market position of the respondents and on their work history. In this section their background characteristics, in terms of education, country of origin, age and length of stay, will be presented. Next, attention will go to the extent to which the respondents participate in the labour market and the types of jobs they occupy. Subsequently, the questions of how and where (in which sectors) respondents find their jobs will be addressed.

Background characteristics. Although they have in common a lack of formal permission to stay in the country of residence, the respondents form a heterogeneous group in many respects. Some came as sojourners expecting to return home after saving a certain amount of money, others were determined to settle. Some came to improve their economic position, others came for safety and still others for family reasons. Some arrived in the Netherlands directly on tourist visas, while others arrived after years of wandering through a range of different countries. In table 2.1, the central background characteristics of the respondents are presented. The respondents come from 21 countries. The largest groups come from countries where many legal immigrants also originate from, such as Turkey, Morocco, Suriname and Cape Verde. There are also Eastern Europeans and smaller groups from a number of countries with which the Netherlands never had special relationships. The majority of the respondents are men between 20 and 40 years of age, which is characteristic for the 'first stage' of migration. The women are predominantly in the same age group. The majority of the respondents have resided in the Netherlands between 1 and 5 years.

Despite their relatively young age, three quarters of the research group report working experience in their home country. Many respondents have done 'elementary work' before, such as assisting self-employed family members or doing odd jobs in their country of origin. Furthermore, many respondents have been employed in technical and agrarian work or trade activities. The interviews make clear that many respondents have learned their work 'on the job', implying that the skills are not automatically useful in another setting.

Table 2.1 Background characteristics of the respondents (N=169)[1] (age, gender, country of origin, length of stay, classified)

	N	%
Age		
0-10	1	.6
11-20	12	7
21-30	95	56
31-40	47	28
41-	14	8
Gender		
Male	129	76
Female	40	24
Country/Region of origin		
Turkey	47	28
Morocco	48	28
Eastern Europe	23	14
Cape Verdean Islands	17	10
Suriname	9	5
Other	25	15
Length of stay		
< 1 year	32	19
1-5 years	121	71
> 5 years	16	10

1 The total number of respondents is 169. The total numbers (N) in the tables vary because only valid cases were included.

Table 2.2 Type of work in country of origin (N=120)

Type of work	N	%
Elementary work	22	18
Education	13	11
Agrarian	16	13
Technical	34	28
Health care	4	3
Transport	4	3
Trade /retail	25	21
Drug trade	2	2

Regarding formal education, half of the respondents have at best finished their primary education. About one quarter are semi-skilled and another quarter are highly skilled. When compared to legal immigrants from Turkey and Morocco who reside in the Netherlands, the illegal immigrants are in general slightly better educated. It must be noted, however, that the group of illegal immigrants is rather heterogeneous in this respect as well.

Table 2.3 Educational qualifications (N=167)

	N	%
No formal education	21	13
Primary education	69	42
Lower vocational/general secondary education	30	18
Intermediate vocational education	13	7
Higher General Secondary/pre-university education	23	14
Higher vocational education/University	11	7

Many respondents have mastered several languages. Apart from the language of their home country, sixty-five respondents speak English and fifty of them speak French. However, half of them do not speak Dutch and only a few are fluent in Dutch, which is certainly a drawback on the labour market. Although many respondents have left their country of origin because of poor perspectives, this is not the case for all of them. A Moroccan man, for example, had good qualifications and good prospects, but he nevertheless felt he should try his luck somewhere else:

> My position was very good. I had everything I wanted. My father [who is a high civil servant in Marrakech, JvdL] was busy arranging a good job for me there. But I was stubborn. I had heard so much about the Netherlands, both good and bad. (. . .) So I went, even though my uncle told me I would be better off in Morocco. (127)

Despite their different backgrounds, the respondents all face the task of finding their way into the host society. In most cases, they have to find ways of generating significant income for their own living and sometimes even more when they have the moral obligation to send money to their family members or when they are indebted for the journey.

Labour market participation. One of the ways for an immigrant to make a living may be starting one's own business (Cross 1998). In Sarah Mahler's account of the migration experience of Salvadoran migrants in sub-

urban New York, self-employment plays a major role, although she does not fail to stress the marginal character of many of these businesses (Mahler 1995). In the Dutch case, petty forms of self-employment and street vending are also tied to (local) regulations and requirements. Secondly, undocumented immigrants can try to gain access to the formal or the informal segments of the labour market as employees. Common ways of obtaining a job, such as applying formally or responding to an advertised vacancy, are usually out of question, as some (even highly educated) respondents have experienced. As soon as it became clear that they did not have the necessary documents they were refused. This implies that respondents need strategic information on where opportunities are to be found and on how to diminish the chance of being either refused or detected. After all, they can only be employed by employers who are willing (and able) to violate labour regulations. The third possibility is to act outside the general regulatory framework by being active within the criminal or semi-criminal sphere where no tax and labour regulations apply, but where penal laws are violated. This specific type of informal employment is dealt with more systematically in the next chapter.

The interviews with illegal immigrants demonstrate that access to the highly regulated labour market in the Netherlands is rather problematic. Even if we define 'work' in a very broad sense as all income-generating activities, one third of the respondents was without employment at the time of the interview. The other two thirds were working but mostly did not succeed in finding stable and durable employment. They mostly shifted in and out of employment. According to some respondents, employers seem to fear detection and they are not willing to hire illegal immigrants anymore:

> A Moroccan man (27) is without work at the moment of interviewing. Despite his work experience, he is not able to find a new job. He tells in detail how he visited a company that had a sign on the door saying: 'We do not need employees. We have a dangerous dog.' It was written in six languages, including Turkish and Arabic. (101)

Many respondents put emphasis on the need for documents. They commonly borrow or 'lease' these documents. A 22-year old woman from Cameroon complains that even when she borrows documents, she still has very little choice:

> To begin with, I cannot work unless I use somebody's papers. And when I borrow someone's papers, the only jobs available are cleaning jobs and child care. Here I am forced to do things that I never ever would have considered in Cameroon. On the other hand, you learn fast. For instance, being a cleaning woman does not make you less than who you are. (615)

This respondent borrows the documents from a girl she knows well. Still, she pays fifteen per cent of all her earnings in exchange for the use of these papers.

In order to gain as much information as possible about the position of undocumented immigrants on the labour market, those respondents not working at the time of the study were asked about their last place of employment. The table below shows the type of work conducted at the moment of research or before.

Table 2.4 Type of work (N=164)

	N	%
Paid 'formal' work[1]	64	39
Paid 'informal' work	49	30
Non-paid (non-monetary) work	33	20
Paid (semi-)criminal activities	18	11

1 Regardless of the question whether this concerns official tax-paid employment or unofficial 'cash in hand' employment, illegal immigrants do not have the permission to stay and work in the Netherlands. Therefore, both types of labour fall under the definition of illegal labour.

Most of the respondents are active in the informal sector; they work 'informally' which means that no taxes and/or other deductions are paid. They are usually employed in small businesses (with less than ten employees) and they are commonly paid in cash and off-the-books. Formal (tax-paid) jobs are mostly occupied by illegal immigrants who have entered the Netherlands before 1991. They possess a social-fiscal number which enables them to be occupied formally, e.g. in greenhouses and textile factories. Although getting tax-paid jobs is now rendered in principle impossible since social-fiscal numbers are linked to residence status, there are still undocumented immigrants working 'formally'. Others have been sent off by the employer after having served for years. This happened to a Moroccan respondent:

> A 31-year old man from Morocco has worked as a manual labourer in a textile factory. Two months ago the boss told him either to get a residence permit or leave. He has worked for the same boss for five years. The boss had already informed the Employment Office that they were going to fire him. They had a large number of illegal immigrants working for them and they were laying them all off. (126)

Several respondents 'rent' social-fiscal numbers or possess forged numbers. They commonly pay for the use of other people's documents. The third category consists of non-monetary activities, mostly within the family sphere. These activities do not require any documents and are usually part of a more comprehensive support pattern based on reciprocity (cf. Komter 1996). The domestic nature of the work makes it safe for the illegal immigrants, as they do not have to fear a raid by the labour inspection or the police. The fourth category consists of criminal activities and prostitution, the latter being labelled as 'semi-criminal' because under Dutch law it is not forbidden.

As was expected, formal barriers do block opportunities for self-employment. Only seven out of 170 respondents in Rotterdam succeeded in creating their own employment by starting a 'business'. They are mostly active within the sheltered sphere of strongly rooted ethnic communities. The most successful businessmen are the hairdressers, who work within mosques or teahouses:

> A Turkish man works as a hairdresser within the Turkish community. He runs his business in a teahouse where he finds his customers, and sometimes in the mosque. He brought his tools with him when he migrated and he did not need to invest any money in the business. He sends € 250 home every month, which is enough to support his family and which is more than he would ever earn in Turkey. (220)

Another example of a successfully self-employed illegal immigrant is a Polish man who is interviewed in the police station where he was detained. Apart from working illegally in the Netherlands on an irregular basis, he is also involved in car trade. By not formally establishing himself in the Netherlands, he is able to dodge the prevailing regulations:

> A Polish man travels between Poland and the Netherlands on a regular basis. He sells about fifteen second-hand cars a year, mostly to Russians. When he stays in the Netherlands he lives on a camping site and

> leads a sober life. He is not planning to settle, his objective is to make some money to start a legal business in the future. (514)

Both respondents keep their business low profile. Because they have to invest only small amounts of money, it can be profitable even when the business remains relatively marginal. Running a front-store business is not considered a possibility by our respondents, aside from the fact that it would require more capital than they would usually possess. Because of the need for a permit, even street vending is considered too risky by many. The only option is to pool resources with a legal immigrant and run a business together. On the whole, even when illegal immigrants are able to find a job, their work is mainly non-standard employment. Respondents often work irregular hours and on a temporarily and unsecured basis, and they tend to combine different occupations or go from one assignment to another.

Sectoral distribution. The sectors where respondents find employment (table 2.5) are partly consistent with the globalisation literature (cf. Burgers and Engbersen 1996). This holds for activities in the harbour, industry and construction and – on a larger scale – in horticulture. Some twenty per cent of the respondents have found work in horticulture (vegetable, fruit and flower production). These respondents work mostly in the glasshouses in the Rotterdam region and are employed on a seasonal basis. The Dutch horticultural businesses (as found in and around the western conurbation known as the 'Randstad') form an export industry of global proportions. The sector's international competitive edge is thus based in part on evasion of the law (Van der Leun and Kloosterman 1999). Horticulture is one of the economic sectors that appears not only to use illegal labour and other forms of informal labour, but to be dependent on it. In the recent past employers hired undocumented immigrants on a seasonal basis. Often they paid them 'formally', also implying that they deducted taxes and premiums. Some of our respondents, who came to the Netherlands before 1991, have experienced this. After the controls were intensified and it became difficult to employ illegal immigrants 'formally' the practices in this sector changed. Now people are typically employed indirectly with the intervention of an employment agency or subcontractor, which can be seen as a side effect of more strict implementation.

Table 2.5 Sectors of employment (N=140)

	N	%
Horticulture	28	20
Cleaning	24	17
Industry and construction	20	14
Drugs and prostitution	18	13
Restaurant and catering	17	12
Other (personal) services	14	10
Trade and retail	12	9
Harbour and transport	7	5

Table 2.5 further suggests that job openings in the lower-level personal service are limited. Only fourteen per cent of the respondents work in personal services, and they mostly work within small businesses. Although private citizens in the Netherlands frequently seek help with babysitting, child care and odd jobs around the house within the informal circuit, nothing suggests that undocumented immigrants in Rotterdam are particularly active in this sphere. This may have to do with the fact that such arrangements rely on a basis of trust, and it clearly points to the limitation of networks. The one respondent who works for a private household has met her employers through the church. In business services we mainly find illegal immigrants in the cleaning sector, which is an important sector for certain groups of documented immigrants (such as the Cape Verdeans) as well. The legal immigrants who work in this sector help their illegal co-nationals to get access to these jobs.

Subsequently, table 2.5 shows that part of the opportunities fall outside the regular sectors. Besides activities connected with the trade in drugs, which are the subject of the next chapter, the main area involved is prostitution. In the Netherlands prostitution is not in itself illegal, but illegal prostitutes run the risk of being arrested because of their undocumented status. The prostitution circuit is notable for its high degree of informality. Tax evasion and 'creative' accountancy are commonplace, but there is also considerable disregard for immigration laws as well as violence, extortion and links with various forms of criminality (Altink 1998). Furthermore, it is an 'industry' which is going through a process of rapid internationalisation. Prostitution in the Netherlands currently involves mainly immigrants, not only as workers but also as owners of the businesses. Among the respondents we found two men (from Morocco and Romania) and six women (from Poland, Slovakia and Cameroon) whose primary source of income is prostitution. The men work as street prostitutes for homosexual clients in the area around Rotterdam's

central train station. Both are addicted to hard drugs and lead an extremely marginal existence. For these respondents, we can hardly speak of a 'career choice': prostitution is more of a way of survival criminality (cf. Jankowski 1995). The situation is different in the case of the women. They arrived in the Netherlands already with the intention of becoming involved in prostitution, having had previous relevant experience in their countries of origin or elsewhere. The women involved in prostitution work in 'private houses' or clubs in Rotterdam. Of all the respondents, they earn the highest incomes. Unlike the male respondents involved in street prostitution, the female prostitutes are able to exploit their 'social capital' with some success, despite the duress under which they are sometimes placed and the clear disadvantages of their 'calling'. Some try to improve their position through prostitution, either by means of the high income or by seeking a suitable marriage partner among their clients.

It must be noted that a significant number of the respondents who would initially be regarded as not working at all, in fact perform work for which they receive other than financial rewards. Non-monetary work such as decorating houses, bringing children to school or cooking dinner, is performed in exchange for board and lodging. There are others who are sometimes temporarily unemployed and who rely on family, friends, the ethnic community or charitable institutions. Here too, it may well be that certain unpaid work is performed. Often, a person will receive 'pocket money' from someone concerned about their position. Twenty-five of the respondents work within the family or ethnic community, and a further eight receive support from formal or informal networks, often in exchange for various odd jobs. Although it is easy to assume that this sort of 'hidden existence' would mainly involve women, the study revealed no significantly greater number of women than men in this category. A 26-year old Surinamese man can serve as an example:

> The man came to the Netherlands six months ago. He has not been able to find employment. The only time he was offered a job, it concerned tanker cleaning, which his sisters considered to be too dangerous. He is now fully supported by his two sisters. In order to earn some pocket money he does odd jobs, such as decorating, and painting for family members and acquaintances. (625)

In these instances, a network of contacts in the host country is of crucial importance. This network is usually based on family and ethnic connections. This does not apply to the (limited number of) asylum-seekers

whose applications have been refused but who have chosen to remain in the country illegally. They built up their contacts during the period they were actually involved in the asylum procedure. Churches and refugee organisations sometimes continue to provide support when all other possibilities are exhausted. Non-monetary work differs from the forms of work described above in many ways. It is usually embedded in a pattern of extensive mutual assistance (Engbersen et al. 1999). In most cases those performing the work live in the homes of those for whom they work, and receive full board and lodging. There is thus little direct competition with others on the employment market. However, there are also respondents who do nothing in return for such board and lodging. They are entirely reliant on friends and family for assistance.

How work is found. As it turns out to be problematic to find stable and durable employment, the question arises how illegal immigrants find their jobs. The table below summarises the way in which they found their most recent occupation. Not surprisingly, the majority of occupations is found with the help of family and acquaintances. Almost without an exception these acquaintances are immigrants themselves. Labour subcontractors are also active within migrant communities. The other ways of finding a job, which look more 'formal' at first sight, are only possible with the help of strategies to bypass restrictions and regulations. Respondents who, for example, work through employment agencies 'borrow' or 'lease' the identity of legal migrants.

Table 2.6 Way of finding most recent job (N=121)

	N	%
Family	19	16
Acquaintances	70	58
Paid intermediary	7	6
Application	6	5
Employment agency	16	13
Other	3	3

Access to jobs – albeit informal and often marginal – depends heavily on migrant networks. It must be added that the networks do not always solely consist of co-ethnics. There are also many examples of illegal immigrants who work together and exchange information with migrants from many different countries. They seem to be brought together by the fact that they are confined to the same segments of the labour market, rather than by 'ethnic solidarity'. The table below shows the relationship

between the nationality of the employer or direct 'boss' and the nationality of the worker, which is another indicator of the role of migrant networks.

Table 2.7 Nationality of the employer against nationality of the employee (N=108)

Employee	Turkish	Moroccan	East European	Cape Verdean	Surinamese	Other	Total
Employer							
Dutch	11	24	11	9	1	14	70
Surinamese	2	1		1		1	5
Turkish	17						17
Moroccan		5					5
Ghanaian		2				1	3
Polish	1						1
Other		1	1	1	1	3	7
Total	31	33	12	11	2	19	108

A significant number of the employers are Dutch. A closer look reveals that they mostly employ illegal immigrants who were already in the country before 1991. Illegal immigrants who came later are more often hired by employers who have an immigrant background. This suggests that Dutch employers, who often hired illegal immigrants with social-fiscal numbers, now turn to other categories that can supply cheap labour or they make use of strategies that obscure their responsibility or mask the illegal employment. This frequently happens in the greenhouses, where many Moroccan respondents work indirectly for a Dutch boss, through an informal employment agency or subcontractor.

> A Turkish man works casually in the construction sector. Every morning he visits his favourite teahouse and waits until he is contacted. One of his friends always carries a mobile phone with him and can be easily summoned by his contact person. Their jobs vary from three hours up to three days in a row and they are dependent on the subcontractor in this respect. The other man usually works at a construction site. He works under a Dutch man who allegedly does not know he is an illegal worker. Every now and then, the subcontractor pays his salary cash in hand. He never knows how much he will get. (228)

On the whole, the interviews suggest that a side effect of the increasing attempts to curtail illegal employment is the shifting to informal non-

tax-paid work and to immigrant circuits. The Turkish community in Rotterdam is apparently well established enough to provide relevant resources to undocumented immigrants on a substantial scale. Only among the Turkish respondents does the majority work for an employer of the same background. The interviews also show that they tend to work together with their co-ethnics and are able to speak Turkish in the workplace. Here, more institutionalised strategies of employees and employers together create opportunities for illegal immigrants. Local coffeehouses function as informal employment agencies and nodes of information where labour subcontractors recruit personnel. These practices take place in the relatively sheltered domain of ethnic enterprises. The phenomenon of recruiting personnel in the streets, described in the international literature (cf. Rodriguez 1987, Valenzuela 2001), is an exception in the Dutch case, as it would attract too much attention of controlling agencies. As long as recruitment stays in the sphere of the coffeehouses, it can go unnoticed.

2.4 Making a living and moving up the ladder

The preceding section offered a cross-section of the employment of illegal immigrants in Rotterdam. The present section focuses on the extent to which the respondents are able to make a living on the basis of this employment and subsequently on their chances for upward mobility over time.

Earning a living. Apart from two children and a minority of respondents who depend totally on their family, all respondents must earn their own living. Despite the fact that stable employment is not easy to obtain, approximately two thirds manage to derive a sufficient income. They do so by living frugally and combining various jobs. In addition, approximately half of the respondents enjoy some form of income from other sources. Some respondents are supported by friends or family members and others have savings on which to fall back. A small number of respondents receive social security. These recipients belong to the category of illegal immigrants who migrated to the Netherlands before 1991 and who are, although undocumented, in possession of a social-fiscal number. They are entitled to such payments on the basis of insurance premiums paid during previous legal employment. These additional sources of income are depicted in table 2.8.

Table 2.8 Additional sources of income (N=135)

	N	%
None	71	52
Welfare provisions	11	8
Family	26	19
Friends	10	8
Loans/savings	6	4
Charity	9	7
Other	2	2

The table refers only to monetary income. In many cases there is also some form of non-monetary income, or payment in kind. Here we can allude not only to free board and lodging with family, but also to support provided by employers in the form of free meals or accommodation. Such income has not been included here.

Although the income of the respondents fluctuates, we have estimated the amounts the respondents have at their disposal. The monthly wage has been calculated by multiplying the hourly wage by the number of hours worked in one month. Without taking periods of inactivity into account, this calculation suggests a net wage of around € 770 per month. Given steady all-round employment at the same number of hours per week, just over forty per cent of the respondents would earn more than € 635 per month, which is comparable to the net minimum wage of an adult in the same period. If we leave out income from prostitution in the equation, the average monthly wage falls to € 530, which is less than the official social minimum. There are two factors which suggest that this estimate is somewhat higher than the actual monthly income. First, many respondents have no form of paid employment for much of the year, and in most cases are not entitled to any form of welfare payment. Second, those respondents who have not succeeded in obtaining a reasonable income level have probably chosen not to answer the question at all. Nevertheless, there are many respondents who enjoy a reasonable – or even good – standard of living. When asked about their subjective perception of their income level, the majority of respondents said that they were able to save money. Apparently, their preferences are more oriented towards their country of origin than to the standards of the receiving country (cf. Waldinger 1996). The sober lifestyle of many respondents enables them to survive on a low income. Their accommodation costs (rent) are often very low (Burgers 1999a) and they make further cuts wherever possible.

Job mobility. The literature on illegal immigrants in the United States has repeatedly produced the finding that 'human capital' in terms of education, experience and command of language translates into a better labour market position, even for undocumented immigrants (see Bailey 1987, Borjas 1990, Massey 1987, Tienda 1995). Moreover, a longer stay usually translates into higher wages (Massey et al. 1993, Chiswick 2000). In Rotterdam we were unable to find any undocumented immigrants who had made clear advancement. In our research group, the undocumented status outweighs any other factor, such as work experience, level of education or command of the Dutch language. This indicates that possibilities for improvement are severely lacking. Almost without exception our respondents are active on the lowest rung of the economic ladder. This also holds for people who are better off in terms of the common human capital variables such as educational level and language ability. Neither does the length of stay lead to an improvement in their situation.

Table 2.9 Background characteristics by present employment or non-employment (N=108)

	Working	Not working
Ability in Dutch	64%	36%
No ability in Dutch	66%	32%
Job experience	65%	35%
No job experience	64%	36%
No formal education	67%	29%
Primary education	61%	38%
Lower vocational/general secondary education	70%	30%
Intermediate vocational education	61%	39%
Higher general secondary/pre-university education	83%	17%
Higher vocational education/University	64%	36%

Even those respondents who have been in the Netherlands for some years have made little or no progress within the labour market. The duration of only around half of the jobs exceeds one year. Short-term employment consists of casual jobs lasting from only a few hours to seasonal jobs for a few months. Accordingly, the likelihood of obtaining official documents by working is extremely small. Further, there appears to be no correlation whatsoever between the time someone has been in the Netherlands and the hourly wage he or she is able to negotiate. Re-

spondents have not been successful in translating their work experience into higher wages, because they have not been able to obtain work at a higher level. Only in a very few cases have respondents in work been offered any form of training or advancement. However, one of the respondents who works in the garment industry has been able to progress slowly from messenger to a higher position. Even such a 'career path' offers no guarantee for the future, as the following example can illustrate:

> A 23-year old man from Turkey had been unemployed for months. After a while he had no choice but to accept a job as a messenger boy in a garment atelier. He earned € 1,35 per hour. After three months he could switch to another enterprise, where he could earn € 2,25 an hour. After he followed some on-the-job training, he was able to better himself gradually until he made € 3,65 an hour. When the business relocated to Turkey, however, he lost his job and had to start over again. At the time of the interview he worked casually as a shoe shiner. (223)

The lack of opportunities for mobility is also reflected in working conditions. Most respondents are aware that they find themselves in a subordinate position and that they can easily be replaced by others. They do not dare to ask for more money or a better position. They often work long hours and never report ill. Besides, they risk being abused by the intermediaries. Several cases have been reported in which the illegal employee worked without ever being paid.

At the beginning of the chapter, it was reasoned on the basis of figure 2.1 that illegal immigrants would have to resort to less-regulated economic activities. This general assumption was largely confirmed in the empirical analysis. It was also shown that these informal opportunities have their specific limitations, which will be addressed in the last section.

2.5 Conclusions

Urban labour markets in the United States and in Western Europe are increasingly seen as sites of informal and illegal labour. Explanations for the resurgence of informal economies in First World countries have been particularly attentive to the demand for cheap and docile labour from abroad. The centrality of the role of labour in theories on illegal migration is reflected in the fact that illegal immigrants are not uncommonly designated as *illegal workers,* assuming that they all work. The present chapter modifies this perspective somewhat. Employment is in-

deed very important for illegal immigrants, but not as easily available as suggested. A major difference in comparison with the situation as described for the United States is that labour is taxed more heavily in the Netherlands. Subsequently, the protection of the labour market is a central component of the 'discouragement policy' with respect to illegal immigrants. In addition, it can be assumed that general labour market and tax regulations also hamper illegal employment. The question of how these regulations affect the labour market position of illegal immigrants has not received much attention in the literature so far. As far as studies exist in the Netherlands, they have usually focused on the demand side or the employers who are the ones that profit directly from the cheap and willing workforce from abroad (Zandvliet and Gravesteijn-Ligthelm 1994, Visser and Van Zevenbergen 2001).

The present chapter has departed from the supply side, in casu the illegal immigrants. The underlying question was to what extent illegal or informal employment offers opportunities for their incorporation in the receiving society. Employment is understood in the broadest sense of the term, including tax-paid and non-tax-paid jobs, non-monetary jobs and criminal or semi-criminal activities. Building on interviews with 170 illegal immigrants in the city of Rotterdam, it has been shown that opportunities for illegal immigrants are limited in at least three strongly interconnected respects.

First, as illegal immigrants are confined to a narrow range of sectors and, more importantly, to the lowest segments of the labour market, their opportunities are limited in scope. This leads to a significant underemployment of the respondents. At the time of the research about one third of the research group was unemployed. Those who were employed reported insecure jobs, regular periods of inactivity and fragmented work careers. Those who do find work in the monetary sphere do so in low-skill and low-paid sectors. They often work below their qualification level and conduct tasks that legal inhabitants shun. They typically move from one assignment to another and the 'jobs' they occupy commonly last between half a day and a few months. Self-employment, which may be a solution for immigrants who face formal blockades in the receiving society, offers little opportunity to undocumented immigrants. The few who have managed to 'create their own work' are active within their own ethnic community. Such completely informal enterprises must by their very nature remain small in order to prevent being noticed by the authorities. The high share of untapped labour is clearly at odds with theories that attach primary importance to the pull factor of demand for cheap and unattractive labour. For the immigrants

concerned it means that they spend a considerable amount of time looking for work. The interviews do suggest that the situation has deteriorated in this respect, as the respondents who have been longer in the country point out that it used to be easier in the recent past (in particular before 1991 when they could obtain a social-fiscal number). More or less stable jobs with (autochthonous) employers are increasingly being replaced by flexible arrangements through an intermediary or subcontractor. A second trend that can be observed is that illegal labour shifts to immigrant circuits, where a high level of trust generates openings. This implies that immigrants who can fall back on an established ethnic community (such as the Turkish) are better off than those who cannot.

Secondly, the financial rewards for labour are limited. The study indicates that the disposable income of the respondents is relatively low. On average, the estimated monthly income is comparable to the minimum wage of an adult, but when we leave out the sector with the highest earnings, i.e. prostitution, the average income drops to below the social minimum. It has to be taken into account that the income is far from stable, as a result of the fragmented careers. The assertion of the majority of the respondents that they can live off their earnings and sometimes even make savings has to be explained by the fact that they lead a frugal life. Also, they economise on costs by living together with family members or others. Moreover, besides monetary work, there are cases reported of non-monetary work. Mostly this entails doing odd jobs around the house of family members, in exchange for board and lodging. The respondents' accounts do not indicate heavy involvement in the domestic sphere outside of the family. Apparently, the respondents lack the ties that could link illegal immigrants to this (growing) demand, which takes place outside the sphere of government regulation.

Thirdly, the opportunities are limited in the sense that they offer few chances for upward mobility. As to the type of work, the data show that respondents are confined to a small segment of the labour market, regardless of the time they have spent in the Netherlands. They are hardly able to better themselves over time, and neither work experience nor formal education translates into better jobs or higher wages. The high 'search costs' (in terms of time) for illegal immigrants are mirrored in the fragmented careers of the respondents. In most instances, they do not specialise in one type of job, but go from one sector to another without being able to climb the ladder.

In sum, the highly regulated Dutch labour market certainly has its loopholes. These loopholes exist in certain well-known sectors of the labour market, such as horticulture and construction, where the advan-

tages of dodging the rules are high for employers who are willing to take the risk. The dotted line as shown in figure 2.1 is indeed permeable within these sectors. In most cases this also requires the use of false or borrowed documents. Increasingly, the employment of illegal workers entails an intermediary who arranges the process of hiring illegal immigrants and masking the informality. The refinement of the 'discouragement policy' in this respect has not only curbed illegal labour, but also spurred illegal enterprise that profits directly from the presence of illegal immigrants. In addition, the sheltered spheres of immigrant communities and of private households appear to offer loopholes. The latter suggests that the dependency of illegal immigrants on established immigrant communities and on social networks has increased. In these spheres illegal immigrants do not necessarily work for monetary reward, but rather for board and lodging. On the whole, illegal employment seems to be more a mechanism for survival than a means of incorporation. All the evidence points to the fact that illegal immigrants are severely limited by a *legal ceiling*. This raises the question as to what extent the criminal sphere can be seen as an alternative 'labour market' for illegal immigrants. The interviews brought to light that a minority of the respondents were active in drug trade and prostitution. In order to provide a more systematic picture of criminal activities of illegal immigrants, the next chapter focuses on these sectors.

3 Crime as alternative option: illicit employment

> The drug economy is in many ways a parallel, or a parody, of the service economy.
> (Elijah Anderson 1990: 244)

3.1 Crime

Illegal immigrants are, as a rule, not able to build up a stable career on the Dutch labour market. The 'legal ceiling' not only seriously hampers upward mobility, but also leads to unemployment and underemployment. At the same time, individuals without a legal status are not entitled to income-replacing public services (see chapter 5). It is likely, therefore, that they will look for alternative options. One option is to fall back on their family members, another – on which the focus is here – is to act outside the regulatory framework. The previous chapters showed that, in addition to formal and informal work, some of the illegal immigrants engage in criminal or semi-criminal activities. These activities include prostitution and street-level drug trading, which were so far treated as variants of informal economic activities. The present chapter more systematically addresses the question whether – under these circumstances – being active in the criminal sphere is a viable alternative for illegal immigrants. Are they able to evade or by-pass the legal ceiling, or does this threaten their position even more? The chapter is based primarily on quantitative police data, as collected in the city of Rotterdam, combined with information derived from the interviews with 170 illegal immigrants. The following questions are addressed: To what extent are illegality and criminality intertwined? Are certain groups of illegal immigrants more often involved in criminal activities than others? If so, in what type of activities are they involved and how can these differences be explained?

The chapter reads as follows: section 3.2 summarises the existing literature on (illegal) immigrants and crime. Section 3.3 concentrates on

the conceptual framework, which draws on the concept of a 'differential opportunity structure'. Section 3.4 discusses the caveats attached to the use of police statistics and how they are dealt with. Section 3.5 provides an overview of the findings with regard to criminal activities, which is based primarily on apprehensions as registered by the police. The central assumption is that unequal access to formal and informal opportunity structures influences the extent to which groups of illegal immigrants are involved in criminal activities. On the basis of information on the involvement of North African immigrants in the drug economy, it is subsequently maintained (in section 3.6) that the access to criminal opportunities also depends on certain skills and contacts.

3.2 The illegality – criminality nexus

The relatively high crime rates of (certain groups of) immigrants within European societies have attracted considerable attention in recent years. In many countries, the number of migrants responsible for certain forms of crime exceeds their share in the total population. According to detention statistics, 'migrants', 'minorities' or 'foreigners' are over-represented in prisons. Their absolute and relative numbers have been increasing during the last decade and imprisonment rates are well above those of the general population (Tonry 1997). Despite the growing attention, the link between immigration and crime is anything but new. It is one of the classical topics addressed by social scientists and criminologists, in particular in countries with a longstanding immigration history. A traditional question in this field is whether or not certain groups of migrants are more involved in crime than indigenous people and, if so, how these differences can be explained (Savona and Goglio 1996). This also spurred interest in the bias of police data and in particular the likelihood of being apprehended because of 'foreign' appearances.

After a period of silence surrounding these issues, they have become widely discussed in the Netherlands, predominantly since the 1990s. A number of studies since then recognise a significant overrepresentation of Moroccan and Antillean youngsters in recorded crime statistics (Junger and Zeilstra 1989, Junger 1990, Bovenkerk 1992, Van Hulst and Bos 1993, Werdmölder 1991, Werdmölder and Meel 1993, Leuw 1997, Junger-Tas 1997, Van San 1998, Van Gemert 1998). More recently, attention has started to shift to other groups such as Africans, Eastern Europeans and Cape Verdeans. At first sight, the general findings are in line with the conventional wisdom of the law-abiding 'first generation' and

the more crime-prone 'second generation'. As in many countries, however, this does not apply to all groups of immigrants. An exception that has attracted considerable attention, is the relatively low level of arrests of Turkish youngsters in crime statistics, who grow up under circumstances that are to a large extent similar to those of Moroccan youngsters. More generally, the available studies show differential patterns of arrest: certain groups have below-average offender rates, while other groups have rates that are between two and four times those observed for 'autochthonous' inhabitants. The outcomes of victim surveys and qualitative studies suggest that these patterns cannot be solely accounted for on the basis of law enforcement bias (see chapter 4).

With the growing attention on *illegal* migration, a new dimension has been added to the immigrant-crime debates. At the crossroads of processes of international migration (legal and illegal) and globalisation of organised crime, there is a growing tendency among the public and among policymakers to assume a direct link between illegal immigration and crime. It is often held that the lack of established routes to incorporation more or less pushes illegal immigrants toward crime, in particular when they are forced to pay back large sums to the organisation that helped them cross the border. In the most extreme cases reported on, people are 'enslaved' by their smugglers (Kwong 1997). Phenomena like migrant trafficking and smuggling and cross-border crime are increasingly associated with 'uncontrollable' immigration. The perception of these issues influences the symbolic link between foreigners' crime in general and illegal foreigners' crime in particular (Albrecht 1997, Quassoli 1999, Engbersen and Van der Leun 2001). It is obvious, however, that although they are often lumped together, the potential relationships between illegal immigration and crime are manifold. Within the framework of this study, the attention goes to the involvement of illegal immigrants in (income-generating) criminal activities that take place in the receiving country.

Despite the tenacity of the rhetoric of the 'criminal illegal', there is very little systematic and convincing empirical support for this equation. The two broad assumptions that circulate – both in the public debate and in the limited number of studies conducted so far – are contradictory (Engbersen and Van der Leun 1995, 1998). The first assumption – which can be called the 'deterrence thesis' – is that undocumented immigrants tend to refrain from committing crimes for fear of being traced and expelled by the police. In other words, their illegal status encourages law-abiding behaviour (Werdmölder 1991, McDonald 1997). The second assumption – which can be dubbed the 'marginalisation thesis' – is that

undocumented immigrants are more likely than others to commit crimes in order to survive, especially when they are excluded from public services and the formal labour market. In other words, the poverty and marginalisation linked to their illegal status forces them to break the law. The latter view is expressed, for example, by the Italian scholars Jamieson and Silj (1998) who maintain that: 'As for micro-criminality, it seems likely that for Albanians, as for most other immigrant groups, illegal status contributes significantly to the likelihood of committing crimes, even though these are mostly "survival crimes".'

The first assumption finds some support in the work of Aalberts and Dijkhoff (1993), who have analysed a large number of police records of apprehended immigrants (mostly legal residents). They argue that undocumented immigrants are less involved in criminal activities than their legal counterparts. Moreover, they find that undocumented immigrants from EU-member states (mainly France and Germany) are more likely to commit crimes than undocumented immigrants who come from Third-World countries. The second assumption finds partial support in a study on street robberies, conducted by the criminologist De Haan in the city centres of Utrecht and Amsterdam. He finds that almost one quarter of the cases of street robbery in his sample were committed by people who were not residing in the country legally. De Haan concludes that in most cases this concerns 'survival criminality'. Most of the suspects he interviewed had no other means of making a livelihood and many of them were drug addicts (De Haan 1993). More recently, the Amsterdam police force concluded in a similar vein that almost one fifth of six 'priority crimes' (such as robberies, burglaries and theft) are committed by illegal immigrants. They appear to score high on robberies and pickpocketing (VRIS 1999: 24) and are held responsible by the police for a significant share of the inner-city crime. As to illegal immigrants in general, the evidence is far from conclusive. De Haan (and the Amsterdam police) focused on specific types of felonies as conducted in the city centre of Amsterdam. These figures cannot be easily generalised. The wide availability of 'targets' in inner city areas typically attracts offenders from far off. Remarkably, De Haan found significantly different outcomes in a follow-up study in the Bijlmermeer (De Haan 1994), an area of Amsterdam which has a reputation for hosting large numbers of illegal immigrants. Aalberts and Dijkhoff (1993), in turn, have provided a broad overview, which modified certain stereotypes. Yet, it only allows for conclusions on the aggregate level. The present study aims at providing a more systematic analysis of the possible links between illegality and crime.

3.3 Differential opportunity structures

Illegal immigrants are first and foremost associated with survival crimes, or crimes committed in order to make a living (De Haan 1993). The central question of this chapter is therefore whether criminal activities may be an alternative option for illegal immigrants. The tradition of viewing crime as an 'innovative strategy' is inextricably bound up with the seminal work of Robert K. Merton. According to Merton, people in the lower strata of society in general tend to experience tension or 'strain' as a result of the discrepancy between culturally induced goals on the one hand and the accessible means on the other hand (Merton 1957, chapter VI). The strain does not result from a lack of opportunities as such, but from the combination of unequal access and an ideology that denies the fact that opportunities for mobility are not the same for every group. One way to reduce the tension is by looking for alternative or innovative means for achieving success. Merton's analysis can also be applied to the situation of newcomers or immigrants who often share the 'American dream' (or the European equivalent) and at the same time are unable to achieve the so strongly desired goals, because they lack access to the legitimate means. Merton identifies five types of adaptations to this 'newcomers dilemma': conformity, innovation, ritualism, retreatism and rebellion. The innovative adaptation pattern occurs when immigrants accept the 'culture goals', but look for alternative means of achieving them. Crime or deviancy (as a reaction to strain) is one of them. Merton argues that: 'It is only when a system of cultural values extols, virtually above all else, certain *common* goals *for the population at large,* while the social structure rigorously restricts or completely closes access to approved modes of reaching these goals *for a considerable part of the same population* that deviant behaviour ensued on a large scale.' (Merton 1957:146, his italics)

Merton's analysis points to the different pressures that social groups face in their pursue of success. Even when we define success loosely in the case of illegal immigrants and focus on the ability to make a living, it becomes clear that these pressures can differ significantly among groups of illegal immigrants, depending on their access to accepted and less accepted means. Cloward and Ohlin (1960) have specified this perspective further in their work on the differential opportunity structure. They take Merton's analysis a step further by emphasising that inequality not only exists in the availability of accepted means, but also in the access to illegitimate and criminal opportunities. Cloward and Ohlin think of individuals as being located in different opportunity structures at the same

time and stress that a person who does not 'make it' legitimately, cannot simply choose from an array of illegitimate means all equally available to him (ibid: 145). In explaining why some youngsters have better access to illicit means than others, Cloward and Ohlin attach prominent importance to the spatial context, i.e. the neighbourhood in which they grow up and where certain subcultures arise.

In the case of illegal immigrants, the concept should be explained in a broader and more institutional way (Engbersen and Van der Leun 1998). We have argued that the opportunity structure of undocumented immigrants can be divided alongside three institutional axes. The first is the degree of accessibility to the formal institutions of the welfare state, such as the labour market, education, housing and health care. The second is the degree of accessibility to informal institutions, such as the informal networks of family, friends, acquaintances and relatives in the Netherlands, but also 'informal practices' of public and semi-public workers. The third is the differential access to criminal circuits (Engbersen and Van der Leun 1995, 1998). Explained in this way, it can be assumed that the means available to different groups of illegal immigrants account for divergent patterns in involvement in informal economic behaviour. This would imply that immigrants who cannot fall back on a community well established enough to provide jobs – see chapter 2 – face stronger pressures to turn to illicit means. The same could hold for illegal immigrants who came to the Netherlands roughly after 1991, when a series of restrictive measures were put into effect. At the same time, Cloward and Ohlin make it clear that crime is no default option. The availability of informal and illicit opportunities also differs between groups. It must be noted, however, that the line between informal and criminal is not as clear-cut as suggested here. Illegal immigrants – like other people who live on the fringe of society – can be active in formal and informal activities at the same time or interchangeably (cf. Ruggiero and South 1997). Moreover, the delineation between criminal and informal activities varies over time (Kloosterman et al. 1998). Finally, it is obvious that the dimensions often overlap or influence each other.

3.4 Data and definitions

The interviews held with illegal immigrants offer a first insight in the criminal activities of illegal immigrants. In order to find more substantial empirical evidence, they have been supplemented with an analysis of

three samples drawn from the files of the Rotterdam police. In the regular registrations of offences and suspects, the police do not record information on the legal status of an individual. The Aliens police, however, keep a separate record on all apprehended of illegal immigrants, from which the basic sample was taken. In addition, two control samples were taken: a sample of legal immigrants and a sample of legally residing crime suspects in Rotterdam (see appendix 2). The three samples used in this chapter pertain to the years 1989 until 1994 and consist of:

1. A systematic sample of 328 apprehended illegal immigrants, registered in the Foreigner Registration System (VRS) as 'illegal', meant to acquire insight into the reasons for apprehension of illegal immigrants;
2. A sample of 666 immigrants registered in the Foreigner Registration System (VRS). A cross-check with the files of the Aliens Police brought to light that 76 of these immigrants were not legally residing in the country. The other 590 were used as a control sample of legal residents;
3. A sample of 655 'known suspects' apprehended for offences, of whom 639 were legal immigrants as registered in the identification System (*Herkennings Systeem,* HKS). The aim of this sample was to provide an overview of legal suspects in order to enable comparison with sample 2.

The widespread use of police data has produced a flow of comments on problems of validity and selectivity. A central theme is how well these data measure 'actual' crime rates. There is an unknown and probably massive amount of crime that never shows up in police files: the so-called 'dark number' (Beirne and Messerschmidt 1991, Felson 1994). For a number of reasons many crimes never come to the notice of the police, or are not considered important enough to register. Methodologically, this dark number can, according to some commentators, be reduced by using self-report studies. These studies are regularly conducted among juveniles. Yet, apart from the problems attached to this alternative source of data (Junger 1990, Rovers 1999), undocumented immigrants do not comprise a category that can be approached with a self-report survey. In the literature on crime data, three sources of bias can be distinguished:

a. The willingness of the public to report a crime to the police depends on the type of crime. Generally, the more serious a crime, the higher the likelihood of being reported to the police. Regular police data are more adequate when dealing with so-called 'communal crimes' than

with, for example, organised crime, environmental or white-collar crimes.

b. The likeliness of being stopped by the police varies across space and time. Police data inevitably mirror patterns of police surveillance. Attention of law enforcers commonly concentrates on strategic sites, such as train stations or crime-ridden areas, which increases the likelihood of being apprehended for people who are present in these places. Moreover, suspects encountered in lower-status neighbourhoods are likely to run a higher risk of being apprehended than suspects in other parts of the city (Smith 1986).
c. Police apprehensions are largely discretionary and are often suspected to be selective with respect to migrants (Bovenkerk, De Haan and Yesilgöz 1991). So far, in the Netherlands, little evidence has been mustered for the proposition that the police differentially arrest according to 'foreign appearance' (Aalberts 1990, Rovers 1999). It would then be hard to explain why Moroccans and Antilleans have such high apprehension rates as opposed to Surinamese and Turks only on the basis of discriminatory practices. The finding that discriminatory practices are limited can be ascribed to explicit attempts of the police to avoid discrimination (partly established by law) and secondly to the desire to keep good relationships with local immigrant communities (Junger 1990, Junger-Tas 1997). Selectivity, moreover, does not necessarily have to be the result of discrimination (Punch 1979, Bovenkerk et al. 1991). When looking at studies in other fields such as the labour market (Van Beek 1993) it cannot be ruled out that more or less subtle forms of selectivity take place, especially when we know that attempts to employ more police officers with an immigrant background encounter persistent problems. It is likely that to some extent police stereotypes and typologies interact with the behaviour and appearances of commonly targeted groups, leading to a self-fulfilling prophecy. This can result in inflated numbers of apprehensions for members of certain groups (see chapter 4).

In sum, police data have to be handled with care. Nonetheless, in many instances, they are still the most suitable data to study patterns of criminal activity, in particular when problems of selectivity and bias are taken into account (cf. Hagan and Peterson 1995, Tonry 1997). Rather than deny the validity of these data per se, the procedure followed here is to study the statistics as a useful source of information, in particular when combined with other sources of information such as the interviews with illegal immigrants. A second strategy is to combine them with a study of

police practices and 'smart rules' that have – to a certain extent – shaped the data (see chapter 4).

3.5 Apprehensions of illegal immigrants

The Aliens Department (a specific branch of the Rotterdam police force) is responsible for the surveillance of illegal immigrants (see chapter 4). In addition, all police officers are, in principle, supposed to contribute to the surveillance of undocumented immigrants by checking the legal status of suspects they encounter during the course of their work. In many instances, police officers are confronted with illegal immigrants either when doing routine checks, or when there is a concrete reason to apprehend a person (for instance when they are suspected of having committed a crime). These are so-called 'reactive' apprehensions (which made up 60 per cent of the sample). When the police officer in charge has doubts about the legal status of an immigrant, the suspect has to be handed over to the Aliens Police. Another scenario is that officers who work for the Aliens Department directly apprehend illegal immigrants (sixteen per cent of the cases). This can take place in the course of a 'reactive' policy, but in most cases it concerns pro-active strategies such as spot checks in the workplace or address checks in case of rejected asylum seekers. These checks are explicitly bound by legal precautions and working rules in order to prevent discrimination of all foreign looking employees. The remainder of the apprehended illegal immigrants is

Table 3.1 Yearly totals of apprehended illegal immigrants in Rotterdam (1989-1994)

Year	N
1989	3,100
1990	4,000
1991	6,200
1992	5,000
1993	5,000
1994	5,100
1995	2,400
1996	2,300
1997	2,600
1998	2,200

Source: Police Rotterdam Rijnmond, VRS sample 1989-1994 and unpublished police data

handled by other forces such as the Railway Police, the Military Police or by detention centres (e.g. after having served a sentence).

On a yearly basis, the Rotterdam police register a few thousand apprehensions of illegal immigrants. Between 1989 and 1994 there was a steady rise in apprehensions, reaching over 5,000 in 1994, which can be ascribed to a temporary increase in manpower and to the VICTOR anti-drug operation. After 1994 the total number of apprehensions of illegal immigrants slowed down and appears to be stabilising again at somewhat above 2,000 a year. It is obvious that these figures depend heavily on the budget and the manpower available.

As a standard procedure, officers of the Aliens Department take fingerprints and pictures of the suspects and handle the case either under the criminal law or under the Aliens law. These two procedures cannot be followed at the same time. All apprehensions of illegal immigrants are in principle recorded in the Foreigner Registration System (VRS), from which the main sample (N=328) was taken. Before looking at the reasons for arrest, we will briefly note the social composition of the registered groups.

Social composition. In certain respects, the apprehended illegal immigrants comprise a relatively homogeneous group, consisting mainly of men between 20 and 30 years of age, which is known to be a crime-prone category in general. The under-representation of women is not just an artefact of police data; other sources (hospitals for example) also report that more than half of the illegal immigrants they encounter are men. Yet, the distribution is more extreme when we look at police data and is comparable to what is found in other police data.

Table 3.2 Gender and age of apprehended illegal immigrants in Rotterdam (N=328)

Gender	
Male	89%
Female	11%
Age category	
0-20	7%
21-30	55%
31-40	30%
41-50	6%
51 and older	2%

Source: Police data 1989-1994

With regard to country of origin (table 3.3), the apprehended illegal immigrants make up a more heterogeneous group. They originate from more than eighty countries. More than one third originates from Morocco and Algeria. Other large groups are Western European tourists who have overstayed their lawful period and got involved in criminal activities, and people from other African countries. A considerable part comes from a large number of countries the Netherlands never had special ties with, which is in line with the thesis of an increasing diversification and fragmentation of immigration (Koser and Lutz 1998). In addition, it is often maintained that the number of asylum-overstayers is rapidly growing. So far, however, this is not reflected in the apprehensions of the Aliens police. Apart from four per cent of people from former Yugoslavia, a limited number of apprehended illegal immigrants originate from 'asylum seeker countries' such as Somalia, Afghanistan or Iraq. It is unclear whether this means that rejected asylum seekers are less involved in crime, or that they are more likely to reside outside the larger cities.

Table 3.3 Country/region of origin (classified) of apprehended illegal immigrants in Rotterdam (N=328)

Turkey	9%
Morocco	33%
Algeria	7%
Western Europe	18%
Eastern Europe	9%
Africa (excl. North Africa)	11%
Asia	7%
Other	6%
(Surinam)	(3%)

Source: Police data 1989-1994

It is not easy to determine how long the immigrants have been in the country before their arrest. Many apprehended illegal immigrants tell the police that they have just arrived in the Netherlands, thereby trying to play down the illegal nature of their stay (Van der Leun 1999). Based on the files of the six preceding years, however, it can be assumed that three quarters of the apprehended illegal immigrants have resided in Rotterdam for over three years. This largely corresponds to the length of stay of the 170 respondents, of whom around eighty per cent had resided in the Netherlands for more than three years at the time of the research.

When comparing the social composition of the apprehended illegal immigrants with the sample of registered legal immigrants (sample 2), we find that among the apprehended undocumented immigrants, there are forty per cent fewer Turks, almost three times as many Moroccans and almost seventy-five per cent fewer Surinamese compared with the legal group. The most significant difference is found among the Algerians: they are almost absent among the legal population, whereas a considerable number of them can be found in the undocumented population. These differences can in part be explained by enforcement practices, for example in the case of Surinamese immigrants. The police commonly presume they must be legal residents and do not check their documents (for police practices, see chapter 4). A central explanation, however, lies in the activities and behaviour of the illegal immigrants. We therefore turn to data on apprehensions.

Apprehensions. Most undocumented immigrants are apprehended in neighbourhoods where large communities of immigrants exist. Although the addresses mentioned in the files are not always reliable, they do give an indication of the spatial dimension of the activities of illegal immigrants. They clearly point to the spatial concentration of illegal immigrants in some of the less well-off neighbourhoods of Rotterdam, especially in the western part of the city (table 3.4). One explanation is that illegal immigrants often live with their legal family members (Burgers 1998). The western parts of Rotterdam are typically a port of entry for newcomers. The other explanation lies in the opportunities of economic activities within these neighbourhoods, where a concentration can be found of immigrant businesses and immigrant organisations that function as employers and as sources of information. Furthermore, most of the apprehensions by the police for drug-related offences take place in these neighbourhoods.

At first sight, it seems obvious that illegal immigrants come into contact with the police because of criminal activities. Figures of apprehended illegal immigrants are often equated with 'criminal illegal immigrants'. The registrations of the Aliens Police, however, are not based on criminal law (as police files commonly are) but primarily on the Aliens legislation. As a consequence, the files of apprehended illegal immigrants also contain information on 'less severe' reasons for apprehension, such as illegal residence or illegal labour. These kinds of violations are not defined as criminal activities, even though it cannot be denied that undocumented migrants violate laws and regulations simply by being in the country. Conceptually, the most adequate definition of crime

Table 3.4 Spatial concentration of apprehensions of illegal immigrants in Rotterdam in 1995 (N=738)

Urban area	N	%
City Centre	90	12
Delfshaven	268	36
Overschie	1	-
Noord	93	13
Hillegersberg/Schiebroek	8	1
Kralingen/Crooswijk	63	9
Prins Alexander	8	1
Feijenoord	102	14
IJsselmonde	8	-
Charlois	68	9
Hoogvliet	29	4
Total	738	100

Source: Police data 1995

is one that bears as much resemblance to what is considered to be a crime for legally residing persons. For this purpose, the reasons for apprehension are broken down into five categories: (1) illegal residence; (2) misdemeanours like fare dodging, prostitution or informal employment; (3) minor offences, e.g. shoplifting, theft from cars and houses and vandalism; (4) serious offences including violence and robbery and, finally; (5) drug-related crimes, which mostly refer to the possession of relatively small quantities of hard drugs (see appendix 2). The last three categories are labelled as 'criminal activities' as they fall under the criminal law. In principle, this holds regardless of the legal status of the apprehended person.

Table 3.5 shows that, in contrast to the prevailing image, most illegal immigrants are not apprehended for criminal activities. When we limit ourselves to the most recent reason for arrest, nearly half of the registered undocumented immigrants in Rotterdam were apprehended for illegal residence (47 per cent) and an additional 13 per cent for misdemeanours like illegal labour or fare dodging. Another 26 per cent were apprehended for minor offences like shoplifting and theft from cars, 5 per cent for serious offences (robbery, murder, and possession of firearms) and 9 per cent for offences against the Opium Act (table 3.5).

Table 3.5 Reasons for arrest, all apprehensions (N=328)

Reason for arrest		%
Illegal residence/ labour		47
Misdemeanours		13
Minor offences		26
Serious offences	criminal activities	5
Drug related offences		9

Source: Police data 1989-1994

The high share of apprehensions for illegal stay (in almost half of the cases) is paradoxical when we take into account that the police are not very active in this area (see chapter 4). A more detailed look at the files reveals that this concerns people who are arrested during spot checks in the working place or during general checks, e.g. in the public transport. Others are apprehended during checks that are directed at other people (they are simply around) or because of rather vague reasons such as 'displaying suspicious behaviour'. Furthermore, when police officers suspect an individual of violating the law, but are unable to find proof, they can hand the person over to the Aliens police with the notification that the person is suspected of staying in the country illegally. According to police officers this happens often with illegal prostitutes. The finding that only a small part of the illegal immigrants engage in criminal activities is corroborated in the qualitative part of the research (see chapter 2). Eight respondents (out of 170) are active in prostitution, which is not a criminal offence in itself under the present legislation, and sixteen are or have been involved in activities that fall under the criminal law, apart from the mere use of false papers.

Table 3.6 focuses on illegal immigrants who have been apprehended because of criminal activities. The reasons for apprehension are broken down into more detailed categories.

The types of offences that dominate are primarily drug-related offences and different categories of theft. Traffic offences, which are one of the main reasons of apprehension for legal suspects, are negligible. The share of apprehension for false documents is fourteen per cent and is slowly increasing. Still, it is likely to be underreported. Many of the respondents in the qualitative part of the research make use of false documents. This varies from borrowing a health-service card from a relative to buying a forged passport on the black market. In the most extreme case, people lead their life completely as a legal immigrant on the basis of

Table 3.6 Apprehensions for criminal offences (N=130)

Type of offences	(%)
Traffic Offences	1
False Papers	14
Disorderly Conduct	3
Non-aggravated Theft	17
Aggravated Theft	28
Robbery	2
Ill-treatment	2
Intimidation	4
Murder, Manslaughter	2
Opium Act	22
Firearm Act	3
Other Acts/regulations	3

Source: Police data 1989-1994

false documents. The respondents do not consider the use of false documents a crime. They feel forced to use them because life in Western Europe is impossible without false documents. As long as they are not apprehended for another reason, they usually do not come into trouble with the police for this reason.

Besides the reason for the most recent arrest we have also included information on the 'history' of apprehensions. The files go back six years. Within these six years, two thirds have been apprehended once. One third has been apprehended more than once. Multiple apprehensions are more common among those who are involved in criminal activities. A small segment of the sample (31 out of 328) are regular visitors of the police station (see section 3.6 and chapter 4).

So far, we have seen that a small part of the illegal immigrants are apprehended for criminal activities. Taking into account that criminal activities significantly enhance the risk of getting caught by the police, these figures indicate that the majority of the illegal immigrants in general do not resort to illicit means, as the 'deterrence thesis' predicted. This is in line with the experiences of the respondents in Rotterdam. Apart from the use of false documents, a minority engage in crime. Most respondents also stress that being illegally in the country, it is extremely important not to attract the attention of the police. Moreover, they draw a firm line between illegal labour on the one hand and crime on the other. They are often annoyed by the equation of illegal immigrants with crime and

stress the fact that they do not cause any harm by being in the country. As the total population of illegal immigrants (including people who never come to the notice of the police) remains a matter of estimation, it is difficult to evaluate the above-mentioned figures. How seriously must we take the fact that less than half of the apprehended illegal immigrants are apprehended for criminal offences, when we do not know how this relates to the total group? This problem can be bypassed by drawing a comparison between the apprehensions of illegal immigrants and those of legally residing suspects. The two samples pertain to the same area and the same time frame. The comparison must be based on the assumption that the likelihood of being arrested for criminal activities is comparable for illegal and legal immigrants. This is not unrealistic, considering that the police are more oriented toward crime than toward illegality, as will be shown in chapter 4. Furthermore, we have to limit ourselves to criminal offences, as legal suspects cannot be apprehended because of illegality or illegal labour.

Table 3.7 Comparison of crime levels, percentages

	Illegal immigrants apprehended for offences (N=142)	Legal inhabitants apprehended for offences (N=638)
Minor offences	65	75
Serious offences	12	22
Drug-related offences	22	3

Source: Police data 1989-1994

Table 3.7 shows that, across the board, illegal immigrants are less involved in minor offences and serious offences than a comparable group of legally residing persons. This is not the case as regards drug-related crimes, where illegal immigrants score higher.

A next step in the analysis is the differential involvement of groups of illegal immigrants. We find that there is no significant correlation between age of the suspect and the reason for apprehension, neither between length of stay nor reason for apprehension. A breakdown by country (or region) of origin, however, underscores that involvement in criminal activities does vary significantly across different groups of immigrants, as the differential opportunity structure theory predicted.

Table 3.8 shows an overrepresentation of undocumented immigrants from specific countries when it comes to apprehensions for certain offences. In short, we find the following patterns: undocumented immi-

Table 3.8 Apprehension patterns in Rotterdam (N=323)

Reason for apprehension	Turkey		Morocco		Algeria	
	%	N	%	N	%	N
Illegal residence	(45)	13	21	23	(21)	5
Misdemeanours	(52)	15	19	20	(25)	6
Criminal offences	-	-	34	37	(29)	7
Drug offences	(3)	1	26	28	(25)	6
Total	100	29	100	108	100	24
	Western Europe		Eastern Europe		Other countries	
	%	N	%	N	%	N
Illegal residence	(17)	10	(39)	11	44	34
Misdemeanours	(25)	14	(29)	8	32	25
Criminal offences	(19)	11	(32)	9	17	13
Drug offences	(39)	22	-	-	6	5
Total	100	57	100	28	100	77

Source: Police data 1989-1994

grants from Turkey and Eastern European countries are mainly apprehended for *illegal residence and misdemeanours.* Moroccans, Algerians and Eastern Europeans are arrested more frequently for *criminal offences* (theft, false documents). Western Europeans (mainly French), Moroccans and Algerians have high numbers of apprehensions and are most frequently arrested for *drug-related crimes.* Turkish illegal immigrants are rarely involved in (registered) criminality. Across the board, criminal activities appear to be most common among undocumented Moroccans, Algerians and Western Europeans (especially French drug tourists, see section 3.6).

Similar group disparities have been documented in many countries, at least for *legal* immigrants (Tonry 1997). This also holds for the Netherlands. When we relate the patterns found among illegal immigrants to apprehension patterns of legal suspects in the same locality, there are some notable parallels. Both legal and illegal Moroccans have relatively high crime rates and are often arrested for drug-related crimes and minor offences, and in both groups Cape Verdeans are clearly underrepresented in registered crime. Yet, legally residing Turks are arrested relatively often for minor offences, whereas undocumented Turks are hardly ever arrested for criminal offences. They are most frequently apprehended for misdemeanours such as illegal labour. Legal Surinamese

have relatively high crime rates in contrast with undocumented Surinamese (who are hardly represented in the files of the Aliens Police).

The overall conclusion must be that neither the position as an immigrant nor legal status has a uniform influence on arrest or apprehension rates. This explains why neither the 'deterrence thesis' nor the 'marginalisation thesis' fully applies. These findings can be understood in relation to the differential opportunity structure that illegal immigrants face. The availability of formal means is the first factor in the explanation. Illegal immigrants who came to the Netherlands before 1991 were not as rigorously excluded from formal means, in particular formal employment, as those who came after 1991 (see chapter 2). The second factor is embeddedness in strongly rooted communities, which is assumed to result in less pressure toward crime (Engbersen et al.1999). It is clear that Turkish illegal immigrants, for example, who can fall back on a relatively well-established community, are rarely apprehended for criminal offences (see chapter 2). The same holds, albeit to a somewhat lesser extent, for Cape Verdeans and Surinamese immigrants without a legal status. Moroccans face more difficulties in finding employment and in being supported in other ways, and they are often arrested for drug-related offences and other minor offences. Nevertheless, it must be noted that not all groups that cannot fall back on strongly rooted communities are active in crime on a considerable scale. Some respondents, for instance, find support within churches and charitable organisations. Also not all Moroccans engage in drug trade. In the qualitative part of the research we also find Moroccan respondents who do relatively well and do not engage in criminal behaviour. But looking at general patterns, it becomes clear that illegal immigrants from North African countries occupy a special position in the drug economy. In order to investigate the third factor, the differential access to criminal means, the next section focuses on these drug-related activities.

3.6 North African immigrants in the drug economy

Drug-related offences are the most frequent reason for arrest of illegal immigrants. Immigrants from North African countries, in particular Morocco, clearly occupy a special position as suspects. According to the Rotterdam police statistics presented before, two thirds of the apprehensions for drug-related offences and one third of the minor offences are committed by illegal immigrants from North African descent. These

files show that they typically work as drug runners, guiding drug tourists to places where they can purchase hard drugs. Drug runners contact (French, Belgian and German) tourists on the motorways and at the central train station and escort them to drug outlets, which are usually located in the older neighbourhoods in the western parts of the city. The question arises as to why illegal immigrants from Morocco or Algeria are much more involved in these activities than others.

First, several sources indicate that the lower-level street trade in hard drugs in the older parts of Rotterdam is for a significant part in the hands of migrants from a Moroccan background (Helsdinge 1994, Van der Torre and Gerz 1996, Van der Torre 1999, Van Gemert 1998). Clients are predominantly international drug tourists. This can be illustrated by data from the Criminal Investigation Service (*Recherche Informatie Dienst*) in Rotterdam that have been collected during special sweeps and during regular police surveillance.

Table 3.9 Apprehended drug runners and drug tourists, Rotterdam 1992, 1993

	1992	1993	Total
Runner	313	755	1,068
Tourist	5	235	240
Unknown	2	7	9
Total	320	997	1,317

Source: Helsdinge 1994

Closer inspection shows that about ninety per cent of the apprehended drug runners are of Moroccan descent. The apprehended drug runners are on average between twenty-five and thirty years of age and about half of them have criminal records for other criminal activities as well. Remarkably, information on the legal status of the runners is lacking in these data sources. According to Van der Torre and Gerz (1996) only a minority resided illegally in the country. More recent police data demonstrate that between 14 and 30 per cent of the drug runners arrested Rotterdam in 1998, were illegal immigrants (VRIS 1999: 24). The lack of legal status is not confined to the 'supply side' or the intermediaries. The clients who frequent the drug outlets are mainly tourists who come by train or by car from neighbouring countries – in particular France – to obtain hard drugs. When they are arrested by the police they are also registered as 'illegal immigrants', although they comprise a special category because they do not aim at residency in the Netherlands and often travel

back and forth during the weekend. The above-mentioned findings suggest that the lower-level trade in hard drugs in these older parts of Rotterdam may even be called a Moroccan 'niche'. As Waldinger has shown, ethnic niches have strong path-dependent effects. Once in place, employers tend to protect and favour insiders (Waldinger 1996). This can be an advantage for illegal immigrants from Morocco, who may have easier access to the niche than others.

The interviews can provide more in-depth information on the role of illegal immigrants in the drug trade and about the processes that brought them to these activities. Thirteen respondents are active in the drug trade in Rotterdam, ten of whom come from Morocco or Algeria. The three others claim to be Turkish, Palestinian and Jamaican. They all occupy what can be called 'intermediary functions' between suppliers and clients. Some of them mediate between drug tourists and dealers, either in the streets or in drug outlets, others deliver small quantities of drugs to local addicts in and around places for the homeless.

> A man from Casablanca works as a doorkeeper in a drug outlet in the western part of Rotterdam. Together with a friend he was approached in France by an acquaintance who offered them a job. They were brought into contact with a drug dealer who sub-rents the house. Both men spend most of their days on the premises. When they receive a phone call from the dealer, who drives around by car, they know that they can expect a client. After an agreed signal, they deliver the merchandise to the client. The payment of the merchandise is taken care of by the dealer. Both men are illegal immigrants. One functions as 'doorkeeper', the other covers for him. They both earn € 340 per month plus board and lodging. They are not allowed to leave the house during the day. (106)

The interviews reveal that these respondents have been introduced to the trade by Moroccan immigrants they vaguely knew. In some cases, they got in touch in Rotterdam, while in other cases the contact was made before the respondents came to the Netherlands. In the first case, respondents have tried licit ways of making a livelihood before. They have shifted in and out of employment. After a while they feel they are pushed into crime by the absence of other – more respectable – opportunities.

> A 22-year old man emigrated from Morocco because he could not find a job. He went to Germany on a visa and looked around for some days. After a few days he headed for the Netherlands where he had planned to build up his future. The first month he worked for a Moroccan subcontractor. From time to time he helped renovate houses on an irregular basis. He earned an hourly wage below the legal minimum. He could not find more stable employment and got angry with his boss, who appeared to favour his family members at the expense of other employees. When he was approached by a co-national to sell heroin in the streets he accepted the offer. He says he is making 'unclean money', but he sees no alternatives. (144)

In the following case, the respondents came to the Netherlands after hearing about opportunities in the drug trade during their journey. One respondent was given an address of a drug outlet in Rotterdam while staying in France.

> A 31-year old man works as a drug runner. He looks unhealthy and is obviously on drugs himself. He says that he was told about the opportunities in Rotterdam while he was selling drugs in France. His friends told him that the Netherlands was an 'open country'. When he opted for the Netherlands, his hope was to kick the habit and recover. He spent six months in a clinic, but after that he needed money and got involved in selling heroin to tourists. He regrets the day that he left Morocco, where he used to have a stable job as a civil servant. All his life he longed to be in 'Europe' but eventually his adventure turned out to be a disillusion. He does not want to return to Morocco because 'no one is waiting for him' there. (103)

It is not only their countrymen who introduce the respondents to the drug trade. The interviews also show that three respondents in the business are dependent on a direct 'boss' who comes from their home country and most of them have contacts with other fellow-countrymen who work as drug runners. At first sight this seems to imply that the respondents are well-rooted in the Moroccan community. The Moroccan community, however, is depicted by them as divided and the interviews demonstrate that the contacts of respondents with co-ethnics are largely confined to other people in the drug circuit. In most cases, they cannot fall back on family or friends in Rotterdam. They have typically travelled to the Netherlands through other countries – often Spain and France – without a tourist visa, often without family in the Netherlands, and lack

access to networks that can ensure them a way to make a more acceptable living (see Staring 1999, Engbersen et al. 1999).

The lack of a more encompassing embeddedness within the Moroccan community is also reflected in the subordinate position that the respondents occupy. They occupy the lowest positions in the drug circuit and run the highest risks. In case of a police sweep, they are the ones who get caught, often with (small quantities of) drugs in their possession. They run a relatively high risk of getting stopped because of 'suspicious behaviour', especially because the Rotterdam police specifically targets the drug problem in the old neighbourhoods. Moreover, as the supply of drug runners outstrips the demand, they are dependent on the goodwill of their bosses and always run the risk of being replaced by new and less demanding illegal immigrants. This is echoed in the declining average age of arrested runners through the years in the CRI data (Helsdinge 1994), which also point to a high turnover. It is unclear whether others leave the business or move up the ladder. From these data, it also remains unclear why dealers hire undocumented immigrants as runners. One plausible explanation is that they underbid other supply categories, as Van der Torre and Gerz (1996) suggest. Our interviews show that illegal drug runners earn an income of between 10 and 70 guilders a day, which is roughly comparable to what they would earn with other low value jobs (see chapter 2). Most of them lead a frugal life and fall back on charity or institutes for the homeless. Accepting low payment and high risks, however, is not confined to Moroccan immigrants. A more specific reason – in addition to the contact with people who hire them – why they are preferred within this niche is their language ability. Moroccan drug runners often come from the larger cities in Morocco and speak both Arabic and French. This gives them a competitive advantage, as most of the drug tourists in Rotterdam come from France and to a lesser extent from Belgium. Another reason why they have some advantage over other illegal immigrants, is that they are relatively immune to police action, because they have learned how to prevent being expelled. They make use of the fact that countries like Morocco and Algeria are reluctant to take them back and they successfully hide their identity. This is one of the reasons why many Moroccans claim to be Algerian. In the sample of apprehended illegal immigrants, there are 43 people (13 per cent of the sample) who have a history of apprehensions for drug-related offences and who manage to continue their activities despite the fact that they are apprehended by the police. Half of them have also been apprehended for other offences such as theft or robbery in the preceding years.

Because of the difficulties in expelling them the police either let them go or do not even waste their energy on apprehending 'helpless cases' (see chapter 4). In contrast to many other respondents, one of the drug runners emphasised that he had nothing to fear from the police as he had already been arrested four times. In this particular case strategies of the immigrants and limitations of formal policies directly interact and create some space for a specific category of illegal immigrants who do engage in crime.

3.7 Conclusions

Both the chapter on labour and the present chapter underscored that the line between illegal labour and criminal activities is not as clear-cut as often suggested. People can be active in different spheres of the economy and there is a certain amount of overlap. This holds even more for illegal immigrants, who almost by definition have to move in less-regulated spheres. From this point of view it is not surprising that there are many similarities between the position of illegal immigrants in the informal economy and in the criminal economy (as far as they can be distinguished). In both economies they can find ways of making a livelihood and in both economies they occupy insecure positions and have few opportunities to better themselves. Moreover, in both economies they find themselves mainly in subordinate positions. Some illegal immigrants move to the criminal economy after they have looked for opportunities in the informal economy for a while, some who have 'regular' jobs engage from time to time in activities that can be labelled as criminal. Yet, although there is a vague zone between illegal labour and some forms of (petty) crime, most illegal immigrants draw a clear line between a law-abiding life and an existence that is based on crime. They stress the fact that they do not want to cause any harm to the receiving society and they do not want to attract the attention of the police (which is largely in line with the 'deterrence thesis'). An exception has to be made for the – apparently widespread – use of false or forged documents, which is seen by many illegal immigrants as a way of avoiding the pitfalls of an illegal existence and not as something 'criminal'. Paradoxically, it even enables them to refrain from crime and to participate in the labour market, albeit the black market.

Both the analysis of police data and the fieldwork show that the majority of illegal immigrants succeed in avoiding criminal activities. About half of the illegal immigrants who have come into contact with

the police are not apprehended for criminal activities (defined as violations of the criminal law). They are apprehended because of illegal labour, misdemeanours and other 'less severe' reasons. A systematic comparison of samples taken from police files shows that across the board, illegal immigrants are less criminally involved than legal inhabitants of Rotterdam are. This implies that the 'deterrence thesis' is applicable to the majority of illegal immigrants in Rotterdam. There is one type of offence for which illegal immigrants are more often apprehended than legal inhabitants of Rotterdam and that is drug-related offences. These apprehensions pertain primarily – but not solely – to North African (mostly Moroccan) immigrants who are involved in the international hard drug trade. The activities of illegal drug runners appear to be embedded – albeit loosely – in existing (ethnic) networks. Although the numbers are much smaller, this is mirrored in the qualitative part of the research. Thirteen respondents are involved in drug-related activities, ten of whom come from North African countries. They work as drug runners in the internationally oriented drug circuit in Rotterdam. They occupy subordinate positions and are dependent on their 'bosses'. At first sight, one of the motivations to engage in these activities could be that the lack of a legal status does not make any difference in criminal subcultures, but as we have seen, illegal immigrants find themselves mainly in the same low segment as on the labour market. They carry out the risky parts of the job and are the ones who risk being caught by the police.

The analysis of police data shows differential patterns of arrest among illegal immigrants from different countries. Although these patterns are to a certain extent shaped by police priorities, they cannot be explained primarily by selective enforcement. The group disparities also have to be partly ascribed to the embeddedness within immigrant communities. Well-rooted communities can provide jobs, marriage partners and several other types of support (see Engbersen et al. 1999). Yet we can also conclude – in line with Cloward and Ohlin's classic analysis – that even access to criminal circuits requires the right contacts and skills. The drug-related activities of North African illegal immigrants take place in the context of existing (immigrant) networks in Rotterdam. The lower ranks of the drug trade are for a significant part in the hands of Moroccans. Illegal drug runners, however, often lack access to more encompassing support networks and have to rely on relatively loose contacts with people whom they met in Rotterdam or somewhere on their journey to the Netherlands. These contacts enable them to engage in the drug trade, but they do not give them access to higher levels of the busi-

ness. They are mostly used as 'messenger boys' who can easily replaced by others.

The findings presented in this chapter do not paint a picture of a smooth road to incorporation by illicit means. The criminal activities some illegal immigrants engage in can offer an alternative source of income, especially for those immigrants who succeed in thwarting expulsion, but in most cases it leaves the illegal immigrants worse off than others who engage in illegal labour. Moreover, having been into contact with the police blocks the already very limited opportunities for legalisation or amnesty. Classical criminological and sociological studies (cf. Bell 1953, O'Kane 1992) that refer to immigrants who successfully climb the ladder by illicit activities often allude to later generations. When the first generation is able to make money and to invest it, the second or third generation can be better off and might be able to turn to more respected positions outside the criminal sphere. For illegal immigrants this move is hard to make. They are at best able to circumvent blockages, but they are cut off from alternative pathways to incorporation or social mobility, and often end up in marginal positions. Obviously, the drug running activities do not go unnoticed. Drug runners in Rotterdam comprise a highly visible problem to the police, which at least partly explains the high numbers of apprehensions of North African illegal immigrants. Despite these apprehensions, the problem of illegal drug runners has proven to be largely insoluble within present lawful means and methods. In Rotterdam, this results in the presence of a limited core of 'criminal illegals' who carry on with their illicit activities despite and sometimes even because of their illegal status. The recurrent outcries of the Amsterdam and Rotterdam police, and the findings of De Haan (1993) can be interpreted in this light. How police officers deal with the presence of illegal immigrants in practice will be the subject of the following chapter.

4 Internal surveillance in practice: the police

> Every analogy between the official policy and what happens in the street is based on sheer coincidence.
> (Former chief constable Hessing of Rotterdam)

4.1 Internal surveillance

Illegal immigrants try to find their way into Dutch society despite the restrictions that are in part explicitly designed to stop them from doing so. In the preceding chapters, it became clear that the strategies and practices of illegal immigrants directly and indirectly interact with the official policies and regulations. After having focused on the immigrants, our attention now shifts to actors in the receiving society. In chapter 1, the decision was made to focus on implementation practices at the lower level. In this respect, our attention goes to 'street-level bureaucrats' in several crucial sectors (see also chapter 5). The present chapter looks into the role of the police. The responsibility of the police in detecting and expelling illegal immigrants comprises an integral part of internal migration control.

In most European countries a central role of internal surveillance is assigned to the police and immigration services (Garson 1999). So far, enforcement practices in this field have attracted little systematic attention (see chapter 1). In the migration policy literature, the attention is confined to alarming statements about the increasing role of the police and warnings against harassment and discrimination (Den Boer 1995a, Bigo 1996). Moreover, the involvement of the police is often said to contribute to the link between crime and illegal residence. These risks have to be taken seriously, considering the already strained relationship between the police and immigrants. But the lack of insight into how police officers conduct their tasks, how they use these powers of discretion, what judgements they make and why and to what extent their actions are

subject to controls, all make it problematic to draw conclusions regarding the role and influence of the police.

A second body of literature where information can be gathered, is the sociology of the police. In this literature, discretionary freedom with respect to handling crimes and misdemeanours, and to a lesser the service-oriented role of the police, have attracted most of the attention (see for example Brown 1981a, Holdaway 1983, Wilson 1989, Punch 1979). Tasks of police officers with regard to the surveillance of illegal immigrants are not commonly dealt with, suggesting that they are not viewed as central tasks. The surveillance of illegal immigrants is only one element of police operations, and obviously – at least so far – not the one with the highest priority. Moreover, the emphasis on internal migration control is a rather recent phenomenon. In sum, it is often taken for granted that police officers are the 'natural enemies' of illegal immigrants. Yet, there is very little knowledge on how the police actually deal with the issue of illegal residence.

Apart from this lack of knowledge, there are two other reasons to study police practices with regard to illegal residence explicitly here. First, we noted in chapter 1 that local-level practices can be decisive for the opportunity structures that illegal immigrants face. Second, understanding enforcement practices can cast light on how police data are shaped by interactions between immigrants and representatives of law enforcement agencies (see chapter 3). The main questions dealt with here are to what extent and how police officers encounter illegal immigrants in practice. Who do they apprehend and who do they expel? What choices do they make in their day-to-day actions vis-a-vis illegal immigrants? Do they have discretionary freedom in this respect? And what dilemmas, if any, do they face?

In order to study practices of apprehension and expulsion, forty police officers in the four cities were interviewed (see appendix 3). The interviews, with regular police officers (patrolmen) as well as officers working for the Aliens Department, focused on the day-to-day experiences with internal surveillance. In addition to the interviews, selective use was made of apprehension data, as gathered in the same four cities. Before presenting the results, elements of the relevant literature will be touched upon in paragraph 4.2. Paragraph 4.3 briefly introduces the political, organisational and legal context, in which the activities of police officers take place.

4.2 Police officers as street-level bureaucrats

The police is a well-known subject in both classical and contemporary sociological studies (for example Punch 1979, Brown 1981a, Wilson 1989, Holdaway 1983, Van der Torre 1999). Most studies agree on the fact that police departments are 'loosely coupled systems' (Hasenfeld 1983) and that police officers have a large professional autonomy or discretion. Police officers on the beat have to deal with very complex situations and can not possibly enforce all laws and regulations. They are expected to act selectively and choose instantly which infractions they will respond to and which they will ignore (Pressman and Wildavsky 1984/1973, Brown 1981b). These decisions often have to be made on the spot, within seconds. In Lipsky's terms, police officers are 'street-level bureaucrats' par excellence (cf. Van der Torre 1999). They share with other street-level bureaucrats such as teachers and welfare workers a high level of discretion, as their work depends largely on complex, contingent and heterogeneous face-to-face contacts with their clients and can neither be fully rationalised nor easily monitored. The extent of discretion and the ways in which street-level bureaucrats wield their discretionary powers can be explained by different factors in the organisational and environmental context that interact with the routines and 'belief systems' of the individuals concerned (Brown 1981b).

Whereas some studies on public policy making have concentrated on bureaucratic pressures that are exerted on lower level workers (Lipsky 1980), others have focused on the organisational structure (Hasenfeld 1983, 1985). In fact, there is a large overlap between Hasenfeld's 'human service organisations' (see chapter 5) and Lipsky's 'street-level bureaucracies'. Both types of organisations have to deal directly with human beings and both are mandated to supply certain services, with all the ambiguities attached. Clients of street-level bureaucracies are often involuntary clients and the goals of what should be achieved are usually conflicting and ambiguous, because they are not easy to define and agree upon. The fact that people are the 'raw material' implies complex and ambiguous 'technologies' (Hasenfeld 1983). Furthermore, the work has to be carried out with limited resources, as the demand for services tends to increase to meet the supply (Lipsky 1980). Street-level bureaucrats are generally plagued by a heavy caseload and their work is surrounded by political conflict.

The literature has conveyed a number of variations on these general themes (Ham and Hill 1984). Van der Veen (1990: 18) has distinguished four key factors that influence lower level policy making and discretion

within such organisations: (1) characteristics of the relevant rules and regulations (2) characteristics of the organisational structure (3) characteristics of the job, and (4) characteristics of the relation with clients. Below, the characteristics of the job will be viewed as the outcome of the three other dimensions. In order to provide a framework against which the views and practices of the (Aliens) police can be understood, the points will be first clarified in general terms. Specifically, the organisation of the Dutch police will be introduced in section 4.3.

Rules and regulations. A high level of discretion does not imply that street-level bureaucrats are unconstrained by rules and regulations. In contrast, their work is usually guided by legislation that is supposed to guarantee a certain degree of standardisation and equality before the law. Unlike business firms, public agencies are not in the first place accountable to their clientele but to their political superiors and (indirectly) to the general public (Hill 1997). Lipsky points out that in the area of public policy, rules tend to be encyclopaedic and at the same time they are constantly being changed (Lipsky 1980: 14). Moreover, policy goals are often conflicting and ambiguous. For policemen in general this is already the case, but when they are supposed to deal with (illegal) immigrants, they also have to do with the Aliens legislation, a complex set of rules and regulations. A complicating factor is the pace of changes in regulation. In the 1990s a number of major changes took place in the Aliens legislation; particularly the secondary legislation (such as 'Aliens circulars') is changing on a regular basis. Police officers in general units cannot be expected to have a complete overview at the top of their heads.

Furthermore, the aims with regard to the surveillance of illegal immigrants are conflicting. Police departments are supposed to curb illegal residence, but not at the expense of basic democratic rights of citizens. The Aliens Act, together with the relevant secondary legislation, sets the conditions under which police officers have to carry out their duties. An important article in this respect is section 19a (section 50 in the revised Aliens Act), which specifies that a police officer can only apprehend a person if there is sufficient cause to do so. This implies that checking a person's identity only because the person looks 'foreign' has become unlawful. There has to be genuine suspicion that the person is an illegal immigrant or that he or she is involved in criminal behaviour, just as a policeman has to have reasonable cause to arrest someone for a crime. If there is a genuine suspicion that an apprehended person might be staying in the country illegally, e.g. when their identity is questionable, this person can be brought to the police station to try and establish his or her

identity. Possible valid grounds are tip-offs or information based on professional experience or sources (e.g. information from tax authorities).

Another law that sets the conditions for the police is the *Wet op de Identificatieplicht* or 'Identification Act', which was implemented in June 1994. Under the 1994 Act, every citizen from the age of twelve is obliged to carry identification documents in specific circumstances such as in the workplace, when using the Public transport system without a valid ticket and when attending a football match. In many situations documentation can be demanded (Beck and Broadhurst 1998). Employers, for example, are obliged to keep a record of the documents of their personnel, and inspections in the workplace can be an important tool when trying to curb illegal employment (see chapter 2). However, police officers are not allowed to carry out random walk checks of ID cards without special reason or genuine suspicion.

Organisational structure. Although bureaucracies are generally associated with strict hierarchy and highly structured staff-client relations, lower-level workers within street-level bureaucracies have considerable impact on the working process. This applies to police officers in particular, as they exercise their profession on the streets, physically separated from their superiors. Control is only possible afterwards. The low visibility of much of their actions implies that superiors must depend on information as laid down in reports. Police officers tend to anticipate these controls and choose their words carefully in order to avoid potential problems. A substantial part of their daily routines is therefore never fully recorded. And as Davis (1969) has shown, it is particularly decisions *not* to take action in a certain situation that tend to remain hidden (cf. Aalberts 1990: 22, Van der Torre 1999).

Under such circumstances, the measurement of performances is extremely complex (Bakker and Van Waarden 1999: 22). Nonetheless, administrators generally seek opportunities to control the policy process (Brown 1981a). Possibilities for internal control partly depend on the organisational structure. A more centralised organisation is typically characterised by clear hierarchical lines of communication and a large distance from the public. By contrast, decentralised organisations are much closer to the public, but much more difficult to manage and to control. It can be maintained that possibilities for control are substantially increasing as a consequence of the ongoing introduction of computerised police systems (Stol 1996). This is the case with the surveillance of illegal immigrants. Since 1995, a national computerised system for the registra-

tion of foreigners (VAS) has been operational, which not only enables co-ordination between local police forces but also facilitates control and comparison of policy outcomes. Using crime data or apprehension data for evaluation of efficacy, however, can be misleading. When, for example, the number of registered bicycle thefts drops, this may mean that the police neglect this specific type of offence. Conversely, it may also imply that the police have been very successful in curtailing it. Moreover, some performances are inherently difficult to measure. How should one, for example, answer the question whether the official policy goal of 'discouraging illegal immigration' is achieved? So, even when the technical means are readily available, there will always remain some tension between attempts to monitor the work of policemen and their discretionary freedom.

Relation with clients. It falls to street-level bureaucrats in general to deal with involuntary clients. In the case of the police it is somewhat ironic to speak of 'clients', but in general we could say that the police can interact with the public either as a suspect (involuntarily) or as a person asking for help or providing information (usually voluntarily). On the whole, it can be maintained that illegal immigrants have all the reasons not to attract too much attention of the police. The impact on their lives can be devastating if they are expelled. Also, many of them have little faith in the police force as a result of experiences with police methods in their home countries. This holds especially for people with a (formal or informal) refugee background.

Consequently, the police will in principle only meet illegal immigrants against their will, and these immigrants are typically in a very vulnerable position. Seen from the perspective of the police, it can also be maintained that it is not easy to recognise people as being in the country illegally. Although some officers claim they can trust their intuition on this issue, they do not legally have the opportunity to check this randomly. From the perspective of a policeman, illegal immigrants are not only involuntary but also as extremely complex 'clients'.

Characteristics of the job. From the above-mentioned characteristics of the working environment it becomes clear that police officers have to deal with ambiguous goals, involuntary clients and limited means. In combination with a large discretionary autonomy, this reinforces the need for 'routines'. Policemen cannot handle every case as unique; they constantly have to make choices when carrying out their day-to-day work. Categorisation and stereotyping are inherent to their activities

(Brown 1981b: 34, Wilson 1989). Especially policemen on the beat have to rely on a set of highly uncertain indicators, partly derived from experience and partly 'inherited' from their particular environment. Through these day-to day decisions on what is important and what can be ignored, formal goals are translated into workable objectives. Formal goals of the police are, among others, to enforce the law, to provide security to citizens, to detect criminals and to bring them to justice. Research conveys how policemen in the street translate these goals into operational objectives such as 'coping with the situation' or 'remaining in control' (Wilson 1989, Brown 1981a, 1981b) and in doing so how they tend to use the law pragmatically. This is very likely to enhance negative stereotyping of behaviour of certain (groups of) people.

The extent to which categorisation and stereotyping lead to discrimination of immigrants is unknown. The Dutch Aliens Act and Identification Act were explicitly designed to prevent discrimination of foreigners. According to some authors this aim has succeeded (Aalberts 1990, Junger-Tas 1997), while others doubt this (Den Boer 1995b). Based on participant observation in the 1970s in the Warmoesstraat district, city centre of Amsterdam, Punch gives a subtle depiction of the complex social processes that in the late seventies lead to the association between inner-city street crime and the Surinamese group. Both parties appeared to play their part and reinforce each other and Surinamese men in the area clearly became 'symbolic suspects'. According to Punch, this did not affect the attitude of policemen toward Surinamese people in general. The Surinamese men in the specific area, however, clearly ran a high risk of being interrogated. Yet, they were also more likely to be carrying incriminating substances (Punch 1979). The focus on Surinamese suspects in the specific area, therefore, can also be seen as 'statistical discrimination'. Punch carefully concludes that it is 'extremely difficult to distinguish between racial, and especially colour, discrimination and the intrinsic craft orientation of the policeman to categorise and differentiate' (Punch 1979: 178). In a similar vein, Van der Torre argues recently that the Rotterdam police do not react to a 'foreign appearance' alone (Van der Torre 1999). There are many similarities between the observations made by Punch in the 1970s and Van der Torre in the 1990s, with the notable difference that a process of ethnic succession appears to be taking place. Moroccan and Antillean youngsters have replaced the Surinamese as top symbolic suspects (see chapter 3). This can both point to the social construction of criminal immigrants and to processes of ethnic succession in crime. How the above-mentioned affects the surveillance of illegal immigrants remains largely unknown. According to

Aalberts (1989), police officers tend to use their discretion to refrain from detecting illegal immigrants, which is at odds with the view of the police as the main threat for illegal immigrants.

4.3 The organisational context

According to the Ministry of Justice, the 'discouragement policy' with respect to illegal immigrants encompasses four central elements:
– The exclusion of illegal immigrants from public services.
– Stricter measures to combat illegal employment.
– Intensifying surveillance by the police and other departments.
– Encouraging the expulsion of apprehended illegal immigrants.

The first element – exclusion from public services – will be dealt with in the next chapter. The three other elements are first and foremost tasks imposed on the police, brought here under the label of 'surveillance of illegal immigrants'. In the Netherlands, the two main forms of surveillance, administrative and operational, are assigned to the Aliens police and carried out under direction of the chief constable of the urban police forces. Yet, when it comes to checking the legal status of immigrants who are apprehended for crimes or misdemeanours, the police force as a whole is responsible (Aalberts 1989, Clermonts 1994). In this respect, officers working for the Aliens department depend on the co-operation of their colleagues working for regular police units. When they do not hand over arrested illegal immigrants to the Aliens department, there is a high probability that these will not be recognised as staying in the country illegally.

The Dutch police organisation has faced a major reorganisation which more or less reached its completion in 1994. The 'municipal police' and the 'state police' were merged into one police force, which is divided in 25 regional forces that are each responsible for their own area. The new system is based on a 'semi-decentralised' model of policing whereby the Ministry of Justice and the Ministry of the Interior each maintain their central control over law enforcement. At the regional level, the head of the local government of the largest municipality in the region, the chief public prosecutor ('Officer of Justice') and the chief constable of the regional police force together negotiate issues with regard to budgets and priorities on a regular basis. These regular meetings of what is generically referred to as the 'triangle', is commonly seen as a pragmatic way of diminishing conflicting interests over crime and safety

(Tupman and Tupman 1999: 77). At the lower level, the forces are subdivided into smaller territorial units, the 'basic units'. The semi-decentralised Dutch police organisation is commonly associated with a low level of central command and control. Decentralised units administer their own budgets and are relatively free in their choices, which they can adapt to concrete local circumstances and the social climate within their working area (Van der Torre 1999).

As large cities with a high share of immigrants among their inhabitants, Amsterdam, Rotterdam, The Hague and Utrecht have separate Aliens departments within their regional police force. These departments specialise in all tasks relating to the immigrant population of the cities. People working for the Aliens police or Aliens department can be subdivided into those who are occupied with 'administrative control', such as allocating residence permits, and those who are in charge of the 'operational surveillance' of illegal immigrants. The first branch co-operates directly with the Immigration and Naturalisation Service of the Ministry of Justice. The second branch carries out specific police investigations – in collaboration with other agencies such as the Labour Inspection and Tax Authorities (see also chapter 2). Furthermore, they take care of illegal immigrants who have been arrested by police officers working in 'basic units'.

Although their tasks are officially the same, the Aliens departments are not uniformly organised in the four cities. At the time of this research, the Rotterdam department was fully decentralised, while the departments in the other cities were more or less centralised. In Amsterdam, moreover, there was a separate unit in charge of expulsion of illegal immigrants. Some police units in neighbourhoods with a high share of immigrants – such as the Bijlmermeer and the city centre – have special tasks in the surveillance of illegal immigrants. Since the early 1990s, the Ministry of Justice has tried to encourage the enforcement of these measures by increasing budgetary allocations and enabling the relevant agencies to attract more personnel. In 1995, the Aliens Departments of Amsterdam and Rotterdam each employed the equivalent of almost 80 fulltime positions, while those in The Hague and Utrecht employed about 50 and 40 positions respectively (Van der Leun et al. 1998: 56). These officers were responsible for the operational surveillance of illegal immigrants. Still, compared to the size of the immigrant populations, capacity is relatively limited.

Table 4.1 Capacity of operational surveillance in full time units, per city in 1995.

Amsterdam	79 full time positions
Rotterdam	78 full time positions
The Hague	50 full time positions
Utrecht	38 full time positions

Source: Van der Leun et al. 1998: 7

The previous section summarised the framework within which police officers have to carry out their professional tasks. At least in principle, all police officers play a part in the internal surveillance of illegal immigrants. Below, I will attempt to paint a picture based on the daily practices of police officers in the large cities. Section 4.4 focuses on apprehensions and 4.5 deals with expulsions.

4.4 Apprehension practices

Police officers typically work in a dynamic environment. In many cases, this is one of the reasons why they chose to be police officers in the first place. The political pressure on their organisation, however, also leads to a less appreciated sort of 'dynamic environment': the endless flow of reorganisations. This was obvious during the fieldwork we conducted in 1996 and 1997. All four departments were faced with reorganisations, relocations, conversions and the introduction of new computerised systems. In some cases this directly interfered with the performance of their work. Beyond the fact that the police organisation as a whole is still experiencing the aftermath of the general reorganisation, officers working for the Aliens departments specifically associate these changes with the rapidly changing perception of their work. According to them, the Aliens departments have long been seen as rather insignificant wards both by the public and within the organisation. From the late 1980s on, however, the attention toward illegal migration increased and budgetary allocations rose. The Aliens police not only grew in size, but also started to be perceived more and more as central in combating illegality. According to some respondents this changed their work considerably:

> It used to be a clique somewhere in a corner of the building, where not much was to be made of. (. . .) I mean, if someone was not suitable for his job anymore, somewhere else in the organisation, they could always

> put the Aliens police up with him. That has been the tendency for years. But that's all different now. Our team is highly motivated. We only have people that are motivated to work here. (U01)

Despite the fact that many respondents feel that their work is now taken more seriously than before, some still think there is a long way to go. One of the problems is that illegal immigration only interests the national government in the case of incidents. Some respondents still think that the Aliens department is looked down upon:

> Other departments still attach little importance to our work and give it a low priority. (H03)

When presenting empirical evidence as to apprehension practices, the attention will first go to the key question whether and, if so, how police officers encounter illegal immigrants during their day-to-day work. Next, this section will deal with active surveillance, with formal priorities and local differences.

Encounters with illegal immigrants. Obviously, officers who work for the Aliens police come into contact with illegal immigrants, as it is their core activity. For those working for the basic units, this is less obvious. In some neighbourhoods respondents say illegal immigrants are 'omnipresent', as becomes clear in the interviews with an officer in The Hague who maintains that: 'With every address check we hit home' (H01). Another respondent claims that if they check an address they generally do not find the person they are looking for, but usually several others. Still others point to the fact that illegal residence is very locally concentrated and that they rarely come across illegally residing suspects.

In contrast to the many professionals in other sectors (see chapter 5) many of our respondents were not reluctant to discuss the scale of the issue. They estimate the number of illegal immigrants in their cities between thousands to tens of thousands per city, but it has to be kept in mind that they also have a certain interest in stressing the fact that illegal residence is a substantial issue. Apart from estimates of total numbers, most respondents have rather detailed ideas about the characteristics of the illegal population in their area. There is a high level of agreement as to the fact that illegal immigrants are mainly men between 20 and 40 years of age. The nationality groups that respondents mention differ per city and appear to mirror the presence of legal immigrant groups in these cities. When asked how they think illegal immigrants are able to

survive and make a living, respondents distinguish between three groups of illegal migrants. First, those who are dependent on family; second, those who are working in the informal economy; third, those who are engaged in criminal activities. More than in other cities, respondents in Amsterdam mention the presence of marginalised and homeless illegal immigrants.

The general opinion as expressed by the respondents is that they have considerable freedom to use their powers of discretion as they see fit. The highest level of discretion is not associated with the Aliens police, but with basic units. The recurrent view is that police officers on the beat tend to attach a low priority to the surveillance of undocumented immigrants. They are relatively free in their efforts, giving priority to the surveillance of illegal immigrants: 'It depends very much on the individual' (A14), as a police officer in Amsterdam says. The respondent quoted here puts in a great effort to attach priority to the surveillance of illegal immigrants. He even speaks of it as his 'hobby'. Still, he is well aware that the situation is different in other units. This even leads to significant differences in total numbers of apprehensions. The unit that he works for apprehends hundreds of illegal immigrants more than the adjoining unit on a yearly basis, although they fall under the same police force and although the social make-up of the areas is comparable. The inclination to specialise or to develop a certain 'hobbyism' is rather common among policemen (Brown 1981b, Van der Torre 1999). Focusing on the Aliens Act, however, does not seem to be popular among these hobbies. In particular general police officers have to pay attention to a wide range of issues, and illegal residence is – with some exceptions – not seen as a major issue. A police officer in Rotterdam puts it this way:

> You are out in the street and the problems are flying you in the face. The only thing you can do is act according to the circumstances. I am now occupied with something that has a higher priority than detecting illegal immigrants. (. . .) It is difficult enough to keep up with everything that is happening, let alone when we start to do that on the side. Furthermore, it is not exactly a police task in my opinion. They can hire other people to fulfil these tasks. (R08)

As general 'police sociology' has profoundly conveyed over the years, police officers tend to see themselves as crime fighters and safety keepers. They tend to look down upon the bulk of service-oriented tasks and they are often lenient regarding behaviour that they do not consider to cause any harm. By just staying in the country illegally, to most police of-

ficers illegal immigrants are not crossing the 'thin blue line'. An officer in Amsterdam (A05) puts it as follows: 'An illegal immigrant, OK, we just do not know him. But a criminal should not be walking around here.'

Several respondents stress that a certain level of de facto tolerance is important to keep the situation manageable. One high-ranking respondent tells how he regularly visits a mosque to inform the immigrant communities about the Aliens Act and conditions for family reunification:

> The first question that is usually posed is: 'I am staying here illegally, can you do something for me?' And after I have answered this question, part of the audience leaves. (A01)

The fact that illegal immigrants attend a meeting where a police officer informs the public illustrates that they have a lot of trust in the police. And although most illegal immigrants will presumably not take these risks, because they prefer to stay unknown, they are in fact protected by law from being apprehended without a reason. These experiences also show that the Dutch police force is very much part of a tradition of attempting to reach decisions by consulting all parties involved and by trying to reach a compromise among them (Visser and Hemerijck 1997). Most of our respondents showed very little faith in a harsher approach.

The more officers are involved in the daily life within multicultural neighbourhoods, the more they express their doubts regarding the active search for undocumented immigrants, fearing the perverse effects of a more strict enforcement. In their view, rather than solving anything, it would inflame relations with the more established ethnic communities and would consequently deteriorate relations in the neighbourhoods:

> The whole issue of foreigners is not so interesting to me. I am working in a neighbourhood with large numbers of immigrants. If I start to take a role as someone who chases illegal immigrants, I can shake it. (R08)

According to the respondents who work for the Aliens police, this is reinforced because general police officers lack sufficient and up-to-date knowledge about the Aliens law. It is an 'unpopular law' to the average police officer because of the rapid pace of changes, but also because apprehensions of illegal immigrants require filling in too many forms. At the same time, police officers working for the Aliens department are dependent on these basic units, because they are the ones who work at the beginning of the chain.

Active surveillance. When asked about the practice of the operational surveillance, most respondents immediately stress the fact that there is no such thing as active detection of all illegal immigrants. Tracking down people solely because they are staying in the country illegally is seen by most of them as not their responsibility. Moreover, they stress that it would not be lawful under the amended Aliens Act:

> You need a genuine suspicion now. And I think that's good. In the society we are living in you cannot say: he looks non-Dutch. How could you tell? (A04)

The recurrent view is that chasing people should be avoided. In this respect, respondents often implicitly bear reference to the Second World War, by using the term 'razzia' or by referring explicitly to roundups during the war. Apart from humanitarian reasons they do not think chasing people would do any good. Police officers often stress the fact that they know perfectly well where to find illegal immigrants, but according to many it would do more harm than good if they would go after them. The situation would very soon harden and this would be in no one's interest.

Officers who work for the Aliens departments are more involved in active surveillance. Illegal immigrants can be detected during spot checks within firms or during 'address checks', which take place in the case of rejected asylum seekers. But even then, the police need to have a genuine suspicion. Information comes from linking up files of different government agencies or from tip-offs by the public. When asked about active control, most respondents put the emphasis on attempts to curb illegal employment. They explain that the initiative for these actions is usually taken by other regulatory bodies, such as the Labour Inspection (which falls under the responsibility of the Ministry of Social Affairs and Employment). Checks are realised in sectors where illegal labour is to be expected, and again, there has to be a concrete reason to do a check:

> Just walking into a shoarma shop and checking whether everybody there is illegal or legal, is not possible. (R09)

Still policemen claim to know well which sectors are relevant. For some sectors, like the confection industry and the restaurant sector, special interdisciplinary teams are established. Furthermore, horticultural greenhouses have a reputation for the use of illegal labour (Zandvliet and Gravesteijn-Ligthelm 1994, Van der Leun and Kloosterman 1999). These

are all labour-intensive sectors that face fierce competition and where low-paid labour is an important input. As one of the respondents in The Hague puts it:

> The average hourly wage [of illegal immigrants, JvdL] is somewhere between € 3,20 and 5,45 per hour, so there are only certain sectors that are interesting. (H03)

Sectors most mentioned by police officers of the Aliens police are greenhouses, the restaurant business, bakeries, the garment industry and prostitution. Some officers working for the Aliens police regularly co-operate in checks. A typical procedure is described as follows:

> For instance, we visit a garment sweatshop together with the Labour Inspection. Fortunately, we have the new Identification Act. (. . .) And everybody who is not able to identify himself has to come to the bureau. And most of the time, they turn out to be illegal immigrants. (R03)

Several respondents highlight that the illegal immigrants they come across during these actions are hard working people whom they tend to see as victims of exploitation rather than as offenders. Hence, they sometimes have difficulties in arresting these people and would rather deal with the employers. Some of them also think it is unfair that these immigrants run a particularly high risk of being expelled (see the next paragraph). Moreover, many respondents stress the fact that they are reluctant to bother employers. Particularly in Rotterdam and Amsterdam, respondents stress the fact that these controls are not very intensive. And although the Aliens police co-operate with other government branches in doing spot checks in the workplace, some respondents have a rather cynical opinion with regard to these actions:

> Special checks are held in the workplace, but to my opinion this often has a political character, for example with prostitution in the inner city; a show is being made of it. Newspapers show up, the television. But if you take a close look, maybe two illegal immigrants are arrested. (A13)

In this respect the reactions to tip-offs appear to vary considerably. All Aliens department receive tip-offs from the public concerning illegal residence or illegal labour. According to our respondents the complainers are usually competitors or rivals of people who employ undocumented immigrants or family members. In some cases police officers

have the impression that family members who take care of illegal immigrants give these tip-offs because they are not able to cope anymore with a (financially) dependent family member around. Some of our respondents completely ignore these tip-offs, as they feel 'used' in conflicts that they do not want to be involved in, whereas others take the tip-offs seriously and see them as helpful tools. In this respect discretionary powers are considerable. Many respondents use their intuition. If they feel something is 'wrong' with the tip-off, they do not act on it. The same counts for illegal immigrants who report themselves to the police. Some officers refuse to expel them, because they fear this will attract people interested in a free ticket home.

Most police officers express the view that the risk of attracting the attention of the police depends strongly on the behaviour of the individual immigrant. Most of them maintain that the majority of illegal immigrants never run this risk unless they commit crimes or cause disorder:

> An illegal immigrant can survive in the Netherlands for years, as long as he lives in accordance with the rules. If he does not commit offences, if he buys a ticket in the tram (. . .) they do not harm society and the Aliens police will never apprehend them, so they can stick it out for a long time. (H01)

In short, the relevant dimension is usually not the illegal status of a person, but the fact that this person causes disorder or is suspected of committing a crime, which influences the probability of being apprehended. However, illegal immigrants can also simply be out of luck and run into the hands of the police during checks of more general nature:

> The strange thing is that a lot of people get into trouble in a stupid way. For instance when they travel by public transport without having a ticket. That is where you run into them. (A09)

In some cases, however, 'municipal violations' (violations of municipal police ordinances) are used by the police as a method to circumvent the legal restrictions. The VICTOR anti-drugs policy in certain Rotterdam neighbourhoods, for example, provides the police with considerably more powers to arrest individuals than in other parts of the city. This strategy can be used to identify the legal status of immigrants, but even then there is control by the courts on patterns of arrest.

Apprehending a person is the first step. Handing the person over to the Aliens police should normally be the next step. Our interviews suggest that when police officers have reason to assume they are dealing with illegal immigrants, they usually take further action, such as looking the person up in the computerised system and, if necessary, contacting the Aliens police. They do have a considerable amount of discretionary freedom in this respect. There are roughly speaking three reasons to refrain from handing over a person to the Aliens police. First, practical reasons. When they are too busy or there is a shortage of available cells, they turn a blind eye and pretend not to know that the person is in the country illegally. Most of the respondents agree to the fact that they have much better resources than some years ago. Especially the increase in available cells is said to make a significant difference. A police officer working for a basic unit in Amsterdam refers to the frustration that the lack of cells could lead to before: 'We were occupied with a foreigner for days and when we finally got to the Aliens department, they said: just send him away, there is no space.' (A04) In contrast to what Clermonts (1994) describes with regard to the situation in Rotterdam and Amsterdam a few years earlier, this lack of available cells or manpower does not play a major role in the perception of our respondents anymore.

The second reason is frustration with the effect of their actions. When police officers have experienced time and again that 'nothing happens' with an apprehended illegal immigrant, it is not surprising that they save their energy and choose not to apprehend them anymore. Some respondents were very open about the fact that it is often useless to take action. They choose to ignore people whom they expect to be difficult to expel. This happens mostly with illegal immigrants who are seen as 'incorrigible figures': 'They are not handed over anymore. It would be a waste of time.' (R03)

Thirdly, moral constraints play a part. An officer in The Hague gives the example of a Surinamese grandmother of 103 years of age and says they are not going after grandmothers or young children. Another example that is given, is when an illegal immigrant is brought in as a victim:

> This weekend, I had someone who told a rather confused story. He came in as a victim. And I do not think we should put people in a cell who come in as victims. And especially not if he is just illegal and we do not know him for something else. This time I let him go. But next time it may be different. It also depends on the amount of time you have. (A04)

As is often the case, the discretion of the officers in particular allows for the choice *not* to take action under certain circumstances.

Policy priorities. Officially, five priorities are laid down in a covenant between the Ministry of Justice and the police forces. These priorities are meant in principle as national guidelines. The first priority is the search for *criminal* illegal immigrants. Secondly, immigrants who cause public disorders or otherwise cause a nuisance should be subject to surveillance. Third priority is the expulsion and (forced) return of illegal immigrants who are not (or no longer) staying in the country legally. Fourth, to combat people who take advantage of illegal immigrants, such as employers, landlords, smugglers and traffickers. Fifth, to check the legal status of people arrested by the police in the course of other investigations or controls, known as 'passive control'.

In 1995, the Ministry of Justice concluded that 'a consistent and logical implementation of these formal priorities has not always been the case' (Ministerie van Justitie 1995: 29). Our interviews show that despite the political rhetoric about intensifying controls, this assertion still holds true. Remarkably, only a minority of the respondents were aware of the formal priorities as established by the Ministry of Justice. Some even maintained that there are no priorities and that there is no national policy in this respect. These reactions show that there is not only a gap between the policy and its outcomes: in this case the implementers are not even aware of the official policy. Furthermore, respondents who are aware of the priorities attach little significance to them. According to an officer in The Hague:

> This list of priorities is only formal. In the actual implementation it is not complied with. (H03)

Another officer in The Hague argues that the police force in that city has deliberately adopted different policy guidelines:

> The fifth priority is passive control. But the chief constable has decided this has to be number one. (. . .) We have been granted extra personnel to intensify the surveillance, which includes passive surveillance, so that is our priority. (H02)

The single priority, which the majority of the respondents could recall, was the apprehension and expulsion of criminal illegal immigrants:

> You see, it is more important to expel a person with a serious criminal background, than someone who is involved in shoplifting or incidental fare dodging. (A06)

Yet, this is the most difficult goal to meet in practice, as will be shown in section 4.5.

Local differences. Officially, the 'discouragement policy' is a national policy. The interviews, however, show that central guidelines bring about local differences. Respondents in The Hague and Utrecht, for example, claim that the first priority of arresting criminal illegal immigrants is of no significance to them as they hardly ever come across criminal illegal immigrants. In Amsterdam and Rotterdam, on the other hand, respondents do emphasise the search for criminal illegal immigrants, even as they stress the difficulties in achieving this goal. On the whole, the activities of the Aliens police appear to be largely a reflection of the local situation with regard to safety and criminality in general, which consequently leads to local differences in implementation. In Rotterdam, and more markedly in Amsterdam, criminal illegal immigrants have the highest probability of getting apprehended, while other illegal immigrants in fact hardly ever run this risk. In Rotterdam, apprehensions often pertain to activities in the drug economy, which, according to police officers, is a magnet for illegal immigrants. In Rotterdam, respondents feel that a minority of the illegal immigrants are apprehended during special checks, although they suppose the share is rising because of the increasing attention for illegality. Still, in their opinion, the majority is brought in by general police officers after being apprehended, typically when involved in drug transactions:

> You typically encounter illegal immigrants after tip-offs in view of the VICTOR operation. People, mostly Moroccan youngsters, who guide foreigners to drug premises. Then they are arrested by the regular police or by the criminal investigation department and they turn out to be in the country illegally. In these cases they are sent to us. (R10)

The situation in the somewhat smaller cities of Utrecht and The Hague diverges from the picture in Amsterdam and Rotterdam. In The Hague, respondents maintain that the probability of being apprehended is the highest for people who are working illegally or those that commit misdemeanours:

> (. . .) The ones that attract the attention of the police because of their behaviour. I mean riding in the tram without a ticket, people who are apprehended when they cause a nuisance, and people who are working in a situation where a large number of people are employed. (H03)

Both in The Hague and in Utrecht, controls in the workplace seem to constitute a more important part of surveillance than in Rotterdam and Amsterdam. One of the reasons for concentrating on these checks is that police officers working for the Aliens department rarely come into contact with illegal immigrants who are involved in crime. To a large extent this corresponds to what we find in Utrecht. Police officers there also stress the importance of spot checks against illegal employment, and they rarely refer to 'criminal' illegal immigrants. They do have the impression that they are more targeted on curbing illegal prostitution than the police forces in other cities:

> If we come across women who are here as tourists, and who are working here without a work permit, we withdraw the tourist visa and they have to go back. But Rotterdam and The Hague tolerate prostitution. If the police encounter ladies who are working with a tourist visa, no action whatsoever is taken. (U02)

In sum, the formal priorities as laid down in covenants between the cities and the Ministry are not seen as equally relevant in the four cities. The first priority of apprehending illegal immigrants who commit offences is seen as more relevant in Rotterdam and Amsterdam than in The Hague and Utrecht. Each apprehension of an illegal immigrant can in theory be followed by an expulsion.

4.5 Expulsion practices

Return of 'unwanted' immigrants to their country of origin is supposed to be the pièce de résistance of every national policy toward illegal immigrants. This section deals respectively with expulsions, differential outcomes of the expulsion policy and attempts to encourage expulsion by setting target numbers.

Types of expulsion. Under Dutch law, illegal residence is not a penal offence. The main sanction consists of return, or expulsion as it is usually called. To enable this expulsion, the immigrant concerned can be held in

detention. Conditions for detention and expulsion are regulated in the Aliens Act. Expulsions fall under the responsibility of the Aliens police. When an apprehended illegal immigrant is handed over to or apprehended by the Aliens police, a decision has to be taken regarding the next steps. There are, roughly speaking, three possibilities. The first is 'effective expulsion', which means that a person is actually brought back (commonly by airplane) to the home country. To effectuate this type of expulsion, the identity of the arrested person has to be known to the police and the immigrant should be in possession of a passport or a *laissez passer*. When the immigrant does not have any documents and when the identity cannot be established by the police, the person can be held in detention, first in the police station and later in a detention centre. This detention is normally not allowed to last longer than three to six months. The second type of expulsion is sending a person away, which means in practice that he or she is released. This may happen when effective expulsion is not possible, when there is a shortage of available cells or when a judge decides that there is no prospect of a timely expulsion. A third possibility is that under special circumstances an individual can be handed over to a hospital, a health clinic or a mental home. When an illegal immigrant is caught crossing the border, expulsion is immediately allowed. In all other cases an 'expulsion order' is required. This order can be issued by the chief constable of the police, by the prosecutor or his assistent.

The interviews with police officers indicate that the official policy goal and the highest priority – apprehending and expelling criminal illegal immigrants – is the most difficult to meet in practice. Respondents stress that only a part of the illegal immigrants are expelled. They mention several reasons to explain the large number of cases in which nobody is expelled, among which technical, humanitarian and pragmatic reasons. Technical reasons come into play when the country of origin does not recognise the immigrant as its citizen. Difficult countries in this respect are for instance Liberia, former Yugoslavia, Morocco, Angola, Lebanon, Ethiopia, Sudan, China and more generally all countries that are involved in armed conflicts. Humanitarian reasons play a part when the illegal immigrant concerned applies for asylum or is suffering from severe health problems. Pragmatic reasons include shortage of cells or of manpower. Even though there are more cells available than in the past, illegal immigrants are still released from time to time because no cells are available. For instance in the case of female immigrants:

> In the whole country there are nine cells available for women. So if we apprehend women we try to expel them within ten days, otherwise we let them go. (U02)

Problems like these often give rise to pragmatic solutions. Police officers prefer to use these scarce cells for women whom they expect to be expelled effectively, and if necessary release other women for that purpose:

> This happened yesterday. We apprehended an illegal Surinamese woman, with a high chance of being expelled. And fortunately, there is a Chinese woman in detention. Well, Chinese people are hard to expel and she has been detained for three months. (. . .) In these cases we try to make an exchange. (U06)

Most respondents are relatively sceptical with regard to the effects of the expulsion policy. First, it is often impossible to expel people, and secondly, it does not always present a solution. This becomes clear in the statement of a police officer in Rotterdam:

> Take a look at a Polish man who is expelled. He simply takes the train back to the Schengen area and as long as he is not checked at the German border, there is no problem at all. But even when he is checked, there is not really a problem. He can show a passport – as long as he is not declared a 'undesirable alien' he simply travels by train back to Rotterdam. The next day he stands in front of our door again. (R04)

An analysis of apprehension data in the four cities (in 1995) underscores the limitations of the expulsion practices, as noted by the respondents. In the four cities together almost half of the apprehensions are followed by an effective expulsion during the same year. Forty per cent are sent away and twelve per cent are still in detention or sent somewhere else.

Table 4.2 Type of expulsion following the apprehension of illegal immigrants in four cities (N=6,831)

Type of expulsion	%
Effective expulsion	48
Sent away	40
Other	1
Unknown (or still in detention)	11

Source: Police data 1995

Differential outcomes. The figures presented above apply to all illegal immigrants apprehended in the four cities during one year. Further analysis reveals that the type of expulsion correlates with the reason for apprehension. While the formal aim is to expel criminal illegal immigrants, the outcomes of the expulsion policy are more ambiguous. Police data show that, in practice, illegal immigrants who have infringed the Aliens legislation run a higher risk of being effectively expelled than those who are arrested for offences – with an exception for drug related offences. Immigrants apprehended for misdemeanours and minor offences are the least effectively expelled. The table below illustrates this.

Table 4.3 Type of expulsion by reason for arrest, four cities (N=5,803)

Reason for arrest	Effectively (N=3,106) %	Sent away (N=2,956) %	Other (N=41) %
Illegal residence	62	37	1
Misdemeanours	40	60	1
Minor offences	38	60	1
Serious offences	43	55	2
Drug offences	65	35	-

Source: Police data 1995

The lack of co-operation between some foreign authorities and the Dutch government underpins these outcomes. Moreover, part of the illegal population is aware of the limitations of governmental power in this respect and develops strategies to take advantage of it. In particular North African immigrants have a reputation for hiding their identity (see chapter 3). A police officer gives an example:

> Someone maintains to come from Algeria. And the same person has been arrested already 16 times. He is presented to the Algerian, Moroccan, and Tunisian consulates endlessly. But if nowhere his identity can be established, he cannot be expelled. And we cannot take him into detention either, because we know beforehand that he cannot be expelled. (. .) So he is kicked out on the streets. That can be frustrating sometimes. (R07)

According to our respondents these strategies are mainly used by immigrants who are involved in criminality. Or as an officer in The Hague puts it:

> There is a category that is perfectly aware that they are living under and above the law. (H01)

Some illegal immigrants apparently do not care about being detained. They have a place to stay and they simply wait until they are released again:

> It costs them six to nine months, but then they are free. Some of the Moroccans are prepared to sit it out. I wonder what's wrong with them, it is seven months of your life but maybe they have nothing left in their own country. The underlying idea is to stay here. And those that are released (. . .), they are out in the streets again and disappear into illegality again so that they can manage a few more years. (U08)

Unidentifiable immigrants are constitutionally rather invulnerable to expulsion. One respondent in Amsterdam even speaks of diplomatic immunity. This points to the paradox of the current undocumented immigration policy: those immigrants who are the primary target of apprehension and expulsion measures are the most successful in preventing their repatriation. Certain groups of undocumented immigrants, especially those who are involved in crime, are difficult to evict because they are able to hide their identity successfully by ridding themselves of documents and pretending to come from countries unwilling to collaborate with Dutch authorities.

Unanimously, the respondents maintain that illegal immigrants from Turkey are the most easy to expel, except for Kurdish people who are often aware of the fact that they can start an asylum procedure. This is corroborated by the analysis of police data. Also, the type of expulsion is correlated with the nationality or country of origin of the apprehended immigrants. More specifically, this works to the detriment of Turkish illegal immigrants, as they have the highest probability of being sent back to their home country.

Police officers stress that it is relatively easy to recognise an immigrant from a Turkish background. Moreover, they present it as an 'empirical fact' that Turkish immigrants often take a co-operative position. In contrast to North African illegal immigrants, they often seem to opt for expulsion rather than spend months in a detention centre.

The interviews make clear that there are many difficulties attached to enforcement of the expulsion policy. Police officers particularly underscore the problems with a core of illegal immigrants who know how to

Table 4.4 Type of expulsion by country or region of origin, four cities (N=6,014)

Country or region of origin	Expelled effectively (N=3,293)	Sent away (N=2,979)	Other (N=42
	%	%	%
Turkey	85	15	-
North Africa	39	60	1
Other Africa	40	60	-
Surinam	63	36	1
Western Europe	64	35	1
Eastern Europe	67	32	1
Asia	46	53	-
South America	66	34	-

Source: Police data 1995

thwart their expulsion and keep coming back, the 'revolving door' immigrants (see chapter 3). One of the consequences is that police officers often send apprehended illegal immigrants back into the streets. Before, it was the custom to put illegal immigrants who were difficult to evict on a train to Belgium, known as the 'Roosendaal procedure', named after the last station before the Belgium border. The Belgium government did the same in the other direction (Suárez-Orozco 1994). In the meanwhile the national governments have officially agreed to stop these symbolic practices. Now they simply release people. Some officers refer to this practice as sending people away 'in southern direction'. Others call it the 'front-door procedure': 'When the investigations take too much time, we have to let them go.' (H04) The obvious limitations frustrate some of the officers. An officer in Rotterdam is personally confronted with the failing effort:

> I live around the corner in this street. And if I am at home at night or when I walk home, I encounter people who I know have been arrested and expelled before, and I see them just walking in front of my door. (R04)

The actual outcomes of the policy in practice are largely outside the sphere of influence of police officers. Still, they are the ones who are confronted with, in some cases, intractable social problems. Some see this as the core problem of the internal surveillance of illegal immigrants: 'You

can formulate a wonderful policy, but if in the end it is not finalised, you undermine everything.' (R09)

The limits of the current expulsion policy do not imply that these illegal immigrants can never be expelled. In the long run it may be possible to effectuate an expulsion. Even if they release an individual, the police can start an investigation in order to establish the identity. If the same person is arrested again, an expulsion order might already be waiting. Furthermore, having the individual declared an 'undesirable alien' offers more possibilities, since staying in the country as 'unwanted foreigner' is an offence under Dutch law. Yet, these procedures are very time-consuming.

Encouraging expulsions. In recent years, there have been many attempts to encourage the expulsion of (criminal) illegal immigrants. According to many of our respondents this has led to explicit agreements between the police forces and the Ministry of Justice about a certain number of effective expulsions for each full time police officer working for the Aliens police. The officers in The Hague are the most outspoken in this respect. They mention a target of fifty expulsions per worker per year. These target numbers are laid down in covenants and in semi-official notes. Internal documents of the The Hague police force make clear that the Aliens Department has to arrest 1,000 illegal immigrants in one year, of whom 500 have to be expelled (Politie Haaglanden 1996). The interviews show how these target numbers produce adverse effects. When they are forced to expel more people effectively, the officers look for easy targets:

> It is much easier to round up a Turkish man at the working place and expel him to Turkey. It will cost me a day. Whereas when I would put my energy into a Ghanaian who makes use of a forged passport and who has robbed a bank, this would require much more time and it would deserve priority. Yet it requires too much labour-intensive work. (H03)

The same respondent stresses the consequences of the use of target numbers:

> Within the total supply of work, we pick out the best bits. So that we can attain the official standard in the end. But by doing so, we forget that the people who are ignored constitute an ever more rotten part of society. (H03)

These quotes indicate how complex it is to narrow the gap between official policy and practices by exerting more administrative control.

4.6 Conclusions

The quote from former chief constable Hessing of Rotterdam, opening this chapter, reflects a rather ironic view of the relationship between the actions of police officers and formal policy. Without going as far as this, sociological literature on the police commonly also ascribes considerable discretionary powers to police officers when they are dealing with crime and deviant behaviour. To a large extent, they act according to decisions made on the spot. The evidence presented here indicates that this also applies to the police officers who, in principle, face a central task in the surveillance of illegal immigrants in the major Dutch cities.

This chapter has provided a glimpse into the day-to-day decisions and practices of police officers in the four largest Dutch cities: both regular officers who work for basic units, and their colleagues in the Aliens Departments. The interviews show that contrary to the often expressed fear, involvement of the police does not necessarily mean active and/or massive roundups. Neither does it have to imply a strong 'we against them' attitude. First of all, despite all the official policy changes, most regular policemen do not see the surveillance of illegal immigrants as a key responsibility. They see themselves as crime fighters in the first place and do not accord a high priority to the surveillance of illegal immigrants. This is reinforced by the fact that they feel they are being saddled with too many tasks. Even the officers who work for the Aliens department do not put much emphasis on the detection of people who are in the country illegally. Further, many of them express the feeling that the current situation does not warrant draconian measures. Their approach is selective and pragmatic. In particular, officers in basic units use their discretion to refrain from going after illegal immigrants.

Secondly, the interviews point to substantial incongruities between the official policy and the enforcement practices described by the respondents. The Ministry of Justice has established five formal priorities as a guideline for the urban Aliens departments. The interviews, however, show that most enforcers are not aware of these priorities. The only priority most respondents are able to mention is the aim to expel criminal illegal immigrants, but they immediately stress that this priority is the most difficult to achieve. In practice, instead of targeting all undocumented immigrants, the police target only those who cause inconve-

nience and display criminal behaviour. As a result of this priority, specific categories of undocumented immigrants rarely come into contact with the immigration police or local police departments. In some respects the outcomes of these practices are completely contradictory to the official policy aims, in other respects they are much more lenient than recent discussions on restrictive policies suggest. It is clear from the interviews that – despite the official policy – lowel-level enforcers often do not believe in a more active approach. They fear that this would interfere with their usual work, as illegal immigrants would be criminalised and marginalised. This in turn could easily inflame the already tension-laden relationship with migrant communities.

At first sight, the apprehension practices may appear to be the result of limited manpower. Even though many respondents refer to the fact that budgets have risen in recent years, compared to the size of the immigrant populations the capacity of the Aliens police is still relatively limited. Yet it also becomes clear that when budgets are increased and when central control is strengthened, this does not necessarily translate into a more active approach.

As to expulsions, the interviews and the apprehension figures both show that the objective of effectively expelling illegal immigrants is not met in practice. Less than half of the apprehensions of illegal immigrants are followed by an effective expulsion. Paradoxically, suspected criminal offenders have the lowest probability of being actively expelled. Difficulties in co-operation with countries of origin in combination with strategies adopted by certain groups of illegal immigrants limit the expulsion policy in practice. This also leads to frustration of police officers, who sometimes choose not to apprehend illegal immigrants anymore. Recently, there have been agreements between the Ministry of Justice and the police force of The Hague to set target numbers. In practice, these target numbers are translated into the 'smart rule' of focusing on easy targets, which is not in line with the formal priorities.

On the whole, discretionary autonomy appears to be considerable, leading to practices and priorities that differ between cities and between units within cities. Enforcement practices are in the first place a function of the actual problems of safety and crime in each city. Consequently, Amsterdam and Rotterdam focus more on illegal immigrants who are involved in crime, whereas The Hague and Utrecht do not consider this very relevant and therefore focus more on illegal labour and 'passive control'.

The practices as described reflect the limits of political influence on local enforcement practices at the 'street level'. Police officers seem to

have become to a certain extent immune to the continuous flow of new ideas, new rules and new priorities they are confronted with. Institutions in the sense of 'practices' turn out to be more persistent than official policy. This is clearly reinforced at the implementation level. In some cases this leads to informal practices and practices which are contradictory to official policy aims. The actual practices are the outcome of negotiations between immigrants (both legal and illegal), police officers, police departments, local politicians and, at a large distance, the national government. These findings bring us to the subject of the next chapter: the question of how other gatekeepers – who are at a much larger distance from the official policy of the Ministry of Justice – grapple with their gatekeeper tasks.

5 Close encounters with the welfare state: limits of the Linking Act

> Evaluation that is insensitive to the problems of transforming policymakers' ideas into implementers' actions is obtuse; it leaves the best bits behind unexamined.
> (Pressman and Wildavsky 1984: 255).

5.1 Illegal immigrants and welfare state provisions

The need to avoid contact with state officials and public organisations is a fact of life for illegal immigrants. After all, it is the state whose rules they are bending, skirting or violating. Yet there are instances in which even illegal immigrants may attempt to seek access to state provisions. This can be the case when certain needs, like education, housing and health care, cannot be served by immigrant networks or by employers. Secondly, it may be the case when they do not expect to be recognised as non-citizens. Welfare programmes are usually not explicitly designed with reference to illegal immigrants (Wenzel and Bös 1997: 546) and in a similar vein as police officers, gatekeepers of the welfare state may have room to manoeuvre. This proposition has also stimulated policymakers to focus on internal migration control and, in particular, to put more energy into excluding illegal immigrants from public services. The Linking Act is a case in point. The crux of this voluminous law, which passed both Houses of Parliament in 1998, is that entitlement of immigrants to a whole range of public and semi-public provisions such as social benefits, health care, housing and education, is systematically made conditional on their residence status. The Linking Act is often seen as a centrepiece in internal migration control in the Netherlands.

The key issue that will be addressed in the present chapter is to what extent the attempts to systematically exclude illegal immigrants from welfare provisions are effectuated in practice and with which conse-

quences. Empirically, the chapter is based on ninety interviews with workers or professionals who are active in the sectors of social benefits, housing, health care and education within an urban setting (see appendix 4). The interviews were held roughly one year before and a little less than one year after the introduction of the Linking Act (1996/1997 and 1998/1999). Central questions in this chapter are: what happens when (semi-)professionals encounter illegal immigrants in practice? Are the immigrants excluded from services? Does this lead to dilemmas for the workers concerned? To what extent are decisions of policy implementers influenced by the new formal rules? Are these rules legalistically applied or are they transformed? Do practices vary between the different sectors or between individual workers and, if so, how can these differences be explained? The central findings will be presented in sections 5.5 (before the Linking Act) and 5.6 (after the Linking Act). Before turning to these findings, section 5.2 summarises the existing findings with regard to the use of welfare state provisions by illegal residents. Section 5.3 introduces the conceptual framework, which draws on Hasenfeld's typology of Human Service Organisations and more generally on the implementation literature.

5.2 Close encounters with the welfare state

In principle, legally admitted minorities' and immigrants' eligibility for social services is comparable to the eligibility of native citizens. A relatively large share of the immigrants, furthermore, holds or obtains the Dutch nationality and full citizen rights. As a rule, the debates that surrounded the budgetary crisis of the Dutch welfare state did not severely question the legitimacy of the equal treatment of legally residing immigrants and native citizens, nor were they intertwined with arguments concerning the presence of illegal immigrants. By contrast, in disputes on restrictive immigration policies the use (or abuse) of public services by *illegal* immigrants is a recurrent element. Curtailing the access of illegal immigrants to public services is high on the agenda of anti-immigrant policies in countries with comprehensive welfare systems (Cornelius et al. 1994: 6-9, Faist 1996, Miller 1999, Bommes and Geddes 2000). The fear is that welfare systems serve as a magnet for prospective (illegal) immigrants, and – maybe even more – as an obstacle when they are considering returning to their home country (Chiswick 2000). Health care seems to be the most likely public service to have this effect (Jordan and Vogel 1997: 17-20).

There is little conclusive evidence for the effect of social services on illegal immigration. In a large-scale study on Mexican illegal immigrants in the United States, for instance, Massey and Espinosa (1997) find that the accessibility to social services does not serve as a powerful factor in influencing migration decisions when compared to other factors (Massey and Espinosa 1997: 963). Dutch studies on the allocation of social security benefits have consistently shown that the proportion of illegal immigrants among the clients of social service organisations is negligible (Havinga, Groenendijk and Clermonts 1991, Minderhoud 1993). New applicants go through extensive administrative procedures, and the probability that the illegal status of a person will be exposed, is high (Clermonts, Van der Marck and Terweijden 1990: 35).

In sum, there is a strong contradiction between the widespread fear of the effect of public services on illegal immigration and the empirical findings as to actual use of these services. This contradiction may be partly accounted for on the basis that Dutch studies have mainly focused on social benefits. As figure 2.1 in chapter 2 has shown, the domain of redistribution by the state is precisely the most regulated and least accessible domain for illegal immigrants (cf. Van der Leun and Kloosterman 1999). The cited studies also suggest that checking residence statuses was not equally common in other domains of the welfare state. Hospitals, medical insurers and housing corporations appeared to pay less attention to these checks than welfare department and employment agencies. Havinga, Groenendijk and Clermonts concluded in 1991 that across the board, public and semi-public organisations in the Netherlands paid less systematic attention to these checks than, for instance, comparable organisations in the United Kingdom (Havinga et al. 1991: 36-41). By contrast, Jordan and Vogel (1997) find that housing, health care and education are better accessible to illegal immigrants in countries with strong border controls (such as the UK) than more open countries such as Germany (see also Layton-Henry 1994). Secondly, the apparent contradiction points to the fact that the state is anything but one single actor. Multiple actors and institutional forms are endowed with responsibility for the delivery of social services in the widest sense. Within this plethora of public and semi-public bodies, local-level rule makers have their own organisational and professional considerations, which influence decision-making processes. Implementation practices or rules of the game at the lower levels can be seen as 'semi-automous fields' (Moore 1973), which mitigate between the law and the outcomes of the law. What is needed, therefore, is (a) a more differentiated perspective on welfare-state provisions (cf. Engbersen and Gabriëls 1995) and (b) a focus on im-

plementation practices. The mixed and sometimes downright contradictory findings in existing studies give rise to the first assumption, namely that implementation practices differ between different domains of the welfare state.

The Unknown City project produced some relevant findings in this respect (Burgers and Engbersen 1999, Engbersen et al. 1999). As regards health care, a study was conducted roughly five years before the enactment of the Linking Act, investigating the accessibility of health care for illegal immigrants in Rotterdam (Liefhebber and Linders 1994, Burgers and Ten Dam 1999). The authors concluded that illegal immigrants do not put a heavy burden on public expenditures in this domain. First and foremost this could be explained by the fact that illegal immigrants (mostly young men) fall into a relatively healthy category and tend to linger longer than the average patient before seeking medical help. They often refrain from making use of health care provisions. Secondly, the authors show that illegal patients make up a small proportion of the total number of patients in the sizeable health care sector and therefore are not seen as constituting a major problem. Thirdly, as long as they were sufficiently insured – or used other people's documents – they were usually not recognised as illegal immigrants. Finally, uninsured illegal patients were simply seen as falling into the (broader) category of uninsured persons. Most practitioners were willing to help these patients for free or they charged them a reasonable and sometimes symbolic amount of money in cash, while private organisations like the 'Paulus Church' in Rotterdam provided supplementary care. When hospitals were faced with uncovered costs, the Social Welfare department could render financial backing.

As to housing, Burgers concludes that most of the illegal immigrants in Rotterdam do not rent housing independently, but rather stay with their family members (Burgers 1998, 1999a). Whether this outcome depends on the tendency of illegal immigrants to stay away from housing corporations, or (also) on the extent of actual exclusion within the domain of public housing, remains unclear. More or less the same applies to social benefits. A mere eleven out of 170 illegal immigrants made use of social security or sickness benefits and all these cases pertained to illegal workers with tax-paid jobs (Van der Leun and Kloosterman 1999). As regards education, the study demonstrated that the motivation to learn the Dutch language was strong among illegal immigrants. About thirty per cent of the illegal immigrants had followed some language course in the Netherlands, be it in state-subsidised institutes or not (Engbersen 1999a: 248), and eight respondents out of 170 had children who attended

primary or secondary school in the Netherlands. The findings of the Unknown City project suggest that informal opportunities outweigh the significance of the use of formal welfare state provisions. But the study also demonstrates that many illegal immigrants directly or indirectly come into contact with some state-sponsored programs or services at some point of time. So there is enough reason to study encounters with the welfare state more systematically, beginning with experiences of people who work within these organisations.

5.3 Human Service Organisations

The Linking Act is a typical example of 'remote control' (Zolberg 1999: 75). It aims at delegating responsibilities to the lower level of policy implementation and to actors other than the traditional gatekeepers. As such, the law embodies a fundamental shift in the *locus* of immigration policy from specialised state agencies such as the Immigration Service and the Aliens police to organisations which are first and foremost mandated to allocate social services: Human Service Organisations (Hasenfeld 1983, Gastelaars 1997). The fact that (semi-)professionals within these organisations have to implement the law in practice, saddles them with the 'dual task of being a judge and a server at the same time' (cf. Lipsky 1980: 74). The Linking Act is also an example of the increasing fine-tuning of migration control. As the enforcement of the law hinges on the availability of accurate information regarding the actual residence status of foreigners, it has been accompanied by an extensive administrative operation, whose effects should not be underestimated. In a labour-intensive operation, which took place roughly between 1994 and 1997, the files of the separate Aliens Police departments were streamlined and linked up with the Municipal Population Registers. The Municipal Population Register (GBA) now serves as the central source of information for all organisations which have a responsibility in executing public tasks and this is updated with new information about residence statuses by the Administration of the (Aliens) police (VAS) on a daily basis. This major undertaking has enabled a more efficient co-operation between organisations that to a high degree used to steer their own course until recently.

The implementation of the Linking Act, however, requires more then co-operation between bureaucratic branches or technological adjustments that enable a smooth exchange of data (Van der Leun 2000a). It is not an utterly rational process whereby policymakers create the con-

ditions, after which lower-level workers simply implement them in practice. In rational-choice terms, it has the typical characteristics of a principal-agent problem, in which the principal (the national government) has to find ways of having the agents (the implementers) act in the interest of the principal (see also chapter 1).

The present chapter focuses attention on implementation processes within the specific type of organisation that Hasenfeld (1983) has dubbed Human Service Organisations (HSOs). The label denotes two vital characteristics of this type of organisation. *Human* refers to the fact that the organisations work directly with people, while *service* refers to the fact that they are mandated to protect and promote the welfare of the people they serve (Hasenfeld 1983: 4). Providers of social benefits, health care, housing and education all fall under this broad category, which overlaps with Lipsky's street-level bureaucracies discussed in chapter 4. Below, the central characteristics of these Human Service Organisations will be presented and the organisations in the different sectors under study will be placed in this general framework.

Heterogeneous organisations such as colleges, hospitals, nursing homes, police stations and housing corporations all come under Hasenfeld's label of Human Service Organisations. These organisations (a) have considerable impact on people's lives and (b) are not able to readily and fully control their implementation processes. The latter is influenced by the fact that the day-to-day professional activities within these organisations depend highly on face-to-face interactions between clients and workers. Direct control within these organisations is bound to be limited and the organisations often form 'loosely coupled systems', which does not encourage direct monitoring (Hasenfeld 1983: 150). Considering that their working methods – or 'technologies' in Hasenfeld's terminology – are inevitably indeterminate and goals are often vague and conflicting, street-level bureaucrats within these organisations tend to conduct their work relatively autonomously from their superiors (Lipsky 1980). Further, in their attempts to cope with a high degree of uncertainty and complexity, workers tend to develop a set of standard operating procedures or rules of thumb, which do not necessarily correspond to the organisational goals.

When focusing on social benefits, health care, housing and education, Hasenfeld's model is helpful to identify differences in organisational circumstances between these sectors. The organisations are classified along two dimensions. The first dimension concerns the type of services provided by the organisation and the technologies involved. The first type of

technology is *people processing*, which boils down to classifying people and conferring a label to them (cf. Prottas 1979). *People sustaining* stands for maintaining and/or retarding the deterioration of the well-being of clients (for example in homes for the elderly), whereas *People changing* refers to improving the well-being of clients (in institutes such as schools and hospitals). The second dimension points to the type of clients an organisation is mandated to serve. On the one end of the continuum lies the 'deviant' or 'malfunctioning' type of client, on the other the 'normal' client.

Figure 5.1 A typology of Human Service Organisations

Technology *Type of client*	People processing	People sustaining	People changing
Normal functioning	*Type I* College admissions office Credit rating bureau	*Type III* Social security Retirement home *(housing, welfare)*	*Type V* Public school YMCA *(education)*
Malfunctioning	*Type II* Diagnostic clinic Juvenile court *(police)*	*Type IV* Nursing home Public Assistance	*Type VI* Hospital Residential Treatment centre *(health care)*

Adapted from: Hasenfeld 1983: 6

Each sector (1) employs different 'technologies' or working procedures and (2) serves different categories of people (Hasenfeld 1983: 4). Subsequently, six types of organisations can be distinguished with their typical dilemmas. Type-I organisations, for instance, must demonstrate that they are able to identify suitable clients and at the same time assure the public that they are not biased or make use of discriminatory technologies. Type-II organisations have to show that they are able to effectively identify all of their potential clients. Type-III and Type-IV organisations must demonstrate that clients are entitled to their care and sustenance. They must apply inevitably arbitrary criteria in concrete cases. Type-V and Type-VI organisations are also saddled with the task of distinguishing between normal and malfunctioning clients, but they are specifically mandated to bring about changes in people. In doing so, they have to rely on 'working technologies', of which the effectiveness is anything but clear-cut. Moreover, controversy typically surrounds the objectives of these types of organisations.

Hasenfeld has developed this typology to explain differences in the relationship between organisations and their wider social environment. Applying this general model to the case under study, illegal immigrants can at first sight be mapped into this typology as 'deviant' or 'malfunctioning' clients residing in the country without the legal permission to do so. The classification of people as 'illegal immigrant' puts a label that is supposed to evoke certain reactions from other organisations, in this case excluding them from most public services, at least after the new law. The most likely organisations to label someone an 'illegal immigrant' are police officers working for the Aliens Departments that fall under Type-II organisations. The 'clients', in this case illegal immigrants, are not likely to report themselves. They have to be actively searched for. How the (Aliens) police try to meet this mandate of internal surveillance within the constraints of the Aliens Act has been the subject of chapter 4. Under the new law, however, workers within other types of Human Service Organisations are faced with the task of being gatekeepers, while the organisations are first and foremost oriented toward *people changing* (education and health care) and *people sustaining* (housing agencies and social benefits). It can be assumed that people who work within these organisations have a professional repertoire or ideology, which is not in the first place oriented toward a control function within the framework of the Aliens Act. They might as well perceive illegal immigrants just as any other patients or clients who fall under their primary mandate. This underscores the first general assumption that practices will differ among sectors.

On the basis of Hasenfeld's typology it is possible to refine this assumption, because he makes a connection between the type of organisation and the degree of *professionalisation.* Professional autonomy is a matter of institutionalised 'trust' granted to a certain occupational group by society at large. Strong professions are often associated with an information monopoly. However, a certain amount of knowledge that cannot be readily acquired and the fact that it takes long-term (if not life-long) learning to become a 'true professional' contribute to the strength of a profession (De Swaan 1978: 189). Freidson (1973: 20) has defined professionalisation as the 'process by which an organised occupation, usually but not always by virtue of making claims to special esoteric competence and to concern for the quality of its work and its benefits to society, obtains the exclusive right to perform particular kind of work, control training for it and access to it, and control the right of determining and evaluating the way the work is performed.'

It derives from this definition that the power of a profession emanates both from the dependence of clients on the particular service and from the rights and privileges granted to the profession by state and society (Hasenfeld 1983: 162). Without going into all the details, it is clear that the human-services occupations we are interested in here, vary in their degree of professionalisation. Doctors unmistakably enjoy the highest degree of professional power (De Swaan 1978, Gastelaars 1997), followed by nurses, social workers and teachers, who can be classified as semi-professionals. Eligibility workers in the housing sectors or in social welfare departments are to a much lesser degree seen as a 'profession' and consequently will have less discretionary powers (Hasenfeld 1983).

The second assumption should therefore be that a high degree of professionalisation goes together with a high degree of power to influence processes of implementation. This implies that it is to be expected that implementation practices which are more or less in conflict with the Linking Act will be found in the domains of health care and education. Social benefits and housing are the most likely domains in which policy changes will be accepted without much conflict.

While Hasenfeld's typology is centred around the type of organisation, other authors are more sensitive to differences in individual 'styles' of rule application within the same organisational context (Lipsky 1980, Engbersen 1990, Van der Veen 1990, Knegt 1986). Distinctions are made, for instance, between 'gatekeepers' and 'advocates' or between 'ritualists' and 'retraitists'. Yet the individualistic and organisational approaches are not as opposed as they seem at first sight. After all, a high degree of (professional) discretion within a certain type of organisation allows for more individual differences in implementing general rules (cf. Lipsky 1980, see chapter 4). Implementation processes are therefore seen here as the outcome of both individual and organisational or contextual factors (cf. Engbersen 1995). Moreover, on the basis of Hasenfeld's typology organisational factors are assumed to result in a dominant type or style of reaction, without expecting that this will eliminate all individual differences.

5.4 The introduction of the Linking Act

Encouraging the exclusion of illegal immigrants from public services has been one of the main policy objectives as recommended by the governmental advisory committee in 1991 (Commissie Zeevalking 1991). Given the limited use of social provisions by illegal immigrants, this direction

appears to be dictated not so much by actual use of public services by illegal immigrants, but merely by the fear for future developments such as 'medical shopping' by asylum seekers. In response to the policy recommendations of the advisory board, the national government presented the Linking Act to Dutch Parliament in 1995. The enactment was postponed several times and eventually took place in the summer of 1998. The delay was in part caused by controversy. In its original form, it generated widespread protest coming from doctors, teachers, legal experts, prominent politicians and representatives of a broad range of public and (semi-)private organisations. Representatives of local governments also campaigned against the new law and seemed to steer a course for non-enforcement. The new law was claimed to be unnecessary, immoral and unworkable.

The controversy has resulted in a number of alterations of the law. One of the major points of discussion was the fear by professionals of being forced to report illegal immigrants to the Aliens Department. In the final version of the law, this obligation was dropped. Furthermore, restrictions concerning education for children were toned down. The age limit was raised to 18 instead of 16 and children were allowed to finish an education if started before the age of 18. In response to the strong concerns voiced by medical practitioners, the law was also eased with regard to health care provisions. Where initially illegal immigrants would only be entitled to medical care in 'acute and threatening situations', this phrasing was eventually replaced by the notion of 'imperative medical treatment'. The responsibility to draw the line was explicitly endowed to medical professionals, and the Minister of Health said to rely on the professional standards in order to draw the line unequivocally and equally. Notably, there were scant protests concerning the exclusion from public housing or income-related rent subsidies. Housing associations were already familiar with the routine of verifying people's background in order to see if they were eligible for certain provisions. Coupled with the fact that access to public housing is not commonly seen as a basic right, and that barring illegal immigrants from housing does not directly threaten society as a whole, housing corporations did not make a strong case for professional autonomy. Eventually, when the sharp edges were more or less removed from the law, both Houses of Parliament accepted it in 1998 by a majority of votes. To satisfy all parties, the Ministry of Justice ensured that the law would be closely assessed and reported on in the years following its introduction.

Officially, the Linking Act serves two central aims. The first is to prevent the continuation of unlawful residence, the second (and overlap-

ping) objective is to hamper the build-up of a quasi-legal position. Both aims emanate from the Aliens Act, which regulates that (a) an individual who wants to stay in the country must ask permission beforehand and (b) an individual who is not admitted must leave the country immediately (Bernini and Engbersen 1999). The major change is that the new law systematically introduces an applicant's valid residence status as a prerequisite for eligibility for public services in the Aliens legislation (Van der Leun and Botman 1999). The label of 'Linking Act' refers to a set of 26 amendments in the legislation. The first and most important change consists of the 1998 amendment to the Aliens Act, which distinguishes between five categories of foreigners.

– Those who are unconditionally admitted to the country.
– Those who are admitted to the country under specific conditions.
– Those who are awaiting a decision following their application for first admission or an application for prolonged stay.
– Those who are in the country for a short stay, such as tourists.
– Those of whom the expulsion is blocked on grounds established in the law (for example as a consequence of their state of health).

Immigrants who do not fall into one of these categories are not considered to be staying in the country lawfully and consequently cannot claim public services. By differentiating between five categories of immigrants, the linking principle can be applied differentially to each type of service provision. For illegal immigrants, the extent of exclusion is most far-reaching. Still, they are not totally excluded. Three exceptions, which are partly rooted in supranational agreements and international human rights discourses (Hollifield 1992, Soysal 1994, Jacobson 1996), can be made. These exceptions pertain to:

– Imperative medical care.
– Education for people under 18 years of age.
– Publicly financed legal assistance.

Besides the amendment of the Aliens Act, twenty-five other Acts, in which the eligibility for public services is regulated, were changed. These laws pertain to four essential domains of the welfare state, i.e. social benefits, health care, housing and education (Van der Leun and Botman 1999). The exact limitations within each domain will be summarised briefly below.

1. As regards social security benefits, eleven laws have been altered. A crucial one is the National Assistance Act (ABW) which supplements the income of people under the social minimum and provides people

who do not have an income with a so-called welfare benefit (*Bijstand*). As regards welfare, the situation for illegal immigrants did not change significantly, as they were already systematically excluded. On the other hand, in the debates that preceded the introduction of the Linking Act ample reference was made to the fact that illegal immigrants would be deprived of their income. It was at least suggested that the whole 'linking' operation would bring to light a certain degree of unauthorised use of welfare benefits. Welfare departments were obliged to verify the immigration status of all clients. In contrast to other sectors 'existing cases' were not to be spared.

2. As regards health care, three laws have been altered. The amendments mainly pertain to funding of health services. The underlying principle is that immigrants who reside in the country unlawfully are responsible for themselves. This also implies that when they receive medical treatment they will have to pay. Hence, public medical insurers (*Ziekenfondsen*) are obliged to refuse enrolment of individuals without a valid residence permit. Private insurers, furthermore, are not obliged to accept illegal immigrants anymore. In contrast to a popular view, the Linking Act does not exclude illegal immigrants from medical care per se. Treatment should be restricted to what professionals regard as 'medically imperative care'. Moreover, health care workers are not obliged to check a patient's residence status, but they do have the duty to verify if the person is insured. In tandem with enactment of the Linking Act, the Ministry of Public Health, Welfare and Sports established a fund to which medical professionals and health centres can apply for a reimbursement of expenses. They can claim expenses if they can prove that they have provided imperative medical care to illegal immigrants, provided that this places a substantial burden on their budget. This 'Linking Fund' should – in each city – be administered by 'regional co-operation networks' that consist of representatives of the respective medical occupations. In 1999, the subsidy involved eleven million guilders. Hospitals do not fall under the sphere of action of this fund and are supposed to write off the costs under the already existing category of so-called dubious debtors. This means that a certain percentage of their budget is reserved for treatments that are normally not covered by insurance.
3. As regards social housing, two laws have been changed. As a result, only prospective tenants with Dutch nationality or those who are unconditionally admitted to the country can be granted a housing-permit and rent public housing. Income-related rent subsidies are only allocated to foreigners who have applied for prolonged stay or those

who already received the allowance before the new law. In the political deliberations it was acknowledged that this does not imply that illegal immigrants are excluded from any housing. The exclusion solely pertains to municipalities that have established a Housing Ordinance (*Huisvestingsverordening*) and within these municipalities only to a part of the housing stock (under a certain level of the rent or in the case of owned housing, the market price). Nonetheless, the Linking Act was also applied in this sector in order to encourage a just distribution of the scarce commodity of housing and relevant subsidies. In addition, the Explanatory Memorandum or *Memorie van Toelichting* makes mention of the fact that under the Criminal Code (*Wetboek van Strafrecht*) it is forbidden to help supposedly illegal immigrants out of pursuit of profit (Vos 1998: 34). Notably, in the domain of housing, the Linking Act is only applicable to future tenants. Housing corporations are not obliged to take measures against illegal immigrants who are already residing in their property.

4. Regarding education, five laws have been amended. For minors and students up to eighteen years of age the situation remains more or less unchanged. They are still allowed to follow an education and schools do not have to verify their residence status. The legal status of new students over eighteen years has to be checked. Students who pass the age of eighteen while following an education are allowed to complete the education or training. The Linking Act explicitly states that following a course or being registered as a student cannot result in the right to stay in the country.

5.5 Practices prior to the Linking Act

While the Linking Act was still under construction and its adoption was yet undecided, thirty preliminary interviews were held in order to gain some provisional insight into the affinity of human service workers with control-oriented tasks. The interviews primarily focused on the extent of discretionary autonomy before the new legislation and the experiences of organisations with illegal immigrants (Van der Leun 1998, Engbersen et al. 1999: 88-120). Most of the people interviewed encountered illegal immigrants in practice, although on a relatively small scale. The interviews first and foremost indicate that the professionals and semi-professionals had strong discretionary autonomy with regard to checking a person's residence status. This could be ascribed (a) to the fact that most respondents were not aware that they had to be concerned

with migration issues and (b) to the fact that the organisations did not formulate any concrete guidelines or policies in this respect. A person's residence status turned out to be irrelevant to most professionals. Respondents did not feel the urge to ask for papers or documents, and emphasised that they did not want to act as police officers. A co-ordinator of (publicly subsidised) adult language courses is very straightforward about his degree of freedom in this respect:

> I never distinguish between legal and illegal resident, or between Turkish and Moroccan. These are all people who live in Rotterdam and therefore they have the opportunity to follow lessons in our institute. This is a purely personal standpoint. The organisations in this city do not have a policy in this respect, it is more or less ignored. (inf. R4)

Similar accounts are found in other sectors. An eligibility worker who works for a housing corporation, for example, was not aware of the need to verify residence status of applicants:

> I just looked it up in the current statute and it says we have to verify the residence status when someone registers or when we grant permission for a housing allowance. But we never do. (inf. U4)

Other respondents highlight the fact that checking residence permits is a complex and specialised task, which they are not able to accomplish. Some maintain that they are not even allowed to check residence statuses:

> According to the Privacy Act, it is not permitted to check passports. We are not a law-enforcement agency. (inf. R8)

Summarising, respondents either do not know or do not want to know whether people are legal residents or not. Professional and personal ideologies influence the decisions that these respondents make with regard to their clients, and apparently the organisations they work for grant them this discretion. Having discretionary powers, however, can lead to active inclusion, active exclusion and everything in between. Many respondents choose to support rather than to exclude clients, even when they suspect that they might be residing in the country without the formal permission to do so. Legitimising their leniency, many respondents referred explicitly to their professional morale and to the fact that they are 'not policemen'.

A second observation is that workers in each sector have their own interests in this respect. For health care workers, insurance issues prevail, people working for housing corporations want to let their dwelling to 'good tenants', and for schools the age and/or motivations of students are crucial. In other words: labelling someone as legal or illegal – a typical *people processing* task – is usually seen as secondary to questions that are relevant to *people changing* and *people sustaining*. One of the respondents who works for a housing corporation maintains that there are advantages in having illegal immigrants as tenants:

> They do not want to attract attention. So they adjust themselves quickly, even as regards cultural customs. (. . .) They cause less trouble. The real illegal immigrants who find a job and pay the rent, we do not notice them. They are ideal citizens. (inf. R8)

Corporations that do not let housing to illegal immigrants do acknowledge the fact that illegal immigrants can easily move in with legally admitted family members. Yet, as long as the inhabitants do not cause any trouble, they feel it is none of their business:

> I work for a housing corporation and I am aware of the fact that certain people sub-rent. But they pay their rent and they do not cause trouble. These people can stay, as far as I am concerned. If it is a decent family, the children go to school and the man has got a job, why should we? Maybe it is not right, but this is the way I think. (inf. A7)

Normally, housing associations only intervene when tenants cause serious trouble or inconvenience. And according to the respondents this happens regardless of the residence status of the persons involved.

Health care workers want to provide care to people who need their help. Again, the question of whether a client is a legal resident is of less importance, as is reflected in the words of a General Practitioner in Utrecht:

> They arrive here when they are ill. Most of the institutes are organised in such a manner that they primarily give priority to a request for help. They [illegal immigrants] will always be treated. (. . .) Health care workers are there to treat people and not to see whether they are residing legally in the country. That would exceed our profession and I do not think you would get someone as far as to do so. (inf. U11)

For all practical purposes, health care workers translate the question of legality into a matter of insurance. If a patient is insured, most respondents do not feel the need to ask any more questions:

> There are also illegal immigrants who are in the possession of a medical insurance. In that case, we do not see any problem. (inf. A3)

In the domain of education, age is the crucial criterion. If a student is under 18 years of age, he or she is allowed to attend a school regardless of the residence status. In practice, primary schools do not verify the residence status of their students or of the parents, as the headmaster of a primary school in Utrecht explains:

> We do not ask for a residence status of the parents when they register their child, but we do inquire after their nationality. We cannot deduce the illegal status from the information provided by the parents. (. . .) It is my responsibility that parents register their child. And as headmaster I represent the interest of the child. I do not have to know if the child is legally in the country. (inf. U8)

This lenient attitude is not confined to primary schools. Organisations that provide language courses to adults do not seem to bother about the residence status of their students either, as reflected in the words of a staff member:

> When someone turns to us for a course, we first have an interview and ask them to bring their passport. When they refuse to bring it, we suspect that they are illegal immigrants. Yet, we do nothing with this information. We simply register them and do not report the fact that they are illegal. (inf. U7)

These practices do not imply that helping illegal immigrants always goes without problems. In some instances, professionals and semi-professionals face concrete dilemmas. For example, when an illegal patient without valid medical insurance has to be referred to a specialist, or if a child reaches the age of 18 and wants to continue schooling, they run into a new set of constraints. The interviews demonstrate that in instances like these, respondents often use informal strategies to extend the support for the immigrants in question. They often mobilise their personal network. A family doctor gives the following example:

> I know some people in hospitals. I can call them and say: 'this child really needs help, so and so is the matter and the child is not insured'. And commonly you have an acquaintance you studied with or you have some idea about who is willing to help without being paid. That is the way it is dealt with in practice. (inf. A3)

When respondents know that they are dealing with an illegal client, they often have their informal strategies to settle the matter. In most instances, it concerns small numbers of illegal clients. The general impression is that illegal immigrants are very reserved when it comes to asking for help. The willingness of 'gatekeepers' to help, furthermore, is likely to be greater when people have built up personal ties with the immigrants in question. In this respect, a dual selection process appears to take place. First, illegal immigrants turn to organisations or individual professionals they trust. And secondly, if they are treated well, other illegal immigrants are more likely to turn to the same organisations or professionals. As a consequence, illegal children are concentrated in specific schools and some doctors treat significantly more illegal patients than others (cf. Burgers and Ten Dam 1999). The interviews suggest that these processes of specialisation take place in other organisations as well. As regards foreseeable implications of the pending Linking Act, most respondents were relatively acquiescent. A respondent who works for a housing corporation, reacts rather light-heartedly:

> I expect close to nothing. What is illegal now, will still be illegal. And at a certain point in time, you can link all kinds of computerised systems, but I am sure ways will be found to deal with that. (inf. R8)

Most respondents shared this view. They relied heavily on their discretionary autonomy and on their informal strategies to get around the rules. The debates that surrounded the formulation of the Linking Act may also have encouraged this idea, as many officials openly gave their opinion about the impracticability and unfeasibility of the law and its incompatibility with their professional ethics. The situation under the 'new regime' will be discussed in the next section.

5.6 After the Linking Act: old and new dilemmas

The Linking Act came into force on the first of July 1998. Shortly after, press reports about victims of the new legislation began to appear. Early

reports on the consequences were mixed, however. For example, mention was made of the fact that some municipalities – like Leiden and Nijmegen – ignored the law and supported the immigrants in question with their own resources. In order to study these issues more systematically, a follow-up study was conducted (Van der Leun and Botman 1999). Sixty people working in the relevant sectors were interviewed between several months and one year after enactment of the Linking Act (see appendix 4). This time, the provision of social benefits was also included. At first sight, the interviews after the enactment of the new law are a bit of an anticlimax. Over half of the respondents were not, or only vaguely, aware of the law's contents. In particular, teachers in primary schools often had no clue about the exact regulations. A school teacher and headmaster in Rotterdam is not surprised by this observation:

> There are more important things. Besides, the government never informed me either. (Educ./R/36)

Other respondents confused the Linking Act with privacy regulations, or with rules regarding the exchange of data in general, or they only had some vague notions as to what the law amounted to. This lack of knowledge can be attributed to a lack of interest by the respondents, but also to a lack of information provided. Most respondents were not notified or only sparsely informed by the relevant Ministries. Moreover, they complained that they did not get satisfactory answers to the questions that arose during the preparations for implementing the law, when they approached the Ministries or the Aliens departments. In general, the information provided by the authorities was seen as unsatisfactory. An eligibility worker who works for a housing corporation in The Hague and who put a lot of effort in finding out details of the Linking Act sometimes even regrets the fact that she did:

> We were ready when the Linking Act came into force. Sometimes I think we had better not. We know too much, we check everything and it causes us nothing but problems. (Housing/H/8)

Enforcement practices and processes of implementation, however, do not exclusively depend on knowledge of the contents of the law. In principle, it is also possible that professionals or semi-professionals have effected changes without being aware of the exact rules, or because there are no major practical consequences. More important questions are therefore whether and how the 'rules of the game' with respect to illegal

immigrants have changed after the Linking Act came into effect. Below, this will be studied for the four sectors successively.

Social benefits. Workers in the domain of social benefits were already familiar with the exclusion of illegal immigrants before the new law (Clermonts et al. 1991). This is underscored by respondents who work for the welfare departments in the four large cities:

> Since 1990, the social welfare departments always have to check the status of an immigrant before they proceed with granting a benefit. Accordingly, a benefit for someone who is in all respects illegally in the country was an exception, even before 1998. (Welfare/A/59)

Nonetheless, when the law was passed, all welfare departments were obliged to check their files in order to withdraw clients who were no longer eligible. Their discretionary autonomy was limited:

> The only thing we could do was cause some delay in the processing of existing cases, but new applicants had to be checked from the start. (Welfare/A/59)

The lack of a transitional arrangement for formerly lawful recipients was generally seen as unjust. Representatives of the four welfare departments wrote a letter of protest to the Parliament, which only resulted in a 'transition period'. Eventually, all four departments completed the 'filtering' of clients during the first year. Drawing on the interviews with respondents in the departments in the four largest cities, it can be estimated that in the end 400 to 500 welfare benefits were cancelled in the four cities together during this first year. The immigrants concerned were mostly involved in procedures concerning their residence status. It must be noted that the majority of these applicants or former recipients were (or would have been) entitled to welfare under the old regime. Less is known about the impact of the Linking Act on social security provisions such as disability pensions, sickness benefits, child allowances etc. The National Institute for Social Insurance (LISV) reported 441 cases of exclusion in 1999, which would make up about 0.3 per cent of the cases that were checked. The Social Insurance Bank (SVB) reported 1,997 cases of exclusions, mostly pertaining to child allowances.

It is largely unknown how the people who are affected by this operation make a livelihood after their refusal. According to our respondents, there are no indications that they have left the country and they are most

likely to be looked after by family members, acquaintances or by charity. The most tangible problems have arisen for the group of 'white illegals'. A psychiatrist who sees some of them is shocked by the consequences:

> The Linking Act is the final blow, the definitive cut-off. I see families (. . .) with children who are socialised here, whose parents have been working, who have no source of income whatsoever anymore. Where tuition fees for school cannot be covered anymore, where there is no bread on the table. (Health/A/30)

The general impression is that private organisations support part of this population. In this sense, 'shifting down' also leads to privatisation or 'shifting out' of responsibilities. Yet it is obvious that (semi-)public bodies also take measures. The municipality of Leiden, for example, attracted attention when the city council decided to pay twenty-five benefits out of its own budget. A local politician explains the background of this remarkable decision as follows:

> Under the Linking Act, two legislative systems collide. On the one hand the restrictive admission policy of the national government and on the other hand the municipal duty to take care of the inhabitants of the city. (. . .) We prefer that all the people who reside in Leiden can make use of the available provisions, to prevent ending up in a situation that terrible things happen to these people. Or that annoying situations will develop in society. Diseases are of course the most obvious and easy examples, but you can also see it in terms of criminality. (Politics/L/3)

The larger cities were somewhat more silent about their solutions, but they have also established funds for 'poignant cases' and they also refer to the incompatibility between their municipal duties and the national policy. Local funds and networks can be seen as 'bypasses' (Etman and Korpel 1999) which aim at reducing pressure on the wider society. It is not surprising that these provisions originate at the local level, where the ambiguities and limits of the legislation come directly to the surface. The funds are mostly privatised or semi-privatised. Yet in many cases they are at least partly and often indirectly subsidised by local authorities. In a sense they comprise an alternative safety net for the extremely vulnerable who cannot claim formal rights. According to a respondent who works for a welfare department, this is one of the reasons that the national government tolerates and, according to him, secretly favours these bypasses:

> The government is tied to the principle of equal treatment (. . .) Whereas private organisations can simply say: we support you, but we do not support you. (Welfare/H/23)

Besides these bypasses, there have also been attempts to tone down the impact of the law by judicial means. Not long after its enactment, sections of the law were challenged before court, and this case law has resulted in some 'repairs' to the law (Minderhoud 2000). In October 1998, for example, the Court in The Hague ruled that the Linking Act was partly in contradiction with the European Treaty for Social and Medical Assistance, which pertains to immigrants who are awaiting a final decision of the authorities. In practice, this meant that some of the decisions had to be reversed (Pennings 1999). On the one hand, this was appreciated by respondents, who felt it demonstrated the Act's harshness. On the other hand, it also reinforced doubts about the law's legitimacy. As legal procedures have not yet ended, it is still very much an open-ended question to what extent other sections of the Linking Act will stand firm in the long run. Yet, the finding that illegal immigrants hardly claim social benefits was confirmed, despite different prognoses. One respondent in The Hague recalls:

> With regard to welfare benefits, everybody thought it would pertain to thousands of people. Actually, there are relatively few. (. . .) That has been one of the main problems of the legislator of course, who could not foresee how many people it would concern. (Welfare/H/23)

It must be noted that this was the only domain where the linking principle already applied before 1998. Although the consequences are very harsh for some people, they mainly affect a small category of illegal immigrants who had obtained a quasi-legal position and who received social provisions. Keeping this in mind, it is not surprising that the dominant attitude in the domain of social benefits is legalistic, and that the 'rules of the game' with respect to illegal immigrants have not undergone significant changes under the new law.

Health care. The Linking Act has widely caught the attention of professionals and semi-professionals in the domain of health care. This is also reflected in the interviews. Seventeen out of twenty-four respondents mention concrete dilemmas in their day-to-day work, which they associate with the enactment. These dilemmas are related to issues of the well-being of people and sometimes even to life and death issues. More-

over, fifteen out of twenty-four respondents were acquainted with the contents of the new law in great detail.

The central dilemma in the sphere of health care can be summarised as 'funding versus professional duty'. When a person is either insured or able to pay, most respondents do not see a problem. Some illegal patients pay in cash, in some cases even for expensive operations. They are often supported by family members, co-nationals or charity. Many hospitals, furthermore, try to make financial arrangements with uninsured patients. However, when illegal patients are not able to bear the costs of their treatment, health care workers have to draw a line regarding care that should be provided. The starting-point of the Linking Act is that no one should be denied essential care. At the same time, it implies in principle that non-imperative care should *not* be provided unless it is paid for. Most respondents claim that it is inherently impossible to draw a line between imperative and non-imperative care. A psychiatrist in Rotterdam also opposes the idea that imperative care should always pertain to physical problems:

> There is not a single doctor who can determine what imperative medical care encompasses. When someone nearly dies? When there is a fifty per cent chance that he will pass away? (. . .) Everything that can be treated and could otherwise harm a person's health is imperative. (Health/R/5)

For most respondents, the duty to help prevails. They show little interest in whether a person is in the country legally or illegally:

> We think it is not possible to ask health care workers to check whether people are illegal immigrants or not. We think that regardless of residence status everybody should be helped. And afterwards this should be paid, but that is really only the matter afterwards. We do not want situations like in the US where the emergency department asks for your documents and when you do not have them, you can leave. (Health/U/33)

Giving more or less 'informal' help – often for free – is not so problematic as long as it is restricted to relatively plain treatment or care. Many respondents, furthermore, have their ways of obtaining cheap medicines. They use the free samples that they receive from the pharmaceutical industry or make a deal with the local pharmacy. In some instances they turn a blind eye on the use of other people's documents. However, when a patient needs more specialised care or treatment, he is depend-

ent on the co-operation of specialists and hospitals. It is in these instances that it becomes clear that the help a person gets depends on individuals and individual organisations.

One of the most puzzling outcomes of the interviews in the sphere of health care, following the introduction of the new law, is the divergence of respondents' accounts. According to some respondents illegal immigrants get all the treatment they need, while others refer to tragic cases when people are sent off when they were clearly in need of help. According to some respondents, everything runs smoothly, while others are plagued by dilemmas and troubles in their day-to-day work and complain about a lack of clarity and guidelines. The variation first points to large discretionary autonomy. Both organisations and individuals within these organisations have considerable room to manoeuvre. The flip side of this discretion is an inherent arbitrariness. It sometimes depends on an individual if a person is helped or sent off. A second observation this variation points to, is the uneven distribution of pressure on organisations. Some hospitals and some professionals appear to bear the brunt, because they feel obliged to help illegal immigrants. It may also be the case that they are confronted with illegal immigrants more than others due to their location or their specific tasks. A respondent who works in a social welfare institution gives an example of how the organisation gets 'saddled' with illegal immigrants and subsequently with unpaid bills:

> A man was brought in here literally with gunshot wounds. The police attempted to expel him and something went wrong, so they brought him back. They brought him to the health service and they brought him to us. And we were saddled with him for a full year. We could pay for everything ourselves. And there are more organisations who have to deal with these situations. (Health/R/10)

According to some respondents this leads to 'pushing and shoving' of illegal and sometimes uninsured patients. A social worker in a large hospital mentions the problem with illegally residing AIDS patients in this respect:

> The therapy is terribly expensive. The treatment costs € 13,700 to 18,200. And there is not a single organisation that says: we will handle the case. (Health/A/41)

Problems like these mainly arise in the case of patients who need complex treatment. The most persistent problems occur when illegal immigrants are chronically ill or in need of expensive care. In particular, when patients have to be referred to other institutions it may be problematic to have them accepted. Some respondents spend hours or days on the phone in order to arrange the admittance of an illegal patient to another hospital or clinic. This requires careful negotiations about who covers the costs for medication etc. Although they often find a solution, they do not always succeed:

> Right now I am making phone calls for a man. A Dutch man returned from Brazil. He brought a friend with him, who is HIV-infected and needs medication. And if I do not succeed quickly, he will die. And he is not the only one. (Health/R/10)

Respondents give several examples of cases in which they cannot help. At the same time, it is obvious that the most well organised 'bypasses' are to be found in the domain of health care. The national government subsidises regional networks where health care workers can charge their declarations with the 'Linking Fund'. These networks are private organisations with a voluntary board. In fact, they are mostly based on informal ties between people who were involved in the support of illegal immigrants before the new law. Although many professionals complain about the amount of red tape, the Linking Act has paradoxically resulted in an amelioration of the situation regarding health care for illegal immigrants. Although these networks bring more clarity, there remains a certain ambiguity in these arrangements. One respondent refers to the contradiction:

> On the one hand the government develops a policy, on the other hand they subsidise illegality. Subsequently, they put an organisation in the middle which more or less has to straighten things out. Everybody who observes it knows there is something strange about it. But from a humane and societal point of view, I think it is right that they create provisions for these kinds of situations. (Health/H/1)

In many respects, the situation in health care after the Linking Act does not appear to differ fundamentally from the situation before its enactment. Two notes have to be made in this respect. First, according to several respondents, the number of uninsured people is on the rise:

> Before the Linking Act came into force, many illegal immigrants were insured through all kinds of secret paths. And obviously, this is not possible anymore to the same extent. So the problem is on the rise that people who need help simply cannot pay for it. That certainly is a change. Before, the patient could send the bill to the insurance company and nobody was hampered by a section of the Linking Act. So the indirect effect of the Linking Act is that the situation becomes more difficult because people cannot be insured anymore. (Health/H/1)

Secondly, again according to several respondents, the Linking Act has an indirect effect on illegal immigrants. The fuss that surrounded the new law and the suggestion of computerised files that are all linked together, fuel fears among illegal immigrants. Although this may have been the aim, it can have unintended consequences when this fear leads to further avoidance of seeking help:

> Illegal immigrants are extremely scared of filling in forms. In the Netherlands we all know that doctors are bound by professional secrecy. A doctor will never call the police when it comes to light that a person is illegal. But illegal immigrants think that is exactly what will happen. (. . .) This means that people wait far too long because they are scared, which is absolutely visible in the case of AIDS and HIV. (Health/A/41)

Obviously, this may have far-reaching consequences. Health care workers who work for public health services point to the danger of HIV/AIDS or tuberculosis outbreaks. Others point out the dangers for illegal immigrants who are in need of acute care. A teacher in Amsterdam refers to a 35-year old man who died because he did not dare to go to the hospital. Other respondents refer to illegal mothers who are afraid to register the birth of their children. Midwives often attempt to register the babies for them, but sometimes the fear of being apprehended is so strong that this is not done:

> Non-registered babies are a pressing problem for our society. We are creating problems and we are planting a sort of a time-bomb. (Health/R/10)

According to some respondents, the confusion that surrounded enforcement of the law, has also influenced health care professionals negatively:

> The linking Act has created a sort of smear campaign. (. . .) A mental brainwash. Even doctors think that way. Someone is illegal, so there is something wrong with helping him. But this is complete nonsense. Every doctor has the duty to help anybody who turns to him. We took an oath to that. (Health/L/2)

In reaction to the first indications of these consequences of the Linking Act, the Minister of Health underlined in February 2000 that illegal immigrants are not to be refused by hospitals or health care workers. This time, it was the Minister who tried to convince health care professionals of the need to interpret the notion of 'imperative medical care' broadly. The ambivalence of the formal policy could not be better illustrated.

Summarising the findings regarding health care, the dominant attitude is either pragmatic or moral-ethical, depending on respondents' view on informal strategies. Legalistic attitudes are an exception. A high level of discretionary autonomy does go together with individual differences, as health care workers are able to make a strong appeal for their professional autonomy. The extent of actual exclusion of illegal immigrants appears therefore to be limited. However, a combination of fear on the part of immigrants, some confusion on the part of health care workers regarding the exact consequences of the law, and an uneven spreading of the burden, does appear to constitute a risk. Across the board, the practice in health care is still very much one of muddling through. Locally, the situation has sometimes even been ameliorated as a consequence of the establishment of regional co-operation networks, which is a paradoxical outcome of the new law.

Housing. The third sphere the Linking Act has bearing on is housing. Notwithstanding a marked rise in private housing, the public housing sector in the Netherlands is still extensive, particularly in the main cities. Moreover, immigrants are often minimum-choice actors on the housing market and therefore depend either on public housing or on the lower ranks of the private market. In recent years immigrants on average move away from less-regulated private accommodation to better-quality social housing. Around 85 per cent of the legally admitted Turkish and Moroccan immigrants, for example, is dependent on social housing, while 35 per cent receives a means-tested rent subsidy or housing allowance (SCP 1998: 193, 195). The public housing sector is densely regulated. Responsibility for the housing allocation in the main cities is to a large extent decentralised to (semi-)private housing corporations. New

applicants have to show several formal documents in order to prove their identity, income and composition of the family. Under the Linking Act housing associations are now explicitly required to check a prospective tenant's residence status as well.

The interviews held after the Linking Act show how intake procedures of corporations have actually been tightened up during the first year under the Linking Act, despite the fact that this was not expected beforehand. An eligibility worker who works for the same corporation in Amsterdam that I visited in 1997 – while her former colleague was convinced they would never check people's residence documents – now says that prospective tenants are told from the start that they need a valid residence permit:

> If prospective tenants come to the counter or contact the information number, we already have a conversation about the criteria for enrolment. One of the things that they need to show is a residence document. Apparently, that is just the reason that many people never show up at their first appointment. (Housing/A/22)

Although with some delay, many corporations appear to have switched to procedures which involve a check of residence status. As a standard procedure, they ask tenants for their documents. Subsequently, the information is sent to the municipal population register. When eligibility workers have doubts about the reliability of the documents or the rights attached, they sometimes contact the Aliens police to verify a document or to inquire after the status of an individual. A public officer from the Municipality of The Hague confirms that checks have been intensified after the new law:

> It has always been the case that they had to be in the country legally, but it was not something we used to pay attention to. That has changed now. (Housing/H/12)

Most of the respondents do not object to the tightening of intake procedures in this respect. They point to the fact that a scarce good such as public housing should not be allocated to people without a valid residence status. And now that they have the means to decide who is eligible and who is not, it turns out to be not that difficult:

> For us, the guidelines are much clearer now. In the past, it may have happened that we allocated housing to people who did not have the proper

> residence status. But since last year this has not happened anymore. (Housing/H/6)

In line with the assumptions, the dominant attitude among eligibility workers is legalistic. Seven out of ten respondents have detailed knowledge about the Linking Act, and a majority of the respondents stress that their discretion is limited and that they act according to the rules. Most corporations have formulated formal guidelines on how to perform the necessary checks and the policy changes seem to have overruled the discretionary freedom in this respect. At the same time, none of the respondents is convinced that other corporations within their city also conduct the necessary checks. Four claim to know this is not the case, while six have their doubts. It is impossible to assess to what extent all the corporations abide by the Linking Act and it is probable that there are still exceptions. However, the rule seems to be that the residence status of prospective tenants is checked beforehand.

Focusing more closely on implementation practices, it becomes clear that the legalistic attitude that most respondents display is relatively superficial. It does not have many consequences in practice, which implies that they have to reject only a few prospective tenants:

> It rarely happens, but last week it coincidentally happened to me three times. These people had F-documents so we cannot grant them housing. It is very hard to explain, though. They often have stable jobs and can show work contracts. But without the proper status: no housing, no rent subsidy. (Housing/H/6)

The above-mentioned refers to people with F-documents, who have limited housing rights, but are residing legally. Corporations are also approached by illegal immigrants. Most of the time this does not concern illegal immigrants who apply for independent housing, but rather families in which the line of legality is drawn somewhere between family members. A close inspection of the waiting list for public housing in Amsterdam revealed that twenty per cent of the families included one or more members without proper status (Housing/A/26,25). In practice, this may mean that corporations are confronted with a family of six that applies for housing, while only four family members are in the country legally. Now that the residence status of future tenants has to be checked, the illegal family members are left out of the evaluation when deciding on the suitable size of accommodation. Respondents claim that in practice they are rarely sent off. What happens instead, is that (for example)

accommodation is rented out to four people, while in practice six people move in. This method is not considered illegitimate by our respondents. They usually do not see it as their responsibility to check how many people actually move in. It would be difficult to verify and they think it is irrelevant as long as the inhabitants are not expected to cause problems or complaints:

> We have 16,000 units to let, we cannot constantly check if the tenants are still the ones who are residing there. As long as we receive the rent. (. . .) In my opinion, you cannot expect a corporation to check this. We have become too large and it would be too complex. Furthermore, we are not allowed to enter a house without reason to do so. (Housing/H/8)

The effect of these practices is that the Linking Act encourages rather than curbs overcrowded housing. Some respondents acknowledge this unintended consequence:

> What we create indirectly, is that people are becoming more strategic in dealing with the situation. (. . .) They figure out better who they register as moving in with them. That is how you get sub-renting practices. (Housing/H/7)

On the other hand, they have their own considerations:

> I work for a housing corporation. I am here to let housing. Not to reject people all the time. (Housing/H/9)

In this respect, some have the impression that the relatively easy acceptance of the Linking Act has more to do with the fact that there is a shortage of available housing. Housing corporations simply do not need extra clients. According to them, this might alter in the near future when a surplus of less-attractive housing in the large cities might emerge as a consequence of large-scale housing development. They also justify their leniency as to 'overcrowding' or 'sub-renting', remarking that in other regions of the country and in more expensive segments of the housing market, regulations do not apply:

> Moreover, the Linking Act does not apply to municipalities with a liberalised housing regime, so we can ask ourselves if we have to be more catholic than the pope. (Housing/H/12)

Most respondents feel it is the national government that avoids harsh measures by refusing to expel people from the country. They feel it is not their task to make up for this lack of action.

The assumption that a relatively low level of professionalisation in the housing sector coincides with limited discretionary autonomy and a high acceptance of the Linking Act, is largely supported empirically. However, the legalistic attitude most respondents display can be partly explained by the fact that housing corporations are not obliged to check the residence status of tenants who have moved into their house *before* the Linking Act. Many eligibility workers stress that they do not mind doing a more detailed check on future tenants but they would refuse to evict people. It would interfere with their professional standards. This is illustrated in the case of urban renewal programs. The standard procedure with these programs is that tenants who live in the targeted neighbourhoods are obliged to move out of their accommodation and are offered alternative accommodation. In some cases, reported in all the cities, the tenants turn out to be residing in the country illegally. This presents a dilemma to eligibility workers. On one hand, they feel they should grant alternative housing, on the other hand this possibility is blocked by the Linking Act. In practice, nobody is prepared to deprive people of housing:

> Put very frankly, I flatly refuse to throw a family out on the streets. They do not possess the papers they should, but if we had not demolished these houses, nobody would have done anything. Not a single body would have asked them about their documents. Nobody is taking any responsibility for such a citizen, or rather, former citizen. (Housing/H/7)

So far, these cases are solved informally by silently granting such immigrants temporary accommodation. According to the eligibility workers, this is emblematic of the formal policy toward illegal immigrants. In their opinion, concrete dilemmas are ignored by the authorities as long as possible. A municipal housing officer carefully defends the fact that decisions are not taken.

> If they [corporations, JvdL] let these people profit from the renovation by offering them replacing accommodation there is a conflict with the Linking Act. But maybe they just did not ask. Or maybe they did not want to know. The question is how actively – as local government – you want corporations to check these things. You can have an immense dis-

> cussion about, let us say, these two cases in The Hague, but do you want to put all the energy into it? (Housing/R/24)

In sum, the dominant attitude as to social housing can be described as legalistic. Corporations often act according to the letter of the law and exclude prospective tenants. This has meant a relatively abrupt change of the prevailing rules of the game. At the same time, the legalistic attitude is only skin deep. Respondents are not interested in sub-renting practices and are aware of the fact that they let housing to more people than they formally should and that there are illegal immigrants among these non-official tenants. As long as the official tenants pay their rent and do not cause complaints, they do not feel obliged to ask any questions. The Linking Act does not interfere with these 'smart rules'. With the exception of sending away new applicants, nobody is forced to make unpopular decisions, and the parties involved all seem to be relatively satisfied. The only matter of principle appears in case of urban renewal programs. When illegal immigrants have to be allocated alternative accommodation this is usually arranged informally and inconspicuously, which by some respondents is seen as symbolic of the ambiguous policy.

Education. The fourth sphere the Linking Act encompasses is education. There is a difference between the position of illegal immigrants of eighteen years and younger and of those over eighteen years of age who want to begin an education. The Linking Act does not bar illegal children from primary or secondary school. They are still allowed to attend school and to commence an education until they are eighteen or until they finish the education they have begun. Illegal adults, however, are not entitled to public education of any form.

Regarding the position of minors, the Linking Act does not appear to have any consequences for them, their parents or the schools they attend. Although half of the respondents working in education claim to know only vaguely what the Linking Act includes, most of them are relatively satisfied with the outcomes of the debates that surrounded its introduction. The most important thing from their professional point of view, is that children will not be refused schooling. In practice, many teachers and headmasters of primary schools do not know (or do not want to know) which children lack legal residence status. Moreover, even if they are aware of a child's illegal status, this has no direct consequences. Some headmasters have also made agreements in this respect on the municipal level:

> We have agreed not to block access to our schools when children are illegal. But that was the same before the Linking Act. (Educ./H/15)

Agreements like these are made in order to ensure that all schools follow the same line of action. In this respect the Linking Act has not led to a drastic change in practices. However, the interviews also show concrete dilemmas and bottlenecks, which play a role in the day-to-day practice of teachers and headmasters. The first is the fear that illegal children are now identifiable in the (central) registration of pupils, because they do not have a social-fiscal number. Although teachers and directors have been reassured time and again that the information will not be used against children or their parents, it makes them uneasy. A teacher who feels heavily involved in the issue is convinced that illegal children can be identified:

> What I understand from the Central Pupil Administration, is that they attach a special code now. The school asks the parents if they are illegal residents and the administration recognises it as a special code. This implies there is a check, although it is not lawful according to section 1b of the Act. So there is some ambivalence in primary education. (Educ./A/4)

The second point some schools are confronted with is that they do not get any extra funding for illegal children.

> The point is the government cannot withhold education from illegal children. However, they can say: 'We are sorry, they are not entitled to additional provisions.' And that causes a lot of trouble. (Educ./A/45)

The third point is that the number of uninsured children is on the rise:

> Another problem we run into, is when something happens to a child at school, and we need a doctor. Well, that is simply not possible. These children are not insured: no health service, no family doctor. (Educ./A/45)

Most of the respondents identify these problems. Yet, they also make clear that they have their formal or less formal ways of solving these issues. Whereas most respondents in primary education show a rather resigned mood regarding these problems of a more practical nature, they insist that children, regardless of legal status, should get their education.

Some respondents are involved in informal networks that try to keep track of illegal children and make sure they attend school. While it appears to have been prevented in most cases, some parents have removed their children from school out of fear. As in the case of health care, the fear of detection appears to dissuade some parents from sending their children to school (cf. Morelli and Braat 1999).

For illegal immigrants who have passed the age of 18, the situation is different. They are allowed to finish the education they started but they cannot begin a new one. In secondary education, the institutes do not appear to be regularly confronted with large numbers of illegal immigrants. In most cases they have begun checking papers of new pupils, which is seen by many professionals mainly as extra work. Some schools take a lenient stance:

> It happened to me recently that I was asked by a father: Do you also accept illegal children? And I said: What is an illegal child? So, the man understood the answer was yes. (Educ./A/49)

Respondents who work in secondary education mention two specific problems when they have illegal immigrants among their students. The first is that students who do not have a social-fiscal number cannot apply for an apprenticeship.

> When they have to do a work placement, they have to give notice of their social-fiscal number. (. . .) And if they cannot give one, they are refused. (Educ./A/50)

In these instances, teachers look for informal solutions such as offering an internal apprenticeship or turning to employers whom they know personally. A second problem is that parents cannot always cover the high costs for books and school supplies. In some cases, private funds pay the costs, in other children leave school. A principal in The Hague has seen several examples of this:

> So they start to look for a job. And we are in the lucky circumstances that it is not too difficult to find illegal work in the greenhouses in the neighbourhood, where they can make a decent living. But there is also the possibility that they choose another route. And that is not always a positive one. There is always the temptation. Personally, I know some kids who have set out for criminality. (Educ./A/4)

The third type of education the Linking Act pertains to is subsidised language training for adults. Although these institutes have officially never been open to illegal immigrants, they commonly did not check legal status. This appears to have changed abruptly since the new law came into force. In The Hague, two respondents who work for one of the institutes that provide language courses started with selections after the summer of 1998. Before, they never asked any questions about residence statuses. Now they send off all applicants who cannot prove that they have the appropriate status. To their surprise, they have to turn away a significant proportion of the people who show up:

> In the beginning it was fifty per cent, and now about thirty, the whole year round. (Educ./H/28)

Although the respondents are surprised by the high proportion of applicants who turn out not to be eligible, the director of the institute does not see any problem: 'We are a subsidised institute and we follow the rules of the government.' (Educ./H/27) She also stresses that the institute has a waiting list for students. A teacher who has face-to-face contact with the students within the same organisation, however, has much more difficulties with the new rules:

> As teachers we are emotionally involved. That is not so strange if you have taught these people for years. There are these nasty cases in which the child is allowed to attend a public school whereas the mother is not allowed to learn the Dutch language. And we see how things go wrong. I think it is understandable that we worry about these things. (Educ./H/29)

Respondents who object to the new rules feel that they have very little room to manoeuvre:

> We are not doctors. If you refuse to see a doctor you can die, but that does not happen when you do not learn the Dutch language. (Educ./H/27)

They also point out that illegal immigrants can still learn the language, albeit not in their institute:

> It simply shifts to other circuits. Community centres have absorbed a lot. Because, you know, there is an enormous demand. Illegal immi-

> grants are very eager to learn the language, so that they can work. There certainly is a demand, and people simply look for alternative ways. (Educ./A/54)

The above-mentioned changes have also had influence on the social perception of illegal immigrants. For instance, teachers mention the fact that 'illegal' has become a term of abuse in school and that parents have become much more reticent in talking about their difficulties. These indirect effects of the Linking Act are illustrated by a teacher who gives language courses to adults. He has long-term experience with illegal immigrants as students and feels that the meaning of the term illegal status has changed over time:

> We used to find it out when we had them in our classes. We found out soon. But there was no reason to be secretive about it. And they thought: it does not matter if my teacher knows I am in the country illegally. (. . .) Now people do not talk about it anymore. Once in a while someone takes you aside to talk about it, but they never mention in the group anymore that they are illegal residents. And when they want to talk about it, it is because they are in trouble and they want you to help them. (Educ./H/29)

In sum, the experiences in the domain of education are mixed. Discretion is indeed high in primary education, as was expected. Children can still go to school and teachers stress the importance of illegal children finishing their education. The main problem faced here is the fact that children are now more often uninsured than before. In practice, however, they seem to cope with this problem rather well. In secondary education, we find more or less the same situation. Problems are finding an apprenticeship without a social-fiscal number and covering the costs. Both problems are predominantly solved through personal contacts, sometimes with the help of informal networks. The degree of discretionary freedom is very low, however, in institutes for adult education. This goes together with a high level of actual exclusion and a significant change in the rules of the game. Furthermore, parallel to the domain of health care, respondents stress that the social climate is negatively affected as a consequence of the new law. Some people seem to have kept their children from school and people are much more closed about their illegal status than before. This can be seen as the logical outcome of a policy of 'discouraging' illegal immigrants. At the same time, it points to

the drawbacks of such a policy. This brings us to the conclusions regarding limits of the Linking Act.

5.7 Conclusions

Authors like Pressman and Wildavsky (1984) and Lipsky (1980) have argued that in order to understand policymaking, attention should not only be paid to the formulation of policy, but also – and maybe even more so – to processes of implementation at the local level. According to these scholars, lower-level workers influence the outcomes of public policies by enforcing the rules selectively and by transforming official objectives into workable goals. These ideas have been applied in studies on social services more than in the field of migration control. Studies on migration policy tend to focus on formal documents and legislation, and migration control is seen mainly as a responsibility of the central state. At the same time, it is widely noticed that governments that want to curb illegal residence are relying ever more on so-called internal migration control or remote migration control. This directly implies a certain delegation of responsibilities to the lower level, or in other words: shifting down of responsibilities (Lahav 1998, Hollifield 2000, Guiraudon and Lahav 2000). The Dutch Linking Act is an example of this policy trend. On the one hand the law aims at diminishing discretionary freedom of human service workers, while on the other hand, it shifts responsibilities to the lower level, which may also imply an increasing reliance on the discretion of implementers.

The key question of this chapter was to what extent the introduction of the Linking Act – as a far-reaching and advanced instrument of internal migration control – has led to changes in the 'rules of the game' in practice in several crucial sectors. Preliminary interviews have made it clear that before the introduction of the Linking Act, human service practitioners showed little affinity with internal migration control tasks. A systematic exclusion of illegal immigrants did not take place. Checking residence statuses was generally made subordinate to checks that were considered relevant by the occupation or organisation. Many lower-level workers emphasised that checking residence statuses was not compatible with their professional morale or their professional considerations.

The interviews held a little less than one year after the introduction of the Linking Act make clear that the law does not represent as radical a departure from the lenient policies of the recent past as was proclaimed.

First, this can be accounted for by the amendments that were made to the law during the political debate. In response to widespread objections, the restrictions were significantly eased. In the final version, professionals do not have to report illegal immigrants to the police. Secondly, the interviews point out that many professionals still stretch their discretionary powers in order to help undocumented immigrants after the enactment. Considerations of a professional nature and standards of 'human decency' prevail. It could even be maintained that the welfare state ideology has permeated practices to such an extent, that exclusion only takes place when it is clear that illegal immigrants will not come into serious trouble, i.e. when there is a substitute in the private sphere.

The assumption that practices differ between domains is largely confirmed. More specifically, people changing tasks and people sustaining tasks tend to prevail over people processing tasks. It must be noted, however, that the enactment of the Linking Act has brought about stronger differences between the four domains in this respect and has diminished the discretionary freedom within certain sectors. This corresponds to the second assumption: that a high degree of professionalisation would go together with a high degree of discretionary autonomy when dealing with the Linking Act. Since the law's introduction health care workers and primary school teachers, who have a strong professional autonomy, have still found many ways to help and support illegal immigrants. Hence, pragmatic and moral-ethical attitudes are dominant in these spheres. As was foreseen, workers in the domains of social benefits and housing have less professional autonomy and display more legalistic attitudes toward the newly imposed regulations. They accept the Linking Act relatively easily and feel they have little room to manoeuvre. Procedures in these domains have tightened up, sometimes with far-reaching impact.

The Linking Act has resulted in the most severe exclusion in two domains where little attention was paid to so far: adult education and social housing. Housing corporations have tightened up their procedures quickly, as have institutes for adult education. The interviews indicate that the latter rejected relatively high shares of applicants. At the same time, these exclusionary practices were counterbalanced by substitution processes. Regarding language courses, illegal immigrants are either referred to community centres or to private organisations. As regards housing, illegal family members move in with legal tenants or they subrent. This leads to the paradoxical outcome that the Linking Act supports rather than hampers 'overcrowding' of public housing.

The domain of social benefits – mainly welfare benefits – is a special case. The dominant attitude is legalistic and discretionary autonomy is limited. Yet, the practical impact of the new law is limited as well, as illegal immigrants were already systematically excluded from welfare benefits except for special cases (Burgers and Ten Dam 1999). The fact that welfare departments were obliged to check their existing files suggests that politicians had little faith in earlier procedures, or that symbolic messages may have been more important than actual outcomes (cf. Edelman 1971).

The overall conclusions are therefore ambivalent. There are tendencies of severe exclusion as well as tendencies to soften the impacts of the law. An important general implication is that the process of weighing up the pros and cons has moved to lower levels. At these lower levels, the official policy objective of systematically excluding illegal immigrants is mitigated by professional, humanitarian and ethical standards as well as by other policies that sometimes contradict the Linking Act. This points to the limits of a far-reaching instrument such as the Linking Act. These limits are clearer in some sectors than in others. Generally, the weaker the profession within a certain domain, the lower the discretionary freedom is, and the stronger the tendency to apply the rules in a legalistic manner. However, the present research also suggests that these forms of exclusion lead to substitution rather than to the actual departure of illegal immigrants. This puts pressure on localities and organisations that are confronted with illegal immigrants.

The interviews show that the effects of the law have been softened or counterbalanced by several local arrangements or 'bypasses'. Professionals make use of their personal networks to bend the rules, private funds support undocumented immigrants in trouble and regional networks of health care workers have been established. These bypasses are often partly subsidised by the local or national authorities. Professionals in the domain of health care even claim the situation has improved in this respect since the new law. The first evaluation report concerning the Linking Act trivialises the impact of these bypasses by stressing the fact that they are limited in scope (Etman and Korpel 1999: 35), which may be the case on a national scale. However, the interviews with local-level workers demonstrate that within the cities under study, they are crucially important. The bypasses, ranging from informal to more or less formal arrangements, enable professionals to act according to the law and at the same time make sure that inhumane and threatening situations do not occur. Some respondents put emphasis on the advantage of these flexible solutions. Provisions can be tailored to individual needs

and people who make the decisions about whom to help explicitly take into account their specific circumstances. Others stress that 'equality before the law' more or less loses its meaning. Most respondents agree that without these bypasses, the impact of the Linking Act would have been much more problematic.

A second general implication is that the introduction of the Linking Act has led to a hardening of the social climate. Many respondents are not acquainted with the consequences of the Linking Act in great detail, and this holds even more for illegal immigrants. Confusion on the side of the professionals and fear on the side of illegal immigrants increases the risk of marginalisation of illegal immigrants. Although it does not seem to be the rule, the examples of children who no longer attend school and mothers who do not register their babies, clearly point to this danger. The next chapter deals with the overall conclusions of the substudies.

6 Summary and conclusions. Legal limits to incorporation, social limits to internal control

> Formal order (. . .) is always and to some considerable degree parasitic on informal processes, which the formal scheme does not recognize, without which it could not exist, and which it alone cannot create.
> (James C. Scott 1998: 310)

6.1 Incorporation and implementation

Newspaper delivery, office cleaning, fruit picking, dishwashing and prostitution are only some of the tasks that illegal immigrants in advanced economies nowadays engage in. The fact that these less attractive and labour-intensive economic activities are frequently taken up by illegal or undocumented immigrants – of whom according to our estimate at least 40,000 lived in the four largest Dutch cities in 1995 – illustrates the limitations of restrictive systems of migration control. Immigration has become much more fragmented and, concomitantly, more difficult to capture with policy measures than in the relatively transparent and, hence, surveyable guest worker era (Brubaker 1994, Böcker, Groenendijk, Havinga and Minderhoud 1998). Immigration policy nowadays largely coincides with keeping unwanted immigration in check. As border controls cannot possibly keep everyone out, policies focus ever more on thwarting the normal daily lives of illegal immigrants who are already present. The past two decades have produced an impressive body of laws and regulations in this respect and 'fortress Europe' has become the dominant metaphor. After almost two decades of more or less silently incorporating 'spontaneous migrants', the Dutch national government has been aiming at pursuing a systematic 'discouragement policy' with respect to illegal immigrants since the beginning of the 1990s. A wide ar-

ray of legal and administrative measures aiming at systematic exclusion has been introduced since then.

Time and again, however, migration scholars observe a wide gap between the 'law in the books' and the 'law in practice' (Cornelius et al. 1994, Jahn and Straubhaar 1999). In the Dutch case, this gap received attention in a very sudden manner in 1992 after an El Al Boeing crashed into two high-rise apartment buildings in the Amsterdam Bijlmermeer neighbourhood, even though rumours about large numbers of illegal immigrants who had allegedly resided in the afflicted apartments have never been substantiated. The forces that have a supposedly weakening effect on the powers of national states are a recurrent theme in the recent literature on migration policies. In the two dominant lines of argumentation, the gap between policy and implementation is either seen as the result of pressure groups within the country, or viewed as stemming from largely external pressures due to globalisation and the internationalisation of, for instance, human rights values (Sassen 1996, Jacobson 1996). In the Netherlands, furthermore, the gap between policy and practices is often linked to the national tradition of 'condoning' (*gedogen*) deviant behaviour and is seen as a typically Dutch policy feature. In this concluding chapter, the main findings of the study will be brought together and viewed within the wider framework of the current theoretical debates on the ability and the willingness of governments to check illegal immigration by internal migration control.

In the first chapter, it was maintained that it is a distortion to depict national governments as single actors with a common goal. This is particularly the case now that national governments start to rely, more than before, on a downward and outward delegation of powers when it comes to controlling immigration. Secondly, an apparent contradiction was observed between the fact that most authors observe a wide gap between policy and implementation, and at the same time largely ignore processes of implementation. Both the neglect and the wide generalisations that are found in the literature reflect an underestimation of the influence of selective enforcement practices. Thirdly, it was argued that a lack of connection exists between studies on immigrants and studies on migration control (cf. Guiraudon and Joppke 2001). This distance is even larger when dealing with illegal immigrants (Burgers and Engbersen 1999). Due to the fact that illegal immigrants are mainly active in the more shadowy parts of society, there is little systematic insight into the position of illegal immigrants in relation to the formal barriers that are thrown up. Illegal immigrants are often depicted either as constantly chased after by the police or as tacitly tolerated, whereas in practice, ev-

ery system of control has its loopholes that shape and provide opportunities for illegal immigrants. These loopholes differ over time and place and are likely to be affected by – and sometimes even shaped by – policy measures. In order to explore the relationship between the position of illegal immigrants in Dutch society and the increasingly restrictive internal migration control, the dual focus of the present study has been on (a) processes of incorporation of undocumented immigrants and (b) lower-level implementation of rules and regulations. This has led to the following key question of the study:

> *How and to what extent can illegal immigrants incorporate into Dutch society and how are their opportunities related to the official 'discouragement policy' as implemented in practice?*

This twofold question has been addressed on the basis of empirical research in the four large Dutch cities, where most of the illegal immigrants reside. First, it focused on attempts of illegal immigrants to incorporate both by informal employment and by criminal activities. Second, the attention shifted to processes of implementation by representatives of the welfare state, including the police, and professionals in the domains of social benefits, health care, housing and education. Because of the exploratory nature of the research and the complexity of the research questions, useful theoretical insights from different angles were combined. The study can be best placed within the triangle of fields of policy analysis, migration studies and criminology. The wide scope of theories used is the potential strength of the study, but also carries a risk in it because it is not possible to do justice to all these theoretical perspectives in full detail. Therefore, the choice has been made to organise the study by themes and deal with the more specific relevant theoretical literature in the separate chapters. In methodological respect, this study does not stay within the relatively strong boundaries to what is often referred to as qualitative and quantitative research. It has combined both 'extensive' and 'intensive' research strategies (Schuyt 1986: 111-114) and it builds on a range of data sources. Cross-checks were made wherever possible. The research perspective can be summarised as bottom up; the experiences of those who are vested with day-to-day responsibilities in policy implementation *and* those who are directly affected by enforcement practices are put central (cf. Bogason 2000).

In this concluding chapter, the findings of the study will be presented according to two main themes, which tie them together. The first theme concerns 'legal limits' to incorporation of illegal immigrants in the

Dutch setting. The main issue is to what extent policy measures actually hinder illegal immigrants when trying to make a living through informal economic activities in the widest sense of the term. The second theme regards 'social limits' to internal migration control as developed in the Netherlands over the last decade. The emphasis lies on social limits that come to the fore during the implementation of the official policy at the local levels. The combination of these themes leads to conclusions as to unintended and intended consequences of the present policy stance. Section 6.4 subsequently deals with the policy implications of the present study.

6.2 Legal limits to incorporation

The term incorporation is usually reserved for legal immigrants, who are supposed to find their way into the receiving societies, both on their own account and – in particular in strong welfare states – with the help of state-sponsored policy measures. Full incorporation in the legal sense is not an option for immigrants as long as they are residing illegally (Engbersen 1999a). Yet, although they are officially to a large extent excluded, they can still try to incorporate stealthily, by making use of the loopholes in the system of control. The demand for cheap and flexible labour is often considered to be the main magnet drawing illegal immigrants to the receiving states, which implies that job opportunities are in principle available. This holds even more for advanced urban economies that are confronted with processes of economic restructuring. Sassen (1991, 1999) attaches crucial importance to illegal immigrants in this respect, as they comprise the flexible and less-demanding workforce that restructuring economies have a need for. On the other hand, it is clear that comprehensive welfare states like the Dutch have a strong incentive for fencing off their labour markets since generous social benefits are difficult to reconcile with open borders (cf. Faist 1997, Bommes and Geddes 2000). The present study, therefore, has explicitly focused on how opportunities for illegal immigrants in the Netherlands are dependent on the existing rules and their enforcement in practice. As the research project has been conducted between 1994 and 1998, while the restrictive policy was in a constant process of fine-tuning, it is possible to depict some of the dynamics of policies and counter-action by illegal immigrants and by those who encounter them during their day-to-day work.

Incorporation is defined loosely in this study and refers firstly to the extent to which illegal immigrants are able to find their way into the receiving society through formal and informal channels. The first issue in this regard was to what extent illegal immigrants in the city of Rotterdam, where at least 11,000 illegal immigrants reside according to estimates, are able to find employment and where it brings them in terms of mobility. An analysis of interviews with 170 illegal immigrants shows that they indeed do the kind of jobs that indigenous workers have little interest in. In this respect, Rotterdam is no exception to the rule. More specifically, the research conducted in Rotterdam shows how the increasingly restrictive policy stance influences the opportunities for survival and for mobility.

A first finding is that on the highly regulated Dutch labour market openings for illegal labour are relatively scarce. Many respondents have great difficulty in maintaining continuous employment. A central finding in this respect is the high degree of unemployment among undocumented immigrants in Rotterdam. There is a significant amount of untapped labour among the undocumented immigrants. Moreover, employment is often temporary. Respondents go from one assignment to another with times of inactivity in between. They have great difficulties in finding more permanent jobs. These findings differ from the patterns that can be found in the literature in the United States and are at odds with theories that attach primary importance to the pull factor of the demand for cheap labour in high-wage countries. The impact of the increasingly restrictive policy measures in this area can be observed in the accounts of the illegal immigrants in Rotterdam. Those who entered the Netherlands before November 1991 were commonly able to obtain social-fiscal numbers, which provided access to officially sanctioned work and a number of social provisions. Respondents entering the country after this date are in a less favourable position.

A second relevant finding is that the illegal immigrants who do find work are confined to relatively low-paid and unskilled labour. Almost without an exception, they work below their level of qualifications. This is not per se an indication that the informal economy in the Netherlands is of limited extent, but rather that the access of undocumented immigrants to this part of the economy is quite limited. As was argued in chapter 2, controls and enforcement of policies combating illegal immigration are the strictest in the domain of the formal labour market. This is not only the case as regards being employed by others. Self-employment does not offer an alternative to most undocumented immigrants in Rotterdam. Only a few respondents have managed to 'create their

own work', and this takes place more or less hidden within their ethnic communities. Their experiences suggest that informal enterprises must by their very nature remain small, otherwise they would soon attract the attention of the authorities. Being employed by a legal immigrant who owns a business is a much more viable way of making a living for illegal immigrants (cf. Staring 2000).

A third finding is that the fencing off of the formal labour market has created a legal ceiling beyond which undocumented workers have great difficulty to rise even if they do possess considerable human capital. The legal ceiling limits the upward opportunities for illegal immigrants and enhances the risk that people will get caught in the trap of an illegal status in the long run. An elementary question with regard to the incorporation of undocumented immigrants concerns their possibilities for upward mobility over time. When we examine the 'careers' of the respondents in retrospect, these possibilities seem to be severely lacking. All respondents in Rotterdam who are employed, are active on the lower rungs of the socio-economic ladder. This also holds for people who are better off in terms of the common human capital variables such as educational level and language ability. Neither does the length of stay lead to an improvement in their situation, which is clearly in contradiction to most of the American literature on Mexican illegal immigrants (Massey et al. 1993).

A fourth finding is that despite – and sometimes due to – regulatory barriers, both employers within certain sectors and their illegal employees take action to circumvent inspections that are carried out and to minimise the risk of detection. After all, two thirds of the research population were working in one way or another at the time of the interview, which indicates the fact that they are finding ways to bypass the obstacles, for instance by adopting informal strategies such as the use of false documents. This also indicates that difficulties finding job opportunities cannot primarily be accounted for by a lack of demand for low-skilled labour or, for instance, by the saturation of certain markets as the result of 'spillover migration' (Light 2000). But the fact that illegal workers face ever more barriers, does imply that the matching between demand and supply requires more complicated strategies than before. By 'borrowing', leasing, buying or forging social security numbers, they can enter the world of quasi-official employment. This often means that they are not employed directly by Dutch employers, like most 'white illegals' are. Instead, the recruiting process is being 'out-sourced' to an intermediary such as an employment agency or a labour subcontractor. Inevitably, this pushes illegal labour further underground and makes it

less visible. As these practices mostly take place within high-trust networks, this is likely to be more advantageous for illegal immigrants who can fall back on resourceful networks. The Turkish community appears to offer the best options in this regard (cf. Staring 2001). New groups of illegal immigrants who cannot fall back on well-established communities are likely to face higher barriers.

In sum, there are certainly employment opportunities for undocumented immigrants, but they are limited in scale and scope. Nonetheless, informal strategies enable undocumented migrants to make a living and to survive. More far-reaching incorporation is hampered, though, due to the fact that gaining access to 'formal' and stable jobs has become more difficult, in particular after 1991. A crucial factor is that without a legal status immigrants cannot formally obtain a social-fiscal number anymore. As illegal labour shifts away from the formal economy to informal activities in the sheltered spheres of immigrant businesses on the one hand and the domestic or family sphere on the other, the distance to the receiving society at large is enhanced.

Criminal activities may comprise an alternative for undocumented immigrants. Some of the 170 respondents in Rotterdam have indeed resorted to drug-related activities or prostitution. Some have moved to the criminal or semi-criminal economy after looking for opportunities in the informal economy, some combine 'regular' jobs with unlawful activities from time to time. Yet, although there is a grey area between illegal labour and some forms of (petty) crime, most illegal immigrants draw a clear line between a law-abiding life and an existence that is based on crime. They do not want to cause any harm to the receiving society and they are afraid to attract the attention of the police. An exception has to be made for the use of false of forged documents, which many illegal immigrants see merely as a way of avoiding the pitfalls of an illegal existence and not as something 'criminal'. Making use of false identities even enables them to participate in the (black) labour market, which indicates the blurred line between criminal and informal economic activities. In fact, the use of criminal means (i.e. making use of false documents) prevents people from engaging in crime any further. As the interviews only provide a first glimpse into the criminal involvement of illegal immigrants, the relation between illegality and criminality has been addressed more systematically on the basis of aggregate data in chapter 3.

Some criminologists presented crime as a 'queer ladder of success' for disadvantaged groups (Bell 1953, O'Kane 1992). This view is directly related to the seminal work by Merton (1957) who has stressed that different social groups face different means in their pursue of success. Members of society who do not have access to legitimate means may be channelled toward illegitimate ways. Particularly in a period in which crime is ever more blamed on poor groups, among which immigrants (Bauman 1995), it is often assumed that crime may offer a way out for illegal immigrants who face stronger barriers than their legal counterparts do. In chapter 2, this view was referred to as the 'marginalisation thesis'. Quite on the contrary, the 'deterrence thesis' predicts that undocumented immigrants are more likely than others to refrain from committing crimes for fear of being traced by the police or other controlling agencies. Yet, even when we define success loosely in the case of illegal immigrants and focus on the ability to make a living it becomes clear that these pressures also differ significantly among groups of illegal immigrants, depending on their access to accepted and less-accepted means.

To study criminal activities of illegal immigrants systematically, we made use of police data on apprehensions. In the Netherlands, illegal immigrants can either be apprehended and registered as illegal immigrants when there are concrete indications that they are illegally in the country (the result of 'active surveillance') or because they are suspected of committing a crime or a misdemeanour (the result of 'passive surveillance'). In both cases, they are as a rule registered in the files of the Aliens police. Illegal workers who are handed over to the police to be expelled are also included in these files. With all the caveats that are attached to police data, they are still the most suitable data available.

The analysis of apprehensions of illegal immigrants in the four largest cities first of all demonstrates that most illegal immigrants are apprehended for other than criminal activities. More than half of the registered illegal immigrants in Rotterdam had been apprehended for illegal residence or misdemeanours. In descending order, the other reasons for arrest were: minor offences, serious offences and drug-related offences. Similar outcomes have been found in the other large cities (Amsterdam, The Hague and Utrecht), although problems with criminal illegal immigrants are primarily confined to Amsterdam and Rotterdam. A closer look at the reasons for apprehension of illegal immigrants who have been arrested for offences, reveals that drug-related offences and different categories of theft prevail. Taking into account that engaging in criminal activities significantly enhances the likelihood of being stopped

by the police, these figures indicate that the majority of illegal immigrants do not resort to criminal activities. The high proportion of arrests for illegal residence (almost half the cases) can be explained by the fact that this concerns people who are arrested during spot checks in the workplace, during 'general' checks such as traffic controls or because of rather vague reasons such as 'displaying suspicious behaviour'.

Secondly, a comparison between the arrests of illegal immigrants and those of legally residing suspects who had been apprehended for similar offences brought to light that across the board, illegal immigrants are less involved in minor and serious offences than a comparable sample of legal residents. These findings underscore that the 'deterrence thesis' is applicable to the majority of illegal immigrants in Rotterdam. On drug-related crimes, however, illegal immigrants in Rotterdam score evidently higher than legal suspects do. Both outcomes are largely in line with what we concluded on the basis of interviews in Rotterdam. But it also became clear that neither the position as an immigrant nor the residence status has a uniform influence on apprehension rates.

Thirdly, the analysis of police data conveyed that groups of illegal immigrants are differentially involved in crime (cf. Cloward and Ohlin 1960, Engbersen and Van der Leun 1998). Apprehension patterns vary significantly by country or region of origin, and illegal immigrants from specific countries are over-represented when it comes to arrests for certain offences. In short, we find that criminal activities appear to be most common among illegal Moroccans, Algerians and Western Europeans (predominantly 'drug tourists'). Turkish illegal immigrants are less involved in registered crime. These differences can be at least partly explained on the basis of differential access to the resources that immigrant communities offer. Turkish illegal immigrants in Rotterdam have relatively good access to the 'ethnic economy' and receive more support from their family members and co-nationals in other respects (Staring 2001). At the other side of the spectrum, illegally residing Moroccan and Algerian immigrants are much more left to their own devices. They have more difficulties in finding jobs, housing and financial support and can fall back to a lesser extent on family members.

Fourthly, focusing on drug-related activities of illegal North African immigrants, we find that the access to criminal circuits is not simply a 'fall back' option when all else fails. Illegal immigrants also need certain skills and contacts to gain access to the criminal sphere. The drug milieu in Rotterdam caters to a large extent for international tourists who come to Rotterdam over the weekend to buy heroin or cocaine. As these tourists are often French, North African illegal immigrants who speak at least

some French have a certain advantage. Illegal immigrants mostly work as messenger boys or runners who carry out the most visible and therefore riskier parts of the drug trade. At first sight, a lack of a legal status does not seem to make any difference for drug runners. But the interviews make clear that illegal immigrants in the drug milieu find themselves in the same unattractive and subordinate positions as those who engage in informal labour. They find their jobs through contacts with people higher up in the hierarchy, who are often from North African descent as well. They have typically met them during their stay in or journey to the Netherlands. These legally residing dealers do introduce them to the trade or, rather, employ them, but they do not offer other kinds of support or access to other types of information. The interviews with illegal drug runners emphasise that there is a remarkable lack of other significant ties to the Moroccan community in Rotterdam. Some of the respondents who are active in the drug trade do not have a place to stay and regularly sleep at organisations for the homeless and most of them live a rather marginal life. On the other hand, they are to some extent 'untouchable', because the police have difficulties in expelling them.

This brings us to the fifth finding: that the police encounter serious problems when trying to combat crime among illegal immigrants. This is primarily related to problems when trying to expel them. Police data in Rotterdam show the paradoxical outcomes of the official policy. Illegal immigrants who have come into contact with the police as suspects of criminal offences are less likely to be effectively expelled than those who have infringed the Aliens Act or employment laws. This outcome is in strong contradiction to the official policy priorities. The finding that many illegal immigrants have been apprehended more than once (up to several times a year) underlines the ineffectiveness of the official sanction of expulsion. In Rotterdam, this has led to the presence of a small core of illegal immigrants who are apprehended regularly and who manage to escape expulsion. In particular criminally active illegal immigrants have developed strategies to stay in the country, by getting rid of their documents and by pretending they come from other countries. As long as their identity is not established, they cannot be expelled. These difficulties are reinforced when police officers become frustrated or no longer bother to apprehend these illegal immigrants. These ineffective enforcement practices – which are the result of limitations to the official policy – lead to a prolonged stay of this specific group of unwanted, undocumented migrants who are able to survive and to stay but not to improve their position. It must be noted that the persistent problems with these 'revolving door illegal immigrants' explain at least partly why the

symbolic link between illegal immigrants and crime is fuelled unremittingly.

Summarising the findings so far, it becomes obvious that many illegal immigrants are creative in detecting and seizing all kinds of informal opportunities. Despite legal obstacles that are put up by restrictive policy measures, they find ways of making a living, albeit relatively low-profile. The theoretical literature on migration and migration control tends to underestimate this immigrant agency. It must be said, however, that the increasingly restrictive policy measures do influence opportunities for informal labour. They do so primarily by creating an upper limit for illegal immigrants. Survival is possible, but incorporation is indeed hampered. The tightening up of policies, in particular tying social-fiscal numbers systematically to status, has made this more marked. Moreover, attempts to deal with the most problematic category of illegal immigrants, those who are engaged in criminal activities, are reaching their limits. The next section will look into social limits to implementation.

6.3 Social limits to internal control

So far, we have seen that attempts to curb illegal labour seriously hamper the incorporation of illegal immigrants. However, measures like employer sanctions, on-spot visits and co-ordinated administrative checks of state agencies have not been able to wipe away illegal labour. In a recent report for the Ministry of Social Affairs and Employment, the authors maintain that illegal labour has (again) expanded in the last decade (Visser and Van Zevenbergen 2001). In this estimate, domestic work, non-monetary jobs and criminal activities are not taken into account. Partly as a reaction to these limitations, national governments that attempt to curtail illegal immigration are increasingly pinning their faith on broader measures of *internal migration control.* The 1990s have been the years of delegation of responsibilities in this respect, which implies that other actors than the traditional controlling agencies have become involved in migration control. This shift in the *locus* of control entails upward, downward and outward delegation of control-based tasks (Freeman 1998, Guiraudon and Lahav 2000). The Dutch Linking Act of 1998, which systematically ties immigrants' rights to legal status, as was shown in chapter 5, is a typical example of downward delegation (Bernini and Engbersen 1999, Engbersen 1999b). The attention of social scientists in the field of migration policy has primarily gone to the shifting-up of powers to the supranational level (in particular to the realms

of EU institutions), while significantly less is known about the delegation of powers to the sub-national level and to private actors.

By contrast, the literature on public policy more in general has drawn ample attention to the ways in which official policies are transformed on the ground level through day-to-day decisions and working practices (Pressman and Wildavsky 1973, Lipsky 1980). The high level of discretion of typical street-level policymakers and the fact that their work cannot be easily monitored, often leads to practices that diverge from – or even contradict – the original policy aims. Although implementation studies have been criticised for overlooking the multi-faceted nature of policy goals and the often downright conflicting policy aims, it is clearly a caveat that implementation practices have received little attention so far in the case of migration control. After all, the inherent contradiction of 'remote migration control' (Zolberg 1999) is that it relies on delegation to the lower echelons of policy making and at the same time attempts to limit lower-level discretion by bounding work processes to ever more specific regulations.

In order to find out *how* professionals and semi-professionals who – possibly – encounter illegal immigrants during their day-to-day work grapple with their control tasks under the regime of the Linking Act, the second part of the study has focused on implementation practices. This part of the study focused on police officers, both in regular services and in Aliens departments, and on professionals who work in public and semi-public institutions in the domains of social benefits, health care, housing and education in the four largest cities in the Netherlands. These organisations are all concerned with providing services to people, often in face-to-face interaction with their clients. Moreover, they all have to be able to distinguish between those who are entitled to their services and those who are not.

The police and the Aliens departments of the police play a central role in internal migration control, because they are responsible for 'internal surveillance'. It is not surprising, therefore, that police officers are commonly seen as the (almost natural) antagonists of illegal immigrants. This holds even more now that security and the fight against crime have become more central in migration policies at the EU level (Den Boer 1995b, Bigo 1996). Nevertheless, knowledge about how police officers actually conduct their tasks, how they use these powers of discretion, what judgements they make and why and to what extent their actions are subject to controls remains scarce. In the Netherlands, responsibility for the policy toward undocumented migrants is in hands of both the Aliens departments and the general municipal police teams.

Most police officers are responsible for 'passive control', which refers to checking the legal status of suspects after they have been arrested. Furthermore, police officers of the Aliens Departments are involved in 'active control' in sectors of the economy that are associated with infringement of labour regulations or in other 'high risk' situations.

A first finding on the basis of research among police officers who are in charge of day-to-day work in the four largest cities, is that surveillance of illegal immigrants in general has low priority. Many police officers claim that in practice there is not such a thing as an active search for undocumented immigrants. They rarely ask immigrants for documents, and seldom check their legal status. At first sight, this leniency can be ascribed to a lack of manpower. Even though many respondents refer to the fact that budgets have risen in recent years, the capacity of the Aliens police is still relatively limited when compared to the size of the immigrant population. However, there are also more structural reasons for this reticence. First, most police officers do not perceive illegality per se as an urgent problem. They feel they have to deal with 'real crime' or threats to the public order first and illegal residence does not fall under their definition of crime. A second reason is that it is in their interest to keep good relations with the more established ethnic communities in their area. Therefore, they fear that a more restrictive enforcement of the Aliens Act would lead to a hardening of the situation and a corrosion of valuable contacts. A third reason is that in their opinion, the (highly complex) Aliens legislation limits them in their attempts to detect illegal immigrants. These findings apply more to police officers with a general task than to people working for the Aliens departments. Yet it must be noted that the Aliens department is dependent on general police officers in this respect, considering policemen in the street are commonly the first in the chain.

Secondly, the interviews with police officers make clear that most respondents are unaware of the formal priorities as defined by the Ministry of Justice. The only priority most respondents are able to recall was the aim to expel criminal illegal immigrants. At the same time they emphasise that this is also the most difficult goal to achieve. According to lower-level officers, the fight against illegal immigration is subordinate to the general aim of keeping public order. Consequently, enforcement practices are primarily a function of the actual problems with regard to safety and crime. This implies that, according to many police officers, illegal immigrants who cause a nuisance or engage in criminal conduct risk a relatively high chance of being caught, while most 'ordinary' illegal immigrants do not have a high likelihood of being detected.

A third finding in this respect is that although there is a national policy as to illegal immigrants, there are obviously local differences in the ways in which the issue is dealt with in the four cities. In brief, police departments in Amsterdam and Rotterdam focus more on illegal immigrants who are involved in crime, whereas The Hague and Utrecht focus more on illegal labour and 'passive control'. These differences can primarily be explained by the fact that internal surveillance is made subordinate to general police tasks and by the fact that the actual problems in the cities differ. The local differences in enforcement indicate a high level of discretion of urban police forces.

A fourth finding regards to difficulties with the supposed pièce the résistance of the 'discouragement policy': the expulsion of detected illegal immigrants. Where the analysis of police data primarily show the outcomes of the expulsion policy, the interviews reveal how these outcomes come about. On the one hand, they have to do with the lack of cooperation from the part of the apprehended illegal immigrants and their countries of origin. Police officers stress that illegal immigrants who are detained are regularly sent back into the streets because they cannot be expelled within a reasonable period of time. In turn, the limitations of their interference also have repercussions on enforcement practices. Police officers do not even bother to arrest so-called hopeless cases, or they simply send them away after registration. Euphemistically they say that the person is 'sent away in a southerly direction'. In other cases, illegal immigrants are released from detention centres because judges decide it is not realistic to expect an expulsion within a few months, or because the cells are needed for other detainees. In reaction to the ineffectiveness of the expulsion policy, the Ministry of Justice has set target numbers for expulsions. In contrast, lower-level officers point to the fact that these target numbers rather lead to focusing on easy targets than to attempts to handle time-consuming and problematic cases of criminal illegal immigrants.

The practices described here reflect the social limits of the political influence on local enforcement practices at the 'street level'. Police officers seem to have become to a certain extent immune to the continuous flow of new ideas, new rules and new priorities they are confronted with. Moreover, the highly complicated Aliens Act is not something that is at the top of their heads. Most police officers see themselves as crime fighters or defendants of public order and are less interested in detecting people who do very little harm. In this sense, the idea that the police tend to chase illegal immigrants is somewhat overstated in much of the literature on migration policies (cf. Freeman 1995, 1998). The actual practices

we find at the ground level are not so much defined by the official policy of the Ministry of Justice, but rather by locally based 'negotiations' between immigrants (both legal and illegal), police officers, police departments and local politicians.

Migration control is not the sole responsibility of the police. Increasingly, others besides the traditional parties are also being allotted gatekeeping tasks. In this regard, chapter 5 has concentrated on professionals and semi-professionals who work within human service organisations (Hasenfeld 1983, Gastelaars 1997). Teachers, doctors, housing employees and many others who work within these organisations are at a much larger distance from the official policy of the Ministry of Justice than police officers.

Roughly before the 1990s, illegal immigrants in the Netherlands were not eligible for social assistance and they hardly ever received these benefits in practice. Yet in other crucial sectors – like education, housing and health care – it was less common to check legal status systematically (Clermonts et al. 1991). Interviews held before the introduction of the Linking Act make clear that insofar as professionals checked the right of foreigners to certain services, verification of legal status was made subordinate to other – in the eyes of the implementers more relevant – checks. Respondents in housing agencies, for example, were more interested in reliable tenants, schools or language courses in motivated pupils and medical professionals in whether their patients needed help and – to a lesser extent – whether they were sufficiently insured. By and large, there was a high level of discretionary autonomy and most of the professionals and semi-professionals used this discretion to help illegal immigrants rather than to bar them from services. It must be added that most of them stressed that – as far as they were aware – they encountered illegal immigrants in relatively limited numbers on average. The distribution over organisations or over professionals, though, was highly uneven (cf. Burgers and Ten Dam 1999).

In 1998, the Linking Act took effect. The aim was to tie public services systematically to legal status. The extensive law – which concerns a significant number of Dutch Ministries – can partly be seen as a response to the rather specific problems with semi-incorporated illegal immigrants from former guest worker countries (Commissie Zeevalking 1991). Partially, it can also be seen as an attempt to make clear that the state was in control of immigration. Although it is probably unique in its comprehensiveness, it fits into a larger policy trend in Western European countries that were confronted with rising asylum claims during the 1990s.

Furthermore, it recalls policy measures like the notorious Proposition 187 of California and the French 'Pasqua laws' (Hollifield 2000, Guiraudon 2001). Like these international counterparts, the Linking Act was highly contested. During the political debates that preceded its enactment, the law as proposed was toned down in several ways (see chapter 5). In its final form, it does not include the obligation to report illegal immigrants to the police. Neither do professionals have the obligation for human service workers to assist police officers when attempting to detect or arrest illegal immigrants, which is a clear example of what Joppke (1998) has called 'self-limitation' of the state. Still, with the exception of education for children, legal assistance and imperative medical care, the law in its final form aims at excluding illegal immigrants from public services. It has been accompanied by a major administrative operation, which makes it easier to check the legal status of clients.

Interviews held roughly one year after enactment, first and foremost indicate that the Linking Act has not been the watershed that it was expected to be. Even despite the heated debates that preceded enactment, many respondents had only vague notions about the contents and the implications of the Linking Act. This points to the distance between the official policy-making level and the level of implementation. Moreover, many professionals were still able to find ways of not excluding illegal immigrants. Considerations of a professional nature and standards of 'human decency' play a crucial role in this respect. As a rule, *people changing* and *people sustaining* tasks prevail over *people processing* tasks.

The interviews show that a relatively high level of professionalisation, such as in health care and primary education, goes together with a tendency to stretch the rules. A lower level of professionalisation, on the other hand, goes together with a higher level of exclusion and a tendency to comply with the law more legalistically. In comparison with health care professionals, workers in the domains of social assistance and housing, for instance, displayed a much more legalistic attitude toward the newly imposed regulations. They appeared to have accepted the Linking Act relatively easily. As a consequence, the Act has resulted in the most severe exclusion in two domains where little attention was paid to in advance: adult education and social housing. Public and semi-public housing corporations have quickly tightened up their procedures and institutes for adult education have done the same. The interviews indicate that they send away relatively high numbers of applicants. The domain of social benefits – mainly welfare benefits – is a special case. In fact, the practical impact of the Liking Act is very limited there as illegal immigrants were already systematically excluded from welfare benefits except

for exceptional cases. The fact that the welfare departments were obliged to check all the existing cases suggests either that politicians had little faith in earlier procedures, or – more likely – that particularly with regard to extensive provisions such as welfare benefits, the symbolic message was considered important. The effects on public opinion may have been more significant here than the actual outcome (cf. Edelman 1971).

At the same time, these exclusionary practices in certain sectors turn out to be counterbalanced by processes of substitution or replacement either by private parties or by sectors that do not fall under the Linking Act. As regards language courses, for example, the illegal immigrants are referred to community centres or to private organisations; as regards housing, illegal family members move in with legal tenants or they subrent. The latter even leads to the paradoxical outcome that the Linking Act supports rather than hampers so-called 'overcrowding' of social housing.

Secondly, the research shows that some of the negative consequences of the Act have been softened or counterbalanced by locally organised arrangements or 'bypasses'. Some of these bypasses are formal, like the Linking Fund in the domain of health care (which is funded by the Ministry of Health). According to some respondents, this may have even led to an amelioration of the situation. Other bypasses are less formal, such as networks that support illegal students who cannot pay their books and fees or shelters for the homeless that take care of illegal immigrants with health problems. Many of these bypasses are partly privately funded and partly and often indirectly subsidised by the local or national authorities. The arrangements enable professionals to act according to the law and at the same time make sure that inhumane and threatening situations do not occur. The latter also implies that the care for illegal immigrants appears to be partly 'privatised' as well. In this sense, downward delegation has also resulted in outward delegation. Some respondents put emphasis on the advantage of these flexible solutions. Provisions can be tailored to the individual needs and the people who make the decisions about whom to help explicitly take into account the specific circumstances. Others, however, point to the erosion of the principle of 'equality before the law'. Still most of them agree to the fact that without these bypasses the impact of the Linking Act would have been much more problematic.

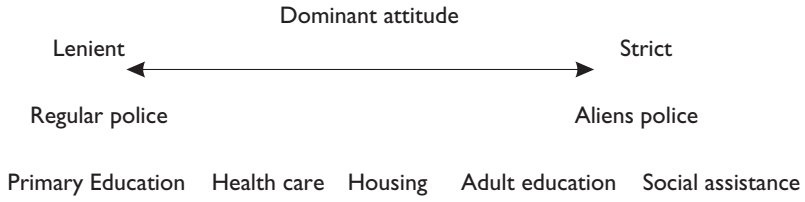
A third finding concerns the indirect impact of the law. According to many professionals, the introduction of the law and the debates that surrounded it, have led to a hardening of the social climate. Some professionals have understood from the publicity surrounding the enactment

of the Linking Act that they are supposed to send away illegal immigrants. Confusion, therefore, looms large. Furthermore, organisations that aim at limiting their 'dubious' expenses try to saddle other organisations with illegal patients. But the law has also had influence on illegal immigrants, who are even more convinced than before that they should stay away from public organisations. This may be dangerous for themselves and, for instance in the case of diseases, also for the receiving society. Respondents have mentioned several cases in which illegal immigrants do not make use of the few rights that they have. Examples of children that no longer attend school (cf. Morelli and Braat 1999) and mothers who do not register their babies, clearly point to this danger (cf. Kraus 2000).

In sum, the conclusion that illegal immigrants do not make much use of formal arrangements of the welfare state is still valid. The same goes for the fact that illegal immigrants have at least some basic rights. Even under the Linking Act it is not considered decent and humane, and it could not be aligned with international treaties, to block these opportunities. In broad lines, illegal immigrants are still able to make use of the crucial rights. However, the Linking Act and earlier instruments of control have increased the likeliness of their being asked for formal documents, for example when looking for a job, when enrolling for a language course and when trying to rent accommodation. The study as a whole indicates that there is a difference between 'detection' and 'exclusion' in this respect, the emphasis lying on the latter (cf. Engbersen 1999b). Yet both detection and exclusion are selective and run up against social limits. There is a growing tension between the technical and legal means designed to detect and exclude illegal immigrants and the willingness of local actors to comply with the rules. When we summarise how measures of internal migration control are implemented in practice and what factors influence the compliance or non-compliance with restrictive rules, the following continuum arises:

In broad lines, the attitude towards internal migration control depends on the professional morale, the degree of discretion and the level of professionalisation within certain sectors. Teachers in primary education and health care professional have a high level of autonomy in this and they tend to use this autonomy to help rather than to exclude illegal immigrants. On the other end of the spectrum we find employees of housing corporations who have a much weaker profession and – at least at the surface – apply the rules legalistically. Yet the analysis has also shown that these factors cannot explain all variation. They are, for instance, unable to account for intra-sector differences. The interviews

Figure 6.1 Dominant attitudes vis-a-vis illegal immigrants by sector



give some clues as to other relevant factors. The tendency to be more lenient toward illegal immigrants appears to be correlated with a high degree of face-to-face contacts with clients on a more personal basis. Primary education may serve as an example. In addition, illegal clients are more likely not to be excluded when the selection of clients takes place at the lower level and by the professionals themselves (GPs, regular police officers). A third factor is the availability of reasonable market alternatives. In the sectors of social housing and adult education, illegal immigrants can easily be referred to private landlords or to community centres. This means it is not too difficult for welfare state professionals to send illegal immigrants away. A fourth factor may be the costs involved. It is likely that higher (direct) costs encourage stricter enforcement. On the whole, there have been limited sanctions or direct costs involved for most Human Service Organisations so far. However, institutes for adult education are not subsidised for illegal students, which clearly leads to a high level of exclusion. In a similar way, managers of housing corporations fear to lose their authority over granting housing licenses when they do not comply with the Linking Act. A fifth factor is the interaction with other types of policies and policy aims. If police officers, for instance, would go after illegal immigrants more rigorously, they would pay less attention to their other tasks and responsibilities and they would harm the legal immigrant population. The weighing of pros and cons of emphasising one policy aim or another inevitably takes place at the local level.

The main message that arises from this differentiated picture is that in a strong welfare state like the Dutch, the implementation of internal migration control measures hinges on a pluralistic and multi-layered system of actors who have their own deliberations and professional considerations. Therefore, it is not realistic to suggest that these actors can simply be controlled from a distance.

The combined analysis of job opportunities, criminal activities and access to public services has made clear that many illegal immigrants can survive in the Netherlands. Opportunities for illegal labour – be it criminal or informal – partially exist because employers and employees make use of loopholes in the system of control. Legal limits primarily block mobility. When illegal immigrants want to climb up, they bump their head against the legal ceiling. On the other hand, when they are in danger of falling too deep, they have the chance of being protected by a safety net. Sometimes this takes place officially (when it concerns basic rights), sometimes informally, because professionals are so deeply entrenched in a welfare state ideology that they bend the rules (cf. Burgers 1999a, De Swaan 1989). The practices as described here undoubtedly have their distinctive (Dutch) features. It would require systematic comparative bottom-up research to know to what extent they are nationally specific, but they are certainly not unique. All states that are currently trying to cope with illegal immigration have to make compromises when dealing with irregular migrants (Cornelius et al. 1994, Tapinos 1999, Hollifield 2000).

The outcomes cast new light on discussions about why restrictive policies are not implemented more effectively. Migration theories have mostly focused on limits to policy-making stemming from decisions and considerations at the national or supra-national level (Brubaker 1994). The present study indeed underscores how self-limitation of the state (Joppke 1998) and a lack of bilateral co-ordination (in the case of expulsions) mitigate restrictive tendencies. However, the study first and foremost points to how the significance and scope of control and its outcomes depend on the local social context and on local considerations. The very reason that illegal immigrants can circumvent or bypass legal limits, is that loopholes come into existence when local actors have – at least partly – different considerations than proponents of full exclusion or restriction. Pushing the restrictive policy further would in their opinion lead to unacceptable situations and would run counter to their professional or human standards. Parallel to what Van der Veen has shown with regard to the allocation of social benefits more in general, *social limits* at the level of implementation shape and limit the outcomes and the consequences (Van der Veen 1990). In our case, fully effective exclusion – which sounds plausible when formulated centrally – comes to a halt at a certain point as a consequence of concrete local considerations (cf. Tapinos 1999). On the other hand, a certain amount of leniency in implementation does not imply that the Linking Act and its forerunners have been without impact. According to many respondents who are in

charge of implementing the restrictive and exclusionary policy at the local level, the ever more far-reaching internal restrictiveness – in combination with a problematic policy of return – leads to unanticipated and undesirable consequences not only for illegal immigrants, but also for the receiving society. These consequences (or risks) and some policy alternatives will be dealt with in the next section.

6.4 Policy implications and policy options

In 1985, Thomas Hammar concluded his book on European migration policies by emphasising that integration policies for former guest workers and other legal immigrants could only be successful if they went hand in hand with a strict stance toward illegal immigration (Hammar 1985: 304). Yet, in the meantime, it has become clear that – for a number of reasons – restrictive policies in democratic societies cannot effectively curtail illegal immigration. In a world of economic imbalances, the push for illegal immigrants to come to richer countries will never be fully counterbalanced by the introduction of new laws and regulations. Nor will illegal immigrants easily decide to return to their countries of origin, because this involves high social and financial costs (Muus and Muller 1999, Burgers 1999a). The present study has pointed to some of the risks of the present policy.

A first risk entails the creation of a layer of long-term socially excluded illegal residents (cf. Engbersen 1996, 1999b, Guiraudon and Joppke 2001). Many now-legal immigrants started their residence in the Netherlands illegally and subsequently obtained a legal status (Staring 2001: 183-206), which shows that a lack of legal status used to be a transitory phenomenon in the recent past. The risk of the present policy is that the boundary between illegal and legal residence is much harder to cross, implying that people stay illegal immigrants for years. They may even be unable to cross the line and become legal inhabitants. In some cases this may even extend to a second generation of illegal immigrants: children without a residence status who grow up without getting legalised, or even worse: children whose birth is never registered (Kraus 2000). This outcome runs counter to the view of, for instance, Soysal (1994) who has claimed that illegal immigrants are increasingly granted amnesty, which is the case in many Southern European countries, rather than in the Northern countries.

A second risk – which is closely related to the first – is the criminalisation of life strategies of illegal immigrants (Engbersen 1999a). Al-

though it was argued in chapter 3 that there is no automatic relationship between illegality and criminality, it is not unlikely that – for lack of social buffers – newer groups of illegal immigrants will be pushed to criminal strategies. This holds in particular when they are not able to fall back on well-established communities, because that makes them more dependent on people who profit from illegal immigration, such as human traffickers. The same may hold for economic activities, which are being pushed underground and which are increasingly arranged by informal subcontractors and other intermediaries.

A third risk, which is less often recognised, concerns a widening of the gap between the official policy and local-level practices and, therefore, also the consequences for local actors. Many professionals and semi-professionals in the fields of health care, housing and education, point to the discrepancy between the fact that they are being allotted gatekeeper tasks, while at the same time the official national policy – in particular the expulsion policy – is largely ineffective. Hence, they feel saddled with an unworkable situation, which is even more salient when it is realised that the presence of illegal immigrants is highly concentrated within certain areas of the four main cities. In some instances, the national government and urban or municipal authorities seem already to be pulling in opposite directions. National politicians call for stricter enforcement of the existing rules, while local authorities either plea for acceptance of the fact that the rules cannot be fully enforced or look for their own solutions. The pressure on certain organisations in these neighbourhoods can be high.

It has been often argued that a double-edged migration policy can be highly rational. It suggests a high level of restrictiveness and thereby responds to anti-immigrant sentiments; at the same time it tacitly allows some loopholes, which can be advantageous to certain categories of employers and potentially also for the wider economy. Proponents of this view tend to emphasise the ineffectiveness of restrictive measures. It cannot be denied that there are symbolic elements in restrictive policies. In fact, many policy measures depend on symbolic influence. Yet, the present study has shown that – despite social limits to implementation – the increasing restrictiveness and the growing emphasis on exclusion have also had considerable impact on opportunities for illegal immigrants, in particular on those who stay longer. The study also suggests that at the local level, the present policy leads to internal contradictions and dilemmas that cannot be solved by going further down the road of internal control or remote control. The findings raise the question as to

alternative policy options. Building on the framework of the study, the policy options presented below focus on more creative ways of addressing problems that arise when the restrictiveness reaches its limitations. Such an approach can be rooted in the existing policy and does not have to interfere with attempts to co-operate with other countries in order to reduce illegal entries or more radical attempts to address 'root-causes' of clandestine migration, which are *not* systematically dealt with here. In the following, I will give some leads as to what a more creative approach to problems of settlement and exclusion might encompass in the Dutch case.

First, assuming for the time being that immigrants from Third World countries will continue to try and make a living in advanced nations, it should be attempted to lower the propensity that they become illegal immigrants. One of the ways in which this can be done is by widening the opportunities for (legal) temporary labour by immigrants (cf. Collinson 1993, 1994, Doomernik, Penninx and Van Amersfoort 1997, Burgers and Engbersen 1999). Recent German experiences – where extensive new labour migration programs are carried out – can serve as an example. Pushed in this direction by a booming economy and an increasing shortage of labour, the Dutch policy seems to be slowly heading in this direction. The number of work permits that are issued is on the rise, and the possibilities for labour by asylum seekers are gradually – albeit slowly – augmented. It is not clear if or to what extent a less defensive system of admitting economic immigrants would really curb the number of illegal immigrants trying to get in. But as unemployment rates have fallen dramatically and as the indigenous population is rapidly ageing, the task of reassurance appears to become easier. In order to prevent that immigrants will still be pulled into the informal economy, this policy option should be accompanied by controls on labour subcontractors and other intermediaries, both in the informal economy (such as gangmasters and employers who exploit illegal workers) and in the criminal sphere (such as human smugglers).

Second, more creative policy of return should be developed. Like other European countries the Netherlands faces social, political, technical and financial difficulties when trying to encourage return of illegal immigrants. In practice, the involvement of illegal immigrants in crime in Rotterdam (and Amsterdam) appears to be combated primarily within the larger framework of combating crime in general, which appears to be a sensible way of dealing with the issue. Problems arise, however, when (criminal) illegal immigrants have to be expelled. So far, these problems have been mainly addressed by relying on the effect of

detention. This has led to a growing population of detained immigrants who take up space in prison and who often have to be released after a few months because the prospect of effective expulsion is lacking. The experiences so far indicate that detention is a costly and ineffective way of dealing with the issue. Experiments with ways of return that leave room for negotiation with the illegal immigrants concerned may offer a way out in these cases. There are, for instance, assisted voluntary return programs implemented in co-operation with IOM (IOM 2000), which provide a framework for co-operation between sending, transit and receiving states in effecting direct returns. Another interesting example is a recent experiment in the detention centre in the city of Tilburg where North African illegal immigrants who had lost every sense of perspective could follow a bricklaying course. Consequently, they were encouraged to return to their home country and build up a new life with their newly acquired skills. Experiments like these, geared to specific target groups, deserve much more attention as alternatives to the insoluble problems with expulsion of unidentifiable illegal immigrants.

Thirdly, it deserves consideration to develop a continuation of the individual post hoc regularisation of illegal immigrants who manage to incorporate despite all formal barriers (cf. Hammar 1994). In 1998, the French paper *La Libération* phrased it as follows: 'Au sud on regularise par vague. Au nord, c' est au cas par cas.' (La Libération February 27 1998). In the past two decades, Southern European countries have indeed been much more generous in legalising illegal immigrants on the basis of a general amnesty, whereas countries like the Netherlands have been very reserved so far. After the regularisations of 1975 and 1979, there has been no large-scale amnesty in the Netherlands. In the second half of the 1990s, there has been a special programme for semi-integrated white illegal immigrants, but so far only a few thousand people have successfully claimed a status under this programme (Dronkers 2000). Compared to other European countries, the numbers are very limited (Apap, De Bruycker, Schmitter, De Seze and Ray 2000). It is likely that restraints will not be feasible in the long run. As every regularisation also carries the risk of undermining the remainder of the restrictive policy as a result of rising expectations, these amnesties can take place on an individual basis. Experiences up till now suggest that leaving the decisions to a small committee of members with a good local knowledge of the situation and a high level of discretionary autonomy is the most promising approach (Dronkers 2000).

The fourth building block is based on the recognition of the importance of local networks and organisations and fits in best with the Dutch

policy of 'condoning' or *gedogen*. It is obvious that the presence of illegal immigrants is highly concentrated within certain urban localities. This may become even more germane after the implementation of the Aliens Act 2000 (enacted April 1 2001), which focuses on speeding up asylum procedures and on removing certain rights for appeal. As the policy of return is highly problematic, one of the likely effects is that municipalities will be again confronted with the presence of groups of illegal immigrants who have few formal rights, and who are not likely to return to their home countries. Hence, changing the locus of control to the lower policy levels should be accompanied by the recognition that local governments and local organisations should be taken seriously. They should not only be responsible for trying to keep out illegal immigrants, but also for weighing the pros and cons of supporting or excluding people. Since local networks and organisations that lend support to illegal immigrants in trouble fulfil important tasks in preventing excesses, they should be supported both financially and in terms of recognition. Until now, these principles are confined to the domain of medical care, through the *Koppelingsfonds* or Linking Fund. Similar funds could be established for schools and for safety net organisations such as shelters for the homeless. The importance of these arrangements is that they can guarantee basic standards of human treatment to all people present in the country without putting all the pressure on specific organisations or individuals. Like in the case of the regional networks for health care arrangements, it is preferable to have these provisions organised by local networks. This also implies that it is crucial to be more active in protecting the few social rights that illegal immigrants have by being clear and open about the fact that illegal immigrants are entitled to medical care, to legal assistance and to primary education.

The above-mentioned policy building blocks are not meant to offer a quick fix to illegal immigration. Experiences in the four largest Dutch cities have underlined that the presence of illegal immigrants is a complex and multifaceted phenomenon that cannot be dealt with in isolation. The most sensible answer, therefore, seems to be a cautious combination of the options described above whereby both the anticipated and the unanticipated implications are taken into account and whereby locally embedded knowledge is taken into account instead of denied.

Appendices

1. Interviews with illegal immigrants in Rotterdam

For information on strategies and labour market position of illegal immigrants, data was collected within the framework of the *Unknown City* project in Rotterdam (see Burgers and Engbersen 1999). Between 1993 and 1995, 169 interviews with illegal immigrants were held in Rotterdam, of which the outcomes formed the backbone of the research project. We used a wide variety of search channels and came into contact with people from the traditional immigrant groups in the Netherlands (Turks, Moroccans, Surinamese and Cape Verdeans) and with illegal immigrants from other countries such as Pakistan and Ghana. About one quarter of the research group was female. The interviews took between half an hour and several hours. Some respondents were visited several times. Most interviews were held in Dutch or English, some in the mother tongue of the respondents. All conversations were typed out on the basis of notes or tape recordings. Most respondents were between twenty and forty years of age. The table below summarises some basic characteristics. When citations are used throughout the text, the numbers refer to the codes in the first column.

Code	Nationality	Sex	Age	Length of stay (years)
101	Moroccan	male	27	4
102	Moroccan	male	25	2
103	Moroccan	male	31	2
104	Moroccan	male	28	4
105	Moroccan	male	28	2
106	Moroccan	male	24	4
107	Moroccan	male	25	3
108	Moroccan	male	25	2
109	Moroccan	male	33	3
110	Moroccan	male	26	3
111	Moroccan	male	41	3
112	Moroccan	male	33	3
113	Algerian	male	32	4

Code	Nationality	Sex	Age	Length of stay (years)
114	Moroccan	male	35	3
115	Moroccan	male	28	4
116	Moroccan	male	21	<1
117	Moroccan	male	29	3
118	Moroccan	male	35	<1
119	Moroccan	male	30	2
120	Moroccan	male	22	3
121	Moroccan	male	33	3
122	Moroccan	male	33	4
123	Moroccan	male	29	2
124	Moroccan	male	36	5
125	Moroccan	male	36	5
126	Moroccan	male	31	5
127	Algerian	male	34	3
128	Moroccan	male	26	3
129	Moroccan	male	26	3
130	Moroccan	male	24	2
131	Moroccan	male	29	5
132	Algerian	male	20	1
133	Moroccan	male	30	1
134	Moroccan	female	26	1
135	Moroccan	male	29	2
136	Moroccan	male	27	1
137	Moroccan	male	28	2
138	Moroccan	male	25	<1
139	Moroccan	female	34	<1
140	Moroccan	male	36	4
141	Moroccan	male	33	3
142	Moroccan	male	39	5
143	Moroccan	male	24	2
144	Moroccan	male	22	1
145	Moroccan	male	28	5
146	Moroccan	male	24	6
147	Moroccan	male	23	3
148	Moroccan	male	22	2
149	Moroccan	male	23	5
150	Moroccan	male	25	6
201	Turkish	male	21	<1
202	Turkish	male	23	<1
203	Turkish	male	26	2

Code	Nationality	Sex	Age	Length of stay (years)
204	Turkish	male	29	1
205	Turkish	male	28	5
206	Turkish	male	35	3
207	Turkish	female	31	3
208	Turkish	male	17	2
209	Turkish	male	33	1
210	Turkish	female	42	2
211	Turkish	male	19	3
212	Turkish	female	31	2
213	Turkish	male	43	4
214	Turkish	male	28	1
215	Turkish	male	21	2
216	Turkish	male	41	7
217	Turkish	male	25	1
218	Turkish	male	23	2
219	Turkish	male	43	3
220	Turkish	male	34	1
221	Turkish	male	26	2
222	Turkish	male	28	2
223	Turkish	male	23	1
224	Turkish	male	38	10
225	Turkish	male	44	<1
226	Turkish	male	39	3
227	Turkish	male	31	2
228	Turkish	male	33	4
229	Turkish	male	27	2
230	Turkish	male	23	1
231	Turkish	male	37	4
232	Turkish	male	29	1
233	Turkish	male	28	4
234	Turkish	female	17	1
235	Turkish	male	39	1
236	Turkish	male	31	6
237	Turkish	male	30	1
238	Turkish	male	39	1
239	Turkish	male	42	2
240	Turkish	male	22	2
241	Turkish	male	25	4
242	Turkish	male	36	3
243	Turkish	male	21	1

Code	Nationality	Sex	Age	Length of stay (years)
244	Turkish	male	32	5
245	Turkish	female	11	3
246	Turkish	female	9	3
247	Turkish	male	44	3
301	Cape Verdean	female	24	1
302	Cape Verdean	male	41	20
303	Cape Verdean	female	28	3
304	Cape Verdean	female	29	3
305	Cape Verdean	male	24	1
306	Cape Verdean	male	29	3
307	Cape Verdean	female	26	1
308	Cape Verdean	male	27	1
309	Cape Verdean	female	32	<1
310	Cape Verdean	female	33	<1
311	Cape Verdean	female	34	1
312	Cape Verdean	female	40	4
313	Moroccan	female	29	8
314	Cape Verdean	female	18	1
315	Cape Verdean	female	19	1
316	Cape Verdean	female	25	1
317	Cape Verdean	female	34	9
318	Cape Verdean	male	58	23
401	Pakistani	male	29	1
402	Pakistani	male	28	7
403	Pakistani	male	31	3
404	Pakistani	male	24	3
405	Pakistani	male	28	4
406	Pakistani	male	31	4
407	Pakistani	male	29	1
408	Pakistani	male	42	6
501	Czechoslovakian	female	22	<1
502	Yugoslavian	male	22	<1
503	Polish	female	26	4
504	Romanian	female	37	4
505	Romanian	male	19	1
506	Polish	female	30	1
507	Romanian	male	26	3
508	Romanian	female	26	4
509	Romanian	male	25	1
510	Polish	female	25	5

Code	Nationality	Sex	Age	Length of stay (years)
511	Russian	male	36	3
512	Russian	female	35	3
513	Polish	male	26	<1
514	Polish	male	21	<1
515	Croatian	female	24	1
601	Palestinian	male	26	<1
602	Surinamese	male	49	2
603	Surinamese	female	28	2
604	Surinamese	male	33	1
605	Togolese	male	30	3
606	Jamaican	male	24	2
607	Bengali	male	42	<1
608	Surinamese	male	31	2
609	Cameroonian	female	24	<1
610	Georgian	female	19	1
611	Georgian	male	20	1
612	Surinamese	male	26	2
613	Surinamese	male	19	2
614	Cameroonian	female	25	1
615	Cameroonian	female	22	2
616	Cameroonian	female	34	2
617	Cameroonian	female	28	1
618	Moldavian	female	37	2
619	Czechoslovakian	male	30	3
620	Czechoslovakian	male	32	4
621	Cameroonian	male	29	3
622	Cameroonian	male	25	2
623	Czechoslovakian	male	32	1
624	Georgian	female	57	3
625	Surinamese	male	26	2
626	Cameroonian	male	24	1
627	Nigerian	male	29	1
628	Ghanaian	female	22	1
629	Surinamese	male	26	3
630	Czechoslovakian	female	18	<1
631	Surinamese	male	23	1

2. Police files

For the analysis of criminal activities, we made use of files of the Rotterdam-Rijnmond Police. The Ministry of Justice gave permission to use the data for this purpose.

Samples

The central sample has been taken from the files of the Aliens Department in Rotterdam (1989-1994). It is based on the VRS (*Vreemdelingen Registratie Systeem*), which has in the meantime been replaced by a new (national) system. The file contains information on apprehensions of 328 illegal immigrants. The sample fraction was 1:25. The central sample can be compared with two other samples, which contain data on legal foreigners who have been registered and apprehended in Rotterdam. These files were taken from (a) registration of legal aliens in VRS (sample fraction 1:150) and (b) registration of legally residing criminal suspects in HKS (*Herkenningssysteem*), sample fraction 1:40. A follow-up study was conducted in the four large cities in 1995. This study was based on a file of *all* apprehensions of illegal immigrants in the four largest cities in one year amounting to a total of nearly 7,000 apprehensions (Van der Leun et al. 1998).

Categorisation

The reasons for apprehension have been re-coded in order to differentiate between different types of criminal activities on the one hand and illegal residence or work on the other. When more reasons were mentioned, the decisive factor was the most severe reason for apprehension as registered in the police files. The Dutch legal system distinguishes between misdemeanours (*overtredingen*) and more severe offences (*misdrijven*). Offences were further classified into minor offences, serious offences and drug-related offences. Our five categories are based on this distinction, on the maximum sanction and on the type of legislation that is violated (see also Engbersen, Van der Leun and Willems 1995). In all instances, we had to rely on police reports. With the term 'criminal activities' we do not refer to the categories of illegal residence and misdemeanours. It must be noted that the data concern reasons for apprehensions, not convictions.

– *Illegal residence* (maximum sanction: expulsion). An immigrant who resides in the Netherlands has to fulfil the conditions of the Aliens leg-

islation. Illegal residence means that an individual resides in the Netherlands without having a valid residence permit or that he or she attempts to enter the country illegally. People who are involved in an asylum procedure are not illegally in the country. When the application is rejected, however, the person can become illegal. Illegal work is commonly not registered separately, which implies that people who have been apprehended for illegal labour mostly fall under the category of illegal residence.

- *(Other) Misdemeanours* (maximum punishment of 1 year imprisonment). In this category we find fair dodging in public transport, public disorder, minor traffic offences and municipal violations.
- *Minor offences* (maximum punishment 4 years imprisonment). With minor offences we refer to shoplifting, theft from cars, burglary and other non-aggravated crimes against property. Moreover, vandalism, public order offences and the possession of false documents fall under this category.
- *Serious offences* (maximum punishment 20 years of imprisonment). This category comprises offences such as aggravated theft, the use of violence, intimidation, assault and battery, murder and manslaughter, and the possession of firearms.
- *Drug-related offences* (maximum punishment 12 years of imprisonment). The category of drug-related offences refers to the possession or trafficking of hard drugs. These violations of the Opium Act differ in severity and vary from possession of small quantities for personal use to large-scale drug trafficking. In most instances, the Aliens police do not register quantities of the drugs found on illegal immigrants.

3. Interviews with police officers

To gain insight into police practices, interviews were held with 41 police officers who worked for aliens departments and basic units in the four largest cities in 1996 and 1997. We aimed at interviewing police officers, detectives (AP) (who usually work for the aliens departments), immigration officers (AP) and members of staff. The emphasis was on people who come into contact with illegal immigrants directly. In some instances we were able to contact people directly when doing the quantitative research, in other instances, the management arranged appointments. Nobody refused to co-operate and most respondents were open about their working experiences. All interviews were held with the permission of the relevant Ministries and the heads of the departments. They took between 1 and 2 hours and were usually held in police stations and were recorded and typed out verbatim.

Number	Code	City	Details
1	A01	Amsterdam	Staff officer (AP)
2	A02	Amsterdam	Detective (AP)
3	A03	Amsterdam	Officer basic unit
4	A04	Amsterdam	Officer basic unit
5	A05	Amsterdam	Staff officer
6	A06	Amsterdam	Staff officer
7	A07	Amsterdam	Detective (AP)
8	A08	Amsterdam	Detective (AP)
9	A09	Amsterdam	Immigration officer (AP)
10	A10	Amsterdam	Officer basic unit
11	A11	Amsterdam	Officer basic unit
12	A12	Amsterdam	Immigration officer (AP)
13	A13	Amsterdam	Immigration officer (AP)
14	A14	Amsterdam	2 Officers basic units
15	R01	Rotterdam	Officer basic unit
16	R02	Rotterdam	Immigration officer (AP)
17	R03	Rotterdam	Detective (AP)
18	R04	Rotterdam	Detective (AP)
19	R05	Rotterdam	Detective (AP)
20	R06	Rotterdam	Staff officer
21	R07	Rotterdam	Staff officer
22	R08	Rotterdam	Officer basic unit
23	R09	Rotterdam	Staff officer
24	R10	Rotterdam	Detective (AP)

Number	Code	City	Details
25	R11	Rotterdam	Detective (AP)
26	H01	Rotterdam	Detective (AP)
27	H02	The Hague	Immigration officer (AP)
28	H03	The Hague	Detective (AP)
29	H04	The Hague	Detective (AP)
30	H05	The Hague	Detective (AP)
31	H06	The Hague	Detective (AP)
32	H07	The Hague	Staff officer
33	U01	Utrecht	Staff officer
34	U02	Utrecht	Detective (AP)
35	U03	Utrecht	Detective (AP)
36	U04	Utrecht	Immigration officer (AP)
37	U05	Utrecht	Officer basic unit
38	U06	Utrecht	Detective (AP)
39	U07	Utrecht	Detective (AP)
40	U08	Utrecht	Detective (AP)

4. Interviews in other sectors

All respondents noted in chapter 5 have been interviewed on a face-to-face basis. Organisations in the relevant sectors in the four cities were selected by making use of the national telephone directory, local directories and personal contacts. Respondents were initially contacted by telephone, with the question whether they were willing to co-operate with research on the policy toward illegal immigrants in general and the Linking Act in particular. It was emphasised that they did not necessarily have to be aware of the contents of the legislation to be able to co-operate. Although the interviews focused on sensitive information such as informal practices, we did not encounter difficulties when we approached institutions and respondents. Neither did we have the impression that respondents were withholding relevant information. Only a few respondents refused to co-operate. The first round of interviews was held in 1996 and 1997 in three of the four cities, the second round in 1999 in all four cities. The first round was largely exploratory. The second round focused more systematically on the sectors housing, healthcare, education and social benefits. Part of the interviews in the first round and all interviews in the second round were recorded and typed out verbatim.

Before the Linking Act, 1996-1997

Number	Code	City	Sector
1	Inf. R1	Rotterdam	Police
2	inf. R2	Rotterdam	Adult education
3	inf. R3	Rotterdam	Adult education
4	inf. R4	Rotterdam	Community work
5	inf. R5	Rotterdam	Police
6	inf. R6	Rotterdam	Local anti-drug project
7	inf. R7	Rotterdam	Psychiatric Centre
8	inf. R8	Rotterdam	Housing corporation
9	inf. R9	Rotterdam	Primary school
10	inf. R10	Rotterdam	GP
11	inf. R11	Rotterdam	Police
12	inf. A1	Amsterdam	Church
13	inf. A2	Amsterdam	Housing corporation
14	inf. A3	Amsterdam	Health Service
15	inf. A4	Amsterdam	Primary school
16	inf. A5	Amsterdam	Primary school
17	inf. A6	Amsterdam	GP

Number	Code	City	Sector
18	inf. A7	Amsterdam	Housing corporation
19	inf. A8	Amsterdam	Housing corporation
20	inf. A9	Amsterdam	Police
21	inf. A10	Amsterdam	Police
22	Inf. U1	Utrecht	Community centre
23	Inf. U2	Utrecht	Police
24	Inf. U3	Utrecht	Community centre
25	Inf. U4	Utrecht	Housing
26	Inf. U5	Utrecht	Police
27	Inf. U6	Utrecht	Housing
28	Inf. U7	Utrecht	Education
29	Inf. U8	Utrecht	Education
30	Inf. U9	Utrecht	Education
31	Inf. U10	Utrecht	Community centre
32	Inf. U11	Utrecht	Health service

After the Linking Act, 1998-1999

Number/Code	Sector	City	Details
1	Healthcare	The Hague	Policymaker
2	Healthcare	Leiden	Doctor
3	Other (politics)	Leiden	Alderman
4	Education	Amsterdam	Teacher
5	Healthcare	Rotterdam	Psychiatrist
6	Housing	The Hague	Eligibility worker
7	Housing	The Hague	Policymaker
8	Housing	The Hague	Policymaker
9	Housing	The Hague	Eligibility worker
10	Healthcare/ Social work	Rotterdam	Staff member
11	Education	The Hague	Policymaker
12	Housing	The Hague	Policymaker
13	Housing	The Hague	Policymaker
14	Social benefits	Amsterdam	Union worker
15	Education	The Hague	Headmaster
16	Social benefits	Rotterdam	Legal worker
17	Healthcare	Rotterdam	Policymaker
18	Healthcare	Rotterdam	Doctor
19	Healthcare	Rotterdam	Physiotherapist
20	Healthcare	Rotterdam	Physiotherapist
21	Education	The Hague	Teacher
22	Housing	Amsterdam	Eligibility worker

Number/Code	Sector	City	Details
23	Social benefits	The Hague	Policy
24	Housing	Rotterdam	Policy
25	Housing	Amsterdam	Eligibility worker
26	Housing	Amsterdam	Policy
27	Education	The Hague	Headmaster
28	Education	The Hague	Teacher
29	Education	The Hague	Teacher
30	Healthcare	Amsterdam	Psychiatrist
31	Education	Utrecht	Union worker
32	Healthcare	Amsterdam	Doctor/GP
33	Healthcare	Utrecht	Legal worker
34	Education	Rotterdam	Teacher
35	Healthcare	Amsterdam	Insurance company
36	Education	Rotterdam	School director
37	Healthcare	Utrecht	Doctor
38	Healthcare	Amsterdam	Nurse
39	Healthcare	Amsterdam	Nurse
40	Healthcare	Amsterdam	Administrator
41	Healthcare	Amsterdam	Social worker
42	Healthcare	Amsterdam	Insurance
43	Healthcare	Utrecht	Psychiatrist
44	Healthcare	Amsterdam	Midwife
45	Education	Amsterdam	Director
46	Education	Utrecht	Administrator
47	Education	Utrecht	Student Counsellor
48	Education	Amsterdam	Teacher
49	Education	Amsterdam	Administrator
50	Education	Amsterdam	Administrator
51	Education	Amsterdam	Teacher
52	Education	Amsterdam	Teacher
53	Education	Amsterdam	Teacher
54	Education	Amsterdam	Administrator
55	Healthcare	Amsterdam	Doctor
56	Healthcare	Amsterdam	Administrator
57	Healthcare	Amsterdam	Nurse
58	Social benefits	Amsterdam	Policymaker
59	Social benefits	Amsterdam	Policymaker
60	Education	Amsterdam	Staff member
61	Social benefits	Utrecht	Policymaker
62	Healthcare	Utrecht	Doctor/Administrator

Notes

1. Throughout the study I use the term 'undocumented' or 'illegal' immigrant – the first being a more neutral term, the latter being more commonly used. Instead of the legal terms foreigner or alien, I prefer to speak about immigrants. The term immigrants here refers to foreign-born persons and their offspring, irrespective of their nationality. In Dutch policy documents the terms 'ethnic minorities' and 'allochtonous' are frequently used (see for example WRR 1979, Muus 1999: 25-26, SCP 1998: chapter 9). These terms are in principle reserved for groups that are specifically targeted by minority policies and are therefore directly dependent on the policy framework in a certain period of time.
2. The term 'white illegals' has been tagged to people who came to the Netherlands before 1991 and who are in the possession of a social-fiscal number. They have usually worked in the Netherlands, paid premiums and taxes and many of them claim a residence status by legal means. So far, a few thousand immigrants have received a special amnesty. Many of those who were refused still strive for recognition (Dronkers 2000).
3. For an explanation of the term *beleid,* see for example Blankenburg and Bruinsma (1994) and Favell (2000), who both maintain that the Dutch word *beleid* has a more specific meaning than the English word policy. *Beleid* stands for a deeply rooted tradition of formulating encompassing and structured sets of rationally based measures to combat (social) problems.
4. Act of March 26th 1998, *Staatsblad 1998,* 203. The Ministry of Justice translates the name of the Act as 'Residence Benefit Act', but a more common designation is 'Linking Act' (cf. Minderhoud 2000).
5. Until recently, most European decisions in the field of immigration have been dealt with within the so-called third pillar (Justice and Home affairs). By now, the question of immigration has moved to the centre of the European policy agenda (Lahav 1998, Favell 2000).
6. This eclectic approach is both the potential strength and the potential weakness of the present study. On the one hand it tries to build bridges between separate fields of literature, on the other hand it cannot do justice to all these theoretical perspectives in full detail.
7. Tables like these are to some extent distorting, because immigrants from advanced economies are excluded from the definition.

8. Some years ago, a discussion in this respect took place in the Journal *Migrantenstudies,* see Böcker and Groenendijk (1995, 1996) and Burgers (1996a). See also Burgers 1995, Van der Leun et al. 1998.
9. Larson and Sullivan (1987: 1475) maintain that 'Conventional numbers in immigration statistics are those round figures that become reified in journalistic and other popular uses. Conventional numbers provide an order of magnitude rather than a count, but they are important because of their potential political impact'.
10. Earlier, Burgers (1995) combined police data with information taken from interviews and estimated the undocumented population in Rotterdam to amount to approximately 11,000 illegal immigrants.
11. The estimate is based on the capture-recapture method, as developed by Peter van der Heijden, Statistical Department of Utrecht University (Van der Heijden 1994, Smit et al. 1994). Currently, a method to calculate a confidence interval for this estimate is not available.
12. This also holds for general measures, such as the introduction of health care numbers, educational numbers etc. According to one Dutch newspaper, the average Dutch person is now registered in 900 places *(de Volkskrant* September 15th 2000: 'Mensen steeds vaker een nummer' [People increasingly a number]).
13. Compare Gächter et al. 2000: 12, who distinguishes nine categories, some of which are not relevant here (i.e. commuters and fully legal immigrants).
14. Rules for admission are laid down in the Aliens Act. The basic definition adopted here implies that immigrants who are allowed to stay in the country when awaiting the outcome of a legal procedure are not defined as illegal immigrants, whereas those who are supposed to do so in the country of origin are. Both categories fall under the label of *gedoogden* or 'tolerated immigrants' (Commissie Zeevalking 1991: 14-17). See also Van der Leun et al. 1998, 16-17.
15. Obviously, though, Western European immigrants are not the main research objects. In the qualitative research, therefore, they are left out.
16. Informal economic activities have to take place in frameworks of trust. This trust can be generated by social networks, which enable the informal provision of labour, capital and products. As Portes and Sensenbrenner (1993) have argued, immigrants show a heightened sense of community – due to their 'foreignness' and the specific circumstances created by the processes of migration and settlement. They are, hence, most likely to generate this kind of social capital (Kloosterman, Van der Leun and Rath 1998).
17. Of which one of the unintended consequences is that a high level of (formal) inactivity is encouraged as well (Kloosterman et al. 1998).

18. Sarah Mahler (1995), who puts most emphasis on the dead-end position of illegal immigrants, concludes that their social mobility is thwarted by the combination of a lack of fluency in English, a skills mismatch, the unfavourable position within immigrant networks and the lack of a legal status.
19. The question whether or to what extent illegal immigrants feel being part of the receiving society (see for example Chavez 1994) is therefore left aside here.
20. The Turkish 'community' in Rotterdam, however, comes closest to an ethnic enclave, see Kloosterman and Van der Leun 1999 and Staring 2001.
21. There is a direct relation between internal migration controls on the one hand and immigration controls on the other. As Walzer (1983) has shown, societies can only be open if the borders are at least to a certain extent closed. Conversely, porous borders may very well encourage internal controls, see Hammar 1985: 10.
22. Joppke has recently qualified the debate as 'nation state bashing' versus 'nation state defending' (Joppke 1998). Others, such as Faist (1997) try to stir a middle course by focusing on the relationship between migration policies and types of welfare states in the tradition of Esping-Andersen (1990). Faist maintains that highly regulated welfare states like the Federal Republic of Germany (and mutatis mutandis the Netherlands) are much more oriented towards excluding illegal immigrants from the labour market and the extensive public provisions than liberal welfare states. Yet, he also overlooks contradictory practices when he pictures Germany as utterly restrictive toward illegal labour and illegal residence (cf. Wilpert 1997, Alt 1999). It becomes clear, however, from the work by Faist and others in this field, that simply concluding that there is a gap between laws and practices does not suffice.
23. Another relevant sector might be legal assistance. Under the present laws, illegal immigrants are not excluded from legal support.
24. Exceptions are for example Leman 1995, 1997, Jordan and Vogel 1997, Wilpert 1997, Alt 1999. See also Böcker 1994, Eichenhofer 1999, Çinar, Gächter and Waldrauch 2000.
25. The main topics of the interviews were migration history, labour market history, housing situation, health and health care, encounters with formal institutions and the role of ethnic communities. For the ethnographic account see Staring 2001.
26. A second reason to dedicate a chapter to crime is that illegal immigrants' involvement in crime may be one of the unintended consequences of restrictive legislation.

27. The estimate is based on a combination of methods using data on 'electricity input' and 'currency demand'. It concerns all unreported transactions that would normally be taxable.
28. Illegal labour is understood as employment, which is in conflict with the Law on Employment of Foreigners (WAV). In principle it can encompass both tax-paid (commonly called 'white') and non-tax-paid (so-called 'black') labour, depending on the degree of tax evasion and tax avoidance. Illegal labour is not confined to people who stay in the country illegally, nor do illegal immigrants always work illegally (see chapter 1, section 1.3).
29. There are some examples, however. Asylum seekers are by now allowed to work a certain number of weeks every year during the fruit harvest and other preventive measures encompass the (relatively unsuccessful) attempts to stimulate long-term unemployed Dutch citizens to accept temporary jobs in the asparagus culture. Both sectors have a reputation for relying on illegal employment.
30. Paradoxically, this has not been the case anymore since the enactment of the Linking Act, see chapter 5.
31. The National Government Audit analysed a sample of 100 randomly selected actions. During these actions, 263 illegal immigrants were apprehended, of whom 43 per cent were expelled (Algemene Rekenkamer 1999).
32. The team raided 141 out of a total of 2,800 employers in the sector. They encountered 99 employees without a valid working permit, of whom 65 were illegal immigrants (Westland Interventie Team 2000).
33. For an elaboration of legalisation strategies of Turkish 'tourists', see Staring 2001.
34. Some respondents pay a certain percentage of their income to the owner of the social-fiscal number, which may cause tax problems for the owner.
35. The same probably holds for the Chinese community (cf. Rijkschroeff 1998).
36. The other side of the coin is that illegal immigrants often complain about the low financial rewards and the unequal treatment they receive, see Staring 2001.
37. There are parts of the city where vans or minibuses openly pick up immigrant workers, who are transported to greenhouses or other places to work, early in the morning. This practice is increasing since the rules for starting an employment agency have been eased and is often associated with illegal employment.
38. Both the prevailing terminology and the registration practices differ across countries. In the Netherlands, nationality identifiers are available in some police statistics.

39. This is not necessarily the result of criminal involvement, since illegal immigrants are often detained pending expulsion.
40. As to organised crime, the findings are considerably different (Bovenkerk 1996).
41. In some countries the debate has become heavily focused on one particular group, such as the Albanians in Greece and in Italy, while in other countries it concerns more diffuse fears of 'criminal aliens'.
42. An estimated seven billion dollars are earned world-wide in the trafficking industry per year (IOM, 1998, *The Economist,* October 16th 1999). Illegal immigrants are both victims and 'clients' of these smuggling practices and there seems to be a growing dependence on these illicit services (Koser 1998). The vulnerability of the immigrants in question was dramatically made clear in the 'Dover tragedy' in which 58 Chinese illegal immigrants who were being smuggled into the UK suffocated in a truck on a hot summer day in June 2000.
43. Probably the least is known about illegal immigrants as victims of crime, as they are unlikely to seek protection of the law. In February 2001, the Chinese community in Rotterdam protested openly against the high level of crime in their neighbourhood. Among other things, they claimed that many victims did not report robberies to the police, because they were in the country illegally and they feared being expelled.
44. The criminal activities formed an implicit topic of the interviews. They came about when discussing sources of income, for example, or when speaking about their experiences with the police. In some instances people were interviewed during their activities or after the police had apprehended them. In these cases it made no sense to deny their source of income.
45. A follow-up study was made for the four largest cities (Van der Leun, Van der Heijden and Engbersen 1998). In table 3.4, I also refer to these data.
46. Asylum seekers and people who were in the meantime legally residing were left out.
47. The results of these cross-checks indicate that the illegal status of immigrants is not always noticed. This may be because police officers do not always (adequately) check the immigration status, or because the immigration status has changed after the registration. On the other hand, our research suggests that in most cases the lack of status is recognised by the police, contrary to what is sometimes shown to demonstrate that we seriously underestimate the criminal involvement of illegal immigrants (cf. VRIS 1999).
48. Sixteen immigrants who turned out to be illegally in the country were left out.

49. The Dutch police record the country of birth and the nationality of a suspect in this section of HKS. This implies that it is possible to identify first-generation immigrants. Second-generation immigrants who are born in the Netherlands can only be identified as long as they are not naturalised. Illegal immigrants cannot have the Dutch nationality, so in their case nationality criteria do not create any problems. Antilleans are Dutch citizens by birth and cannot be illegal residents.
50. The figures refer to apprehensions, not to the number of individuals involved.
51. According to official data, the total number of immigrants in the city of Rotterdam lies between 163,000 and 253,000 depending on the definitions used (COS 1999).
52. In 1995, there were the equivalent of 78 full-timers involved in the surveillance of illegal immigrants in Rotterdam (Van der Leun et al. 1998: 60). The number of posts is comparable to Amsterdam, see chapter 4.
53. The VRS (Foreigner Registration System) was one of the (local) forerunners of the national VAS (Foreigner Administration System).
54. This also holds for the time between 1996 and 1998 (Politie Rotterdam Rijnmond, unpublished data).
55. A third possibility is that they stay in another country. Of the 169 respondents in Rotterdam, 13 had applied for asylum in an earlier stage.
56. Whether they have left the country in between remains unknown.
57. About one third of the files in Rotterdam contain an address. This is either the address where the person is apprehended or the address where the person claims to be living. A third option is that it is an address that is found in the possession of the apprehended immigrants.
58. These data pertain to all apprehensions of illegal immigrants in Rotterdam in 1995 (Van der Leun et al. 1998).
59. Under the Dutch Aliens Act, illegal residence is not a criminal offence. The main sanction is expulsion. Illegal labour, furthermore, is a violation of labour regulations and employment laws and is – under the present legislation – comparable to a misdemeanour.
60. As a consequence, the data provide very little information on activities in prostitution. Only five out of 328 people were explicitly registered as prostitutes (four women and one man).
61. This attitude can, of course, also be interpreted as a 'neutralising strategy' (cf. Sykes and Matza 1957).
62. The follow-up study in the four largest cities (based on all apprehensions during 1995) showed important parallels to what we concluded on the basis of the sample in Rotterdam.
63. See for more details Engbersen and Van der Leun 1998.

64. It must be noted that Western European 'tourists' show similar patterns of arrest.
65. In 1997 there were an estimated 120 drug outlets in the western part of the city (unpublished data Drugsoverlast Delfshaven).
66. Presumably, most of them come from Morocco, but it cannot be ruled out that some also come from Algeria.
67. The data were collected between 1992 and 1994 within the framework of the VICTOR anti-drug operation (Helsdinge 1994).
68. Of the 254 apprehended drug runners, 37 were illegal immigrants, 27 could not be found in the registration of the police and for 16 people the information was lacking. The police suggest that among the people with an unknown status, there are also illegal immigrants (VRIS 1999: 24).
69. Officially they can only be expelled when they are suspected of serious offences. In practice, they are often treated as illegal immigrants although the legal conditions are not met.
70. The findings in this chapter are restricted to the situation in Rotterdam. There are indications that the findings are also relevant for Amsterdam, although illegal immigrants appear to be more active in opportunistic street crime there (Van der Leun et al. 1998, VRIS 1999). In the cities of The Hague and Utrecht, the issue does not seem to play a prominent role, which points to the danger of easy generalisations.
71. 'Politie Rotterdam vrijgevochten bende' [Rotterdam police undisciplined lot]. *NRC Handelsblad* April 29th 1997.
72. Exceptions in the Netherlands are Aalberts (1989, 1990) and Clermonts (1994).
73. Controls at the border, which are partly carried out by the Royal Netherlands Military Constabulary (*Koninklijke Marechaussee*) and have partly shifted to the Schengen borders, are not dealt with in this study. The idea behind this choice is that border controls are only able to curb – up to a certain extent – immigration that is illegal from the start. Many illegal immigrants, however, enter the country, or the Schengen territory, legally and lose their legal status in some later phase, for example when their visa expires or when they are rejected as asylum seekers.
74. Before 1994, police officers had to have 'reasonable suspicion'. In 1994 this was narrowed down to 'concrete indications'. In section 50 of the revised Aliens Act, after a political debate, this was reformulated as follows: 'facts and circumstances that, according to objective standards, constitute a reasonable suspicion'.
75. See the political struggle for 'more blue out on the streets'. So far it has remained unclear to what extent the Police departments have spent the extra money on more personnel or rather on new computers, etc.

76. Seven per cent of all illegal immigrants apprehended in Rotterdam during 1995 were apprehended more than once within one year (Van der Leun et al. 1998).
77. We can also read here that the State Secretary of Justice aimed at 50,000 returns of illegal immigrants in 1997. The regional forces were expected to help achieve this aim as far as possible (Politie Haaglanden 1996: 5). It must be noted that this target number not only concerns effective expulsions (Van der Leun et al. 1998).
78. The (unofficial) name of the law is often associated with the linkage of computerised files of public agencies. Actually, it refers to 'linking up' public services with residence status.
79. This holds for most of the people coming from Surinam, for all people from the Antilles and Aruba, for children born in the Netherlands of parents with the Dutch nationality and for third generation foreigners. In addition, many people from countries such as Morocco and Turkey are naturalised and have both the Dutch nationality and their original nationality.
80. With the debates on child allowances for children of legal immigrants as an exception.
81. Cornelius et al. also refer to sub-national attempts to exclude illegal immigrants from social services (1994: 6). The present study shows exactly the opposite: sub-national attempts that mitigate national attempts to exclude people.
82. At least, this is what Jordan and Vogel hypothesise on the basis of a small-scale comparative case study of undocumented Brazilian immigrants in Germany and the United Kingdom.
83. A crucial reason for this reservation is the fear of institutionalised discrimination.
84. Faist (1996) argues that in Germany it is not so much the policy directed towards immigrants, which seems to block access, but rather the general level of internal (labour market) regulation (see chapter 1). In this respect, the Netherlands fits more into the German example. However, the Netherlands also has a tradition of pragmatism when it comes to enforcing contested types of regulation in order to keep the situation 'manageable' (Blankenburg 1999; Chorus, Gerver, Hondius and Koekoek 1999; Engbersen and Van der Leun 1999).
85. Liefhebber and Linders conducted a survey among General Practitioners in Rotterdam, which was responded by 141 of them (a response of 55 per cent). The survey reveals that while almost three-quarters of the respondents claimed to see an uninsured patient less than once a week, there are four respondents who have dozens of uninsured patients every week.

Most of the uninsured patients are illegal immigrants (Burgers and Ten Dam 1999: 163).

86. In 1997, this facility in the Welfare legislation was withdrawn. According to Burgers and Ten Dam, the costs involved mounted up to a mere 0.5 per cent of the total budget for social welfare in Rotterdam in 1993.
87. This is not to suggest that formal and informal arrangements can be fully separated. With respect to housing, Burgers (1998) has shown how formal arrangements shape their informal counterparts.
88. In the process, thousands of mismatches between the separate databases were sorted out and the infrastructure to enable exchange of data had to be developed.
89. GBA stands for *Gemeentelijke Basis Administratie* (Municipal Population Administration).
90. VAS stands for *Vreemdelingen Administratie Systeem* (Foreigner Administration System).
91. Before 1991, Municipal Population Registers did not systematically check the residence status of people who wanted to register themselves. Before the introduction of VAS, each police department kept its own files of apprehended illegal immigrants.
92. It must be noted, however, that since the 1980s many of the 'traditional' centralised bureaucracies have been transformed into more decentralised organisations.
93. Hasenfeld's typology is an ideal-typical simplification. In practice, different technologies often exist alongside within one single organisation. A hospital usually has an admission procedure, during which the patient has to identify himself and show proof of an insurance contract. The selection is not always directed to finding out who is residing in the country legally or illegally, but the admission stage can be crucial for illegal immigrants.
94. In January 2000, a Somalian woman suffering from AIDS was rejected as an asylum seeker. The case was seen by lawyers as a test case in light of concerns about so-called medical tourism. They claimed that in similar cases in the past, the Ministry of Justice has usually granted permits on humanitarian grounds (*NRC Handelsblad,* January 8th, 2000).
95. The original proposal of the law dates back to June 26th 1995. The formal decision was published in the official governmental journal *Staatsblad 1998* (34*)*, April 2nd 1998.
96. In 1998 (during the deliberations of the Upper House on the 24th of March), the State Secretary of Justice Ms. Schmitz admitted that: 'In all honesty, there are certainly laws whose defence is more satisfying than this Linking Act.'

97. The official title can be translated as: Act as to the amendment of the Aliens Act and some other laws in order to link the eligibility of foreigners toward administrative bodies to services, provisions, benefits, exemptions and allowances, with the lawful residence of the foreigner in the Netherlands. Throughout this study I use the label 'Linking Act', which seems to be the most appropriate translation.
98. The categories are free translations of the text of the law.
99. These five categories summarise ten codes of the Municipal Population Register (GBA) and as much as 270 different titles in the Foreigner Administration System (VAS).
100. These changes in legislation do not apply to asylum seekers. However, rejected asylum seekers whose appeals are exhausted and who have received official notice to leave the country, fall outside the regulations governing the asylum procedure and, hence, are subject to the Linking Act. The Aliens Act 2000 limits rights to appeal.
101. The Linking Act also pertains to disability pensions, sickness benefits, child allowances and unemployment benefits.
102. In practice, they almost always refuse them (Etman and Korpel 1999: 37, Van der Leun and Botman 1999).
103. Workers who conduct their professional duties in urban areas with high shares of (registered) immigrants are often conscious of the fact that they encounter illegal immigrants in their day-to-day activities, although in individual cases they do not always know for sure who is legally residing and who is not.
104. Because this housing corporation was one of the few organisations to refuse co-operating with the second round of interviewing, it remains unknown to what extent they changed their procedures after 1998.
105. These reports mainly referred to 'white illegals' from Turkey and Morocco.
106. See for example: 'Steden steunen gedupeerden Koppelingswet' [Cities support victims of the Linking Act]. In: *de Volkskrant* July 1st 1998. According to a spokesman of the Ministry of Justice these bypasses are not unlawful, but they do 'run counter to the spirit of the Linking Act' (*de Volkskrant* September 15th, 1998).
107. The Ministries involved are: the Ministry of Justice, the Ministry of Education, Culture and Sciences, the Ministry of Social Affairs and Employment, The Ministry of Health, Welfare and Sports and the Ministry of Housing, Physical Planning and the Environment.
108. In a formal evaluation report, the Social Affairs and Employment estimates the number to be 300 (Etman and Korpel 1999: 34).
109. *Landelijk Instituut voor Sociale Verzekeringen.*

110. *Sociale Verzekeringsbank.*
111. According to Etman and Korpel (1999), this would encompass 15 per cent of the checked cases. Again, most of these cases pertain to illegal immigrants who have or have had tax-paid jobs and who have paid premiums for these provisions. Legally, the questions surrounding the legitimacy of these exclusions are not yet clear.
112. Although the research project focused on the four largest cities, I conducted two interviews in the medium-sized city of Leiden. Leiden is an interesting case because politicians including one of the local aldermen openly promoted a (local) policy that diverged from the national policy.
113. These judgements are in line with the thesis of 'transnationalisation of migration policy' (Sassen 1991). It must be noted, however, that it only pertains to a small category of immigrants, and certainly not to illegal immigrants.
114. By dilemmas, I refer solely to situation in which people have to take difficult decisions, often with a moral component. Practical difficulties or technical problems are left aside.
115. This duty is rooted in the Criminal Code and in several professional codes.
116. This strategy entails serious risks, as the medical information of two people can easily be confused.
117. In 1999, the national government allotted € 5 million to this fund. In 1999 and 2000, only a small part of the budget was actually used. It is unclear yet to what extent this stems from unfamiliarity with the arrangements or from discontent with the bureaucratic procedures. Another reason may be that the pressure on health care provisions is less than was expected or that health care workers prefer their own informal arrangements.
118. See also Reijneveld and Van Herten 2000.
119. 'Illegaal heeft recht op alle zorg' (Illegal entitled to all care). In: *NRC Handelsblad* Feb. 12th, 2000.
120. When a member of the liberal (coalition) party VVD promoted a more strict practice, and even maintained that doctors should be obliged to notify illegal patients to the police, the Minister of Health reacted by saying: 'A doctor is not a law-enforcement agent.' 'VVD tegen 'veel te ruime medische zorg voor illegalen' (Liberal Party against far too generous medical care for illegals). In: *NRC Handelsblad* March 16th 2000.
121. An F-document is a conditional status for people who are not recognised as refugees, but cannot (as yet) return to their home country for reasons of safety. The corporation concerned does not have suitable housing for this category of applicants.
122. These are often family members who are either awaiting formal permission for family reunification or never applied for it.

123. The lack of clarity in the respect also produced rumours. Several respondents in the other cities maintained that Amsterdam had reserved a separate high-rise building for illegal immigrants who were 'victims' of urban renewal, which turned out to be a myth.
124. According to several respondents, illegal immigrants cannot be refused when registering with a housing corporation, whereas they have to be refused as tenants.
125. In the Netherlands, children go to primary school until they reach the age of 11 or 12. Full-time education is compulsory until the age of 16.
126. The total number of children without a residence status in the Netherlands remains a matter of conjecture. Most respondents think it involves fairly limited numbers. It is likely that many children have come to the Netherlands for unofficial family reunification. Teachers emphasise that many of these children often attend school for some years and then either move or return to their home country. Sometimes they are expelled together with their parents. Some respondents regularly come into contact with single undocumented mothers whose children are born in the Netherlands. Midwives in Amsterdam, for example, reported the birth of 120 undocumented children in 1994 (cf. Van der Leun et al. 1998: 24, Morelli and Braat 1999: 36).
127. In the sphere of education, most respondents (15 out of 21) are convinced that their 'colleagues' in other institutes take (or would take) the same decisions as they do. In the other spheres, respondents show more doubts in this respect.
128. Primary schools normally receive extra funding for pupils with an immigrant background.
129. This view is supported by the fact that the *Witte Jas*, a private practice for illegal immigrants in Amsterdam, was disbanded in 2001. One of the reasons given by a spokesperson of the organisation is that the regional networks and the Linking Fund have taken over their tasks.
130. Not because the attitude of professionals is assumed to be different, but because illegal immigrants appear to be mainly concentrated within the largest cities. In fact, a difference in this respect can already be observed between Amsterdam and Rotterdam on the one hand and Utrecht and The Hague on the other (see Van der Leun et al. 1998).
131. The effect on the social climate for legal immigrants is another serious risk, but this falls outside the scope of the present study.
132. On the basis of the literature dealt with in chapter 1, the choice has been made to deal with these central aspects of the social embeddedness of illegal immigrants. This implied that the role of, for instance, mosques,

churches, political committees, charity, neighbourhood organisations and immigrant communities had to be left out.

133. Light speaks of 'spillover migration' when migration networks expand immigration beyond the level that the original demand can support (Light 2000: 271).
134. Their analysis of the files of the Ministry of Social Affairs and Employment indicates that almost three quarters of the *arrested* illegal workers are illegal immigrants (Visser and Van Zevenbergen 2001: 86).
135. This does not apply to insurance-based sickness benefits or disability pensions, for which illegal workers often used to pay premiums and taxes.
136. A complicating factor is that the regulations also apply differently to these domains.
137. Part of the applicants are illegal immigrants, others are still involved in legal procedures concerning their residence status.
138. In the course of the year 2000, there were several cases of football players who played for respectable teams, and were suddenly labelled 'illegal immigrants' after they were found not to have the proper documents or the official permission to stay in the Netherlands. The players and their clubs also found their way into false documents circuits.
139. Engbersen (1999b) has maintained that 'Panopticum Europe' does not actively detect and expel most of the illegal immigrants, but is much more efficient in excluding them from welfare state services and better segments of the labour market.
140. There is a certain tautological element in the discussion because the sectors on the left of the continuum are granted more room to manoeuvre by the national state than the sectors on the right.
141. See Hollifield (2000) who argues that civil society protests have thwarted far-reaching internal migration control measures in France and the United States because citizens felt that the state should not intrude too far into private lives.
142. There is an inevitable trade-off between the wider reach of internationally comparative studies and the more in-depth character of case studies, which are mostly confined to a national setting.
143. Policies always lag behind several years. It is somewhat ironic, however, that the more restrictive remote control policy that was designed in a time of high unemployment has eventually come in to full force in a time in which the demand for immigrant labour appears to be on the rise again.
144. In countries like Israel and Italy, it has been documented that it is advantageous for some immigrants to leave their formal jobs and engage in illegal labour (cf. Ruspini 2000, Gächter et al 2000).

145. During the 1970s almost 17,000 illegal immigrants were legalised, while in the 1990s another 2,000 illegal immigrants received a legal status via the official channels. In the same period of time France legalised more than 270,000 people, while the United Kingdom legalised less than 2,300 people (Apap et al. 2000).

References

Aalberts, M. (1989) *Operationeel vreemdelingentoezicht in Nederland.* Arnhem: Gouda Quint.

Aalberts, M. (1990) *Politie tussen discretie en discriminatie.* Arnhem: Gouda Quint.

Aalberts, M. and N. Dijkhoff (1993) 'Illegalen in de criminaliteit, criminelen in de illegaliteit'. In: *Rechtshulp,* No. 11, 24-28.

Albrecht, H. (1997) 'Ethnic Minorities, Crime and Criminal Justice in Germany'. In: Tonry, M. (ed.): *Crime and Justice. A Review of Research.* Chicago: Chicago University Press, 31-99.

Algemene Rekenkamer (1999) *Aanpak illegale arbeid.* Den Haag: TK 1998-1999, 26617, 1-2.

Alt, J. (1999) *'Illegal in Germany. Summary of results of the research project on the life situation of illegal migrants in Leipzig'.* Münich: Hochschule für Philosophie.

Altink, S. (1998) 'Grenzeloos ondernemerschap in de vrouwenhandel'. In: J. Rath and R. Kloosterman (eds) (1995) *Rijp en groen: Immigrantenondernemerschap in Nederland.* Amsterdam: Het Spinhuis, 175-191.

Anderson, E. (1990) *Street Wise.* Chicago: Chicago University Press.

Apap, J., P. de Bruycker, C. Schmitter, S. de Seze and C. Ray (2000) *Rapport de synthèse sur la Comparaison des régularisations d'étrangers illegaux dans l'Union Européene.* Brussel: Université Libre de Bruxelles.

Bailey, T. (1987) *Immigrant and native workers: contrasts and competition.* Boulder Colorado: Westview Press.

Bakker, W. and F. van Waarden (eds) (1999) *Ruimte rond regels. Stijlen van regulering en beleidsuitvoering vergeleken.* Amsterdam: Boom.

Bauböck, R. (1996) 'Introduction'. In: R. Bauböck, A. Heller, A. Zolberg (eds) (1996) *The Challenge of Diversity, Integration and Pluralism in Societies of Immigration.* Aldershot: Avebury.

Bauman, Z. (1989) *Modernity and the Holocaust.* Cambridge [etc.]: Polity Press

Bauman, Z. (1995) 'The strangers of consumer era'. *Tijdschrift voor Criminologie* Vol. 37 (3), 210-218.

Barros, L. and J.P. Garson (2000) 'Measures undertaken to combat the employment of foreigners in an irregular situation'. In: Çinar, D., A. Gächter and H. Waldrauch (eds) *Irregular migration: Dynamics, Impact, policy options.* Vienna: European Centre, 225-230.

Bean F., E. Telles and B. Lindsay Lowell (1987) 'Undocumented migration to the United States: Perceptions and Evidence'. In: *Population and Development Review,* Vol. 13 (4), 670-690.

Bean, F.D., B. Edmonston and J. Passel (1990) *Undocumented Migration to the U.S.: IRCA and the Experience of the 1980s.* Washington, D.C.: The Urban Institute.

Beck, A. and K. Broadhurst (1998) 'Policing the community: the impact of national identity cards in the European Union'. In: *Journal of Ethnic and Migration Studies.* Vol. 24 (3), 413-431.

Beirne, P. and J. Messerschmidt (1991) *Criminology.* Fort Worth: Harcourt Brace Publishers.

Bell, D. (1953) 'Crime as American way of life'. In: *The Antioch Review* Vol. 13 (2), 131-154.

Bernini, P. and G. Engbersen (1999) 'Koppeling en uitsluiting: Over ongewenste en onbedoelde effecten van de Koppelingswet'. In: *Nederlands Juristenblad* Vol. 74 (2), 65-71.

Bigo, D. (1996) Sécuritée, immigration et controle social. L'illusoire maîtrise des frontières. In: *Le Monde Diplomatique,* October 1996, 8.

Blankenburg, E. (1999) 'Dutch Legal Culture- persisting or waning?'. In: Chorus, J., P. Gerver, E. Hondius and A. Koekoek (eds) *Introduction to Dutch Law.* Third revised edition. The Hague, London, Boston: Kluwer Law International, 15-47.

Blankenburg, E. and F. Bruinsma (1994) *Dutch Legal Culture.* Deventer/ Boston: Kluwer.

Böcker, A. (1994) *Turkse migranten en sociale zekerheid: van onderlinge zorg naar overheidszorg.* Amsterdam: Amsterdam University Press.

Böcker, A. and L. Clermonts (1995) *Poortwachters van de Nederlandse arbeidsmarkt.* Nijmegen: Instituut voor Rechtssociologie.

Böcker, A. and K. Groenendijk (1996) 'Vuile handen of verbrande vingers? Een antwoord op Burgers'. In: *Migrantenstudies* Vol. 12 (1), 27-31.

Böcker, A., K. Groenendijk, T. Havinga, P. Minderhoud (eds) (1998) *Regulation of migration. International Experiences.* Amsterdam: Het Spinhuis.

Bogason, P. (2000) *Public policy and local governance: institutions in postmodern society.* Cheltenham [etc.]: Elgar.

Bommes, M. and A. Geddes (eds) (2000) *Immigration and welfare: challenging the borders of the welfare state.* London [etc.]: Routledge.

Borjas, G. (1990) *Friends or strangers: The impact of immigrants on the U.S. economy*. New York: Basic Books.

Bourdieu, P. (1989) 'Economisch kapitaal, cultureel kapitaal, sociaal kapitaal'. In: *Opstellen over smaak, habitus en het veldbegrip*. Amsterdam: Van Gennep.

Bovenkerk, F. (1992) *Hedendaags kwaad, criminologische opstellen.* Amsterdam: Meulenhoff.

Bovenkerk, F. (Ed) (1996) *De georganiseerde criminaliteit in Nederland: Het criminologisch onderzoek voor de parlementaire enquêtecommissie opsporingsmethoden in discussie.* Deventer: Gouda Quint.

Bovenkerk, F., W. De Haan and Y. Yesilgöz (1991) 'Over selectiviteit gesproken' In: *Tijdschrift voor Criminologie* Vol. 33 (3), 309-321.

Brochmann, G. (1998) 'Controlling immigration in Europe. Nation-state dilemmas in an international context'. In: J. van Amersfoort and J. Doomernik (eds) *International migration: processes and interventions.* Amsterdam: Het Spinhuis, 22-41.

Brown, M.K. (1981a) *Working the Street: Police discretion and dilemmas of reform.* New York: Russell Sage foundation.

Brown, M.K. (1981b) 'The Allocation of Justice and Police-Citizen Encounters'. In: C.T. Goodsell (ed.), *The Public Encounters: Where State and Citizen Meet.* Bloomington Indiana, 102-125.

Brubaker, R. (1994) 'Are immigration control efforts really failing?'. In: Cornelius, W. A., P.L. Martin and J. F. Hollifield, (1994) (eds) *Controlling Immigration: A Global Perspective.* Stanford: Stanford University Press, 227-231.

Burgers, J. (1995) *Niet thuis: De huisvestingssituatie van illegale vreemdelingen in Rotterdam.* Utrecht: Utrecht University AWSB.

Burgers, J. (1996a) 'Natte vingers en vuile handen; over het schatten van het aantal illegale vreemdelingen. Een reactie op Böcker en Groenendijk'. In: *Migrantenstudies* Vol. 12 (1): 14-26.

Burgers, J. (1996b) 'No Polarisation in Dutch Cities? Inequality in a Corporatist country'. *Urban Studies* 33, 1, 99-106.

Burgers, J. (1998) 'Formal determinants of informal arrangements; housing and undocumented immigrants in Rotterdam'. *Journal of Ethnic and Migration Studies* Vol. 24, 2, 295-312.

Burgers, J. (1999a) 'In the margins of the welfare state. Labour market positions and housing conditions of undocumented immigrants in Rotterdam'. In: *Urban Studies* Vol. 35, 10, 1855-1868.

Burgers, J. (1999b) 'Illegale vreemdelingen en migratiebeleid'. In: J. Burgers and G. Engbersen (eds) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom, 262-284.

Burgers, J. and G. Engbersen (1996) 'Globalisation, immigration and undocumented migrants'. In: *New Community* 22 (4), 99-106.

Burgers, J. and G. Engbersen (eds) (1999) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom.

Burgers, J. and J. Ten Dam (1999) 'Gezondheid en zorg'. In: J. Burgers and G. Engbersen (eds) (1999) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom, 161-187.

Castells, M. and A. Portes (1989) 'World underneath. The origins, dynamics, and effects of the informal economy'. In: A. Portes, M. Castells and L.A. Benton (eds) *The Informal Economy. Studies in Advanced and Less Developed Countries.* Baltimore: The John Hopkins University Press.

Castles, S. and M. Miller (1993) *The Age of Migration, International Population Movements in the Modern World.* Basingstoke and London: Macmillan.

CBS (1998) *Allochtonen in Nederland.* Voorburg/Heerlen, Centraal Bureau voor de Statistiek.

Chavez, L. (1991) 'Outside the imagined community: Undocumented settlers and experiences of incorporation'. *American Ethnologist* Vol. 18, 257-278.

Chavez, L. (1994) 'The power of imagined community: The settlement of undocumented Mexicans and Central Americans in the United States'. *American Anthropologist* Vol. 96 (1), 52-73.

Chiswick, B. (2000) 'The economics of illegal immigration for the Host economy'. In: Çinar, D., A. Gächter and H. Waldrauch (eds) *Irregular migration: Dynamics, Impact, policy options.* Vienna: European Centre, 165-174.

Chorus, J., P. Gerver, E. Hondius and A. Koekoek (eds) (1999) *Introduction to Dutch Law.* Third revised edition. The Hague, London, Boston: Kluwer Law International.

Çinar, D, A. Gächter and H. Waldrauch (eds) (2000) *Irregular migration: Dynamics, Impact, Policy Options.* Vienna: European Centre.

Clermonts, L. (1994) *Inzicht in toezicht: de praktijk van het vreemdelingentoezicht in Amsterdam en Rotterdam.* Arnhem: Gouda Quint.

Clermonts, L., K. Groenendijk and T. Havinga (1991) *Verblijfsrecht en gebruik van collectieve voorzieningen door immigranten.* Nijmegen: KUN, Rechtsgeleerdheid.

Clermonts, L., J. van der Marck and C. Terweijden (1990) *Illegalen komen hier niet; Gebruik van collectieve voorzieningen door vreemdelingen zonder verblijfstitel.* Nijmegen: KUN, Instituut voor Rechtssociologie.

Cloward, R. and L. Ohlin (1960) *Delinquency and Opportunity structure: A Theory of Delinquent Gangs.* New York: New York Free Press.
Coleman, J. (1994) 'Social Capital in the creation of human capital' In: *American Journal of Sociology* Vol. 94: S95-S120.
Collinson, S. (1993) *Europe and International Migration.* London: Pinter Publishers.
Collinson, S. (1994) *Beyond borders: West European Migration Policy towards the 21Century.* London: Royal Institute of International Affairs.
Commissie Zeevalking (1991) *Eindrapport van de Commissie Binnenlands Vreemdelingentoezicht.* Den Haag: Ministerie van Justitie.
Cornelius, W.A. (1982) 'Interviewing Undocumented Immigrants; methodological reflections based on fieldwork in Mexico and the US'. In*: International Migration Review,* Vol. 16 (2), 378-411.
Cornelius, W. A., P.L. Martin and J. F. Hollifield (eds) (1994) C*ontrolling Immigration: A Global Perspective.* Stanford: Stanford University Press.
COS (1996) *Kerncijfers 1996 Rotterdam.* Rotterdam: Centrum voor Onderzoek en Statistiek.
COS (1999) *Kerncijfers 1999 Rotterdam.* Rotterdam: Centrum voor Onderzoek en Statistiek.
Cross, J.C. (1998) *Informal politics. Street vendors and the state in Mexico City.* Stanford: Stanford University Press.

Davis, K. (1969) *Discretionary Justice. A preliminary Inquiry.* Baton Rouge: Louisiana State University Press.
De Haan, W. (1993) *Beroving van voorbijgangers: Rapport van onderzoek naar straatroof in 1991 in Amsterdam en Utrecht.* Den Haag: Ministerie van Binnenlandse Zaken.
De Haan, W. (1994) *Berovers in de Bijlmer: Rapport van een onderzoek naar achtergrondkenmerken van daders en verdachten van diefstal met geweld in Amsterdam Zuidoost.* Utrecht: Willem Pompe Instituut, Universiteit Utrecht.
Delaunay, D. and G. Tapinos (1998a) *La mesure de la migration clandestine en Europe. Volume 1: Rapport de synthèse.* Paris: Eurostat/Commission Européene: SEAE (Eurostat Working Papers).
Delaunay, D. and G. Tapinos (1998b) *La mesure de la migration clandestine en Europe. Volume 2: Rapport des experts.* Paris: Eurostat/Commission Européene: SEAE (Eurostat Working papers).
Den Boer, M. (1995a) *Policing Europe: the police systems of continental Europe.* Leiden: NSCR.
Den Boer, M. (1995b) 'Moving between bogus and bonafide: the policing of inclusion and exclusion in Europe'. In: R. Miles and D. Tränhardt

(eds) *Migration and European integration. The dynamics of inclusion and exclusion.* London: Pinter.
De Swaan, A. (1978) *De mens is de mens een zorg.* Amsterdam: Meulenhoff.
De Swaan, A. (1989) *Zorg en de staat: Welzijn, onderwijs en gezondheidszorg in Europa en de Verenigde Staten in de nieuwe tijd.* Amsterdam: Bert Bakker.
Dicken, P. (1992) *Global Shift. Industrial change in a turbulent world.* London: Paul Chapman.
Doomernik, J., R. Penninx and H. van Amersfoort (1997) *A migration policy for the future. Possibilities and limitations.* Brussels: Migration Policy Group.
Doornbos, N. and K. Groenendijk (2000) 'Uitkomsten van asielprocedures: een cohortonderzoek'. *Nederlands Juristenblad.* Vol. 76 (6), 245-253.
Dronkers, W. (2000) 'De dynamiek van het gedogen'. In: *Migrantenstudies,* Vol. 16 (2), 103-110.

Edelman, M. (1971) *Politics as symbolic action.* Chicago Illinois: Markham.
Eichenhofer, E. (ed.) (1999) *Migration und Illegalität.* IMIS-Schriften Bd. 7. Osnabrück: Universitätsverlag Rasch.
Ellison, Ralph (1965) *Invisible Man.* London: Penguin books (originally published in 1952).
Engbersen, G. (1990) *Publieke bijstandsgeheimen. Het ontstaan van een onderklasse in Nederland.* Leiden: Stenfert Kroese.
Engbersen, G. (1995) 'De institutionele factor. Over sociale diensten en de praktijk van het sanctie- en fraudebeleid'. In: L. Aarts, P. de Jong, R. van der Veen. *Het bedrijf van de verzorgingsstaat. Naar nieuwe verhoudingen tussen staat, markt en burger.* Amsterdam: Boom.
Engbersen, G. (1996) 'The Unknown City'. *Berkeley Joumal of Sociology,* Vol. 39, 87-112.
Engbersen, G. (1999a) 'Patronen van integratie'. In: Burgers, J. and G. Engbersen (eds) (1999) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom, 242-261.
Engbersen, G. (1999b) 'Panopticum Europa'. In: Burgers, J. and G. Engbersen (eds) (1999) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom, 219-241.
Engbersen, G. and R. Gabriëls (1995) *Sferen van integratie: naar een gedifferentieerd allochtonenbeleid in Nederland.* Meppel: Boom.
Engbersen, G. and J.P. van der Leun (1995) 'Illegale vreemdelingen en criminaliteit: De differentiële kansenstructuur van illegalen'. *Tijdschrift voor Criminologie* Vol. 37 (3), 238-256.

Engbersen. G., J.P. van der Leun and P. Willems (1995) *Over de verwevenheid van illegaliteit en criminaliteit. Utrecht.* Utrecht University: Onderzoeksschool AWSB.

Engbersen, G. and J.P. van der Leun. (1998) 'Illegality and Criminality. The Differential Opportunity Structure of Undocumented Immigrants'. In: K. Koser and H. Lutz (eds) *The New Migration in Europe. Social Constructions and Social Reality.* London: MacMillan Press, 199-223.

Engbersen, G. and J.P. van der Leun. (1999) 'Het Nederlandse illegalenbeleid: gedogen tussen onvermogen en mededogen'. In: W. Bakker and F. van Waarden (eds) *Ruimte rond regels. Stijlen van regulering en beleidsuitvoering vergeleken.* Amsterdam: Boom, 71-97.

Engbersen, G. and J.P. van der Leun (2001) 'The social construction of illegality and criminality'. In: *European Journal on Criminal Policy and Research,* 51-70.

Engbersen, G., J.P. van der Leun, R. Staring and J. Kehla (1999) *De Ongekende Stad II. Inbedding en uitsluiting van illegale vreemdelingen.* Amsterdam: Boom.

Entzinger, H. (1984) *Het minderhedenbeleid. Dilemma's voor de overheid in Nederland en zes andere immigratielanden.* Meppel: Boom.

Entzinger, H. (1985) 'The Netherlands' In: Hammar, T. (ed.) (1985) *European Immigration Policy.* Cambridge: Cambridge University Press, 50-88.

Espenshade, T. (1995) 'Using INS Border Apprehension Data to Measure the Flow of Undocumented Migrants Crossing the US-Mexico Frontier'. In: *International Migration Review,* Vol. 29, 195-216.

Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism.* Cambridge: Polity Press.

Etman, O. and J. Korpel (1999) *Een jaar 'Koppelingswet' in de praktijk. Tussenrapportage over de implementatie in het eerste uitvoeringsjaar.* Den Haag: Ministerie van Justitie/WODC.

Faist, T. (1996) 'Immigration, integration and the Welfare state: Germany and the USA in a comparative perspective'. In: R. Bauböck, A. Heller, A.R. Zolberg (eds) *The challenge of diversity. Integration and pluralism in societies of immigration.* European Centre Vienna, Avebury, 227-258.

Faist, T. (1997) 'From Common Questions to Common Concepts'. In: T. Hammar, G. Brochmann, K. Tamas and T. Faist (eds), *International Migration, Immobility and Development: Multidisciplinary Perspectives.* Oxford: Berg, p. 247-276.

Favell, A. (2000) 'Integration policy and integration research in Europe: a review and critique'. Report prepared for the Carnegie Endowment Comparative Citizenship project.

Felson, M. (1994) *Crime and Everyday Life; Insights and Implications for Society*. California: Pine Forge Press.

Fix, M. and J. Passel (1995) *Immigration and Immigrants. Setting the record straight.* Washington, D.C.: The Urban Institute.

Freeman, G. (1995) 'Modes of immigration policies in liberal democratic states'. In: *International Migration Review* Vol. 29, 4, 881-902.

Freeman, G. (1998) 'The decline of sovereignty? Politics and immigration restrictions in liberal states'. In: Joppke, C. (ed.) (1998) *Challenging the Nation State: Immigration and citizenship in Western Europe and the United States.* New York: Oxford University Press, 86-108.

Freeman, G.P and N. Ögelman (2000) 'State regulatory regimes and immigrants' informal economic activities'. In: J. Rath (ed.) *Immigrant businesses. The economic, political and social environment.* London: Macmillan, 107-123.

Freidson, E. (1973) 'Professions and the occupational principle'. In: E. Freidson (ed.) *The professions and their prospects.* Beverly Hills California: Sage: 19-38.

Gächter, A., H. Waldrauch and D. Çinar (2000) 'Introduction: Approaches to Migrants in an Irregular Situation'. In: D. Cinar, A. Gächter and H. Waldrauch (eds) *Irregular migration: Dynamics, Impact, policy options.* Vienna: European Centre, 9-28.

Gastelaars, M. (1997) 'Human service' in veelvoud: een typologie van dienstverlenende organisaties. Utrecht: SWP.

Garson, J.P. (1999) Combating the illegal employment of foreigners: Some policy recommendations. Paris: OECD. (Paper presented at the International Expert Meeting Irregular Migration: Dynamics, Impact, Policy Options August 29-September 2 1999, Jerusalem.)

Granovetter, M. (1985) 'Economic action and social structures: the problem of embeddedness', *American Journal of Sociology*, Vol. 91 (3): 481-510.

Granovetter, M. (1995) 'The economic sociology of firms and entrepreneurs'. In: A. Portes (ed.), *The Economic Sociology of Immigration. Essays on Networks, Ethnicity and Entrepreneurship*, 128-165.

Groenendael, A.J.M. (1986) *Dilemma's van regelgeving; de regularisatie van illegale buitenlandse werknemers 1975-1985.* Alphen aan den Rijn: Samson.

Groenendijk, K. and A. Böcker (1995) 'Het schatten van de onschatbaren; aantallen illegalen, beeld van een categorie of van de schatter'. In: *Migrantenstudies* 11 (2), 117-128.
Groenendijk, K. and A. Böcker (2000) 'Haken en ogen van juridische definities'. In: *Migrantenstudies* 16 (2), 81-86.
Guiraudon, V. (2001) *The European welfare state through the migration prism.* Paper prepared for the conference Rethinking Social Protection: Citizenship and Social Policy in the Global Age. Center for European Studies, Harvard University, January 25-26, 2001.
Guiraudon, V. and G. Lahav (2000) 'A reappraisal of the state sovereignty debate. The case of migration control'. *Comparative policy studies.* Vol. 33 (2), 163-195.
Guiraudon, V. and C. Joppke (2001) *Controlling a New Migration World.* London: Routledge (in press).

Hagan, J. and R. Peterson (eds) (1995) *Crime and Inequality.* Stanford: Stanford University Press.
Ham, C. and M. Hill (1984) *The policy process in the modern capitalist state.* Brighton: Wheatsheaf.
Hammar, T. (ed.) (1985) *European Immigration Policy. A comparative study.* Cambridge: Cambridge University Press.
Hammar, T. (1994) 'Legal time of residence and the status of immigrants'. In: R. Bauböck (Ed) *From Aliens to citizens. Redefining the status of Immigrants in Europe.* Aldershot: Avebury, 187-198.
Hasenfeld, Y. (1983) *Human Service Organizations.* USA: Prentice-Hall Inc.
Hasenfeld, Y. (1985) 'Citizens encounters with Welfare State Bureaucracies'. In: *Social Service Review* 59 (Dec.), 622-635.
Havinga, T., K. Groenendijk and L. Clermonts (1991) 'Aan de grenzen van de verzorgingsstaat: verblijfsrecht en het gebruik van collectieve voorzieningen'. In: *Migrantenstudies* 7.
Helsdinge, G. (1994) *Analyse drugsrunners.* Rotterdam: Centrale Recherche Informatiedienst/Politie Rotterdam-Rijnmond.
Heijden, P. van der (1994) *Hoe te leven met statistiek.* Utrecht: ISOR.
Hill, M. (1997) *The policy process in the modern state.* (Third Edition). Harvester Wheatsheaf: Prentice Hall.
Holdaway, S. (1983) *Inside the British police. A force at work.* Oxford: Blackwell.
Hollifield, J.F. (1992) *Immigrants, Markets, and States. The Political Economy of Postwar Europe.* Cambridge: Harvard University Press.
Hollifield, J.F. (2000) 'Immigration and the politics of rights: the French case in comparative perspective'. In: M. Bommes and A. Geddes (eds)

(2000) *Immigration and welfare: challenging the borders of the welfare state.* London [etc.]: Routledge, 109-133.

ICG (1995) *Illegal aliens. A preliminary study.* Geneve: Intergovernmental Consultations on Asylum, Refugee and Migration policies in Europe, North America and Australia.

IOM, International Organization for Migration (1998) *Trafficking in migrants: Global and Regional Perspectives.* Background paper for a trafficking seminar held in Vilnius on 17 and 18 September 1998.

IOM, International Organization for Migration (2000) *Migration Challenges in Central and Eastern Europe.* Statement by Ms. Irena Omelaniuk Chief of Mission IOM Bonn/Berlin at the conference on Employment and Protection of Migrant Workers in Europe Balatonaliga, Hungary, June 2000.

Jacobson, D. (1996) *Rights across borders. Immigration and the decline of citizenship.* Baltimore and London: The John Hopkins University Press.

Jahn, A. and T. Straubhaar. (1999) 'A Survey of the Economics of Illegal Migration'. In: M. Baldwin-Edwards and J. Arango (eds) *Immigrants and the Informal Economy in Southern Europe,* London: Frank Cass Publishers, 16-42.

Jamieson, A. and A. Silj (1998) *Migration and Criminality: the Case of Albanians in Italy* Milan: Ethnobarometer Working Paper Series (1).Turin: CSS/CEMES.

Jankowski. M.S. (1995) 'Etnography, Inequality, and Crime in the Low-Income Community'. In J. Hagan and R. Peterson (eds) *Crime and Inequality.* Stanford: Stanford University Press, 80-94.

Joppke, C. (ed.) (1998) *Challenging the Nation State: Immigration and citizenship in Western Europe and the United States.* New York: Oxford University Press.

Jordan, B. and D. Vogel (1997) *Which policies influence migration decisions? A comparative analysis of qualitative interviews with undocumented Brazilian immigrants in London and Berlin as a contribution to economic reasoning.* Bremen: Zentrum für Sozialpolitik/Universität Bremen.

Junger, M. (1990) *Delinquency and Ethnicity: An Investigation in Social Factors relating to Delinquency among Moroccan, Turkish, Surinamese and Dutch boys.* Deventer/Boston: Kluwer Law and Taxation Publishers.

Junger, M. and M. Zeilstra (1989) *Deviant gedrag en slachtofferschap onder jongens uit etnische minderheden.* Arnhem: Gouda Quint.

Junger-Tas, J. (1997) 'Ethnic minorities and Criminal Justice in the Netherlands'. In: Tonry, M. (ed.) *Ethnicity, crime and immigration. Compara-*

tive and cross-national perspectives. Chicago and London: Chicago University Press, 257-310.

Kloosterman, R.C. (1996) 'Double Dutch: Trends of polarisation in Amsterdam and Rotterdam after 1980'. *Regional Studies,* Vol. 30 (5), 367-376.

Kloosterman, R.C. and J.P. van der Leun (1999) 'Just for starters. Commercial gentrification by immigrants entrepreneurs in Amsterdam and Rotterdam neighborhoods'. In: *Housing Studies* Vol. 14 (5), 659-677.

Kloosterman, R.C., J.P. van der Leun and J. Rath (1998) 'Across the border: Economic opportunities, social capital and informal business activities of immigrants'. *Journal of Ethnic and Migration Studies* Vol. 24 (2), 249-268.

Kloosterman, R.C., J.P. van der Leun and J. Rath (1999) 'Mixed Embeddedness: (In)formal Economic activities and immigrant businesses in the Netherlands'. In: *International Journal of Urban and Regional Research.* Vol. 23 (2), 252-265.

Knegt, R. (1986) *Regels en redelijkheid in de bijstandsverlening. Participerende observatie bij een sociale dienst.* Groningen: Wolters Noordhoff.

Komter, A. (1983) 'De onmacht van het getal'. In: *Kennis en Methode,* Vol. 7 (3), 202-227.

Komter, A. (1996) 'Reciprocity as a Principle of Exclusion: Gift Giving in the Netherlands'. *Sociology,* 30 (2), 299-316.

Koser, K. (1998) 'Out of the Frying Pan and into the Fire: A Case Study of Illegality amongst Asylum Seekers'. In: K. Koser and H. Lutz (eds) *The new migration in Europe: Social constructions and social realities.* Houndmills: MacMillan Press, 185-198.

Koser, K. and H. Lutz (eds) (1998) *The new migration in Europe: Social constructions and social realities.* Houndmills: MacMillan Press.

Kwong, P. (1997) *Forbidden workers. Illegal Chinese immigrants and American labor.* New York: The New Press.

Kraus, S. (2000) *Leven zonder vangnet, de gevolgen van de Koppelingswet voor vrouwen en meisjes.* Den Haag: E-quality.

Lahav, G. (1998) 'Immigration and the state: the devolution and privatisation of immigration control in the EU'. In: *Journal of Ethnic and Migration Studies* Vol. 24, 4, 675-694.

Larson, E. and T. Sullivan (1987) 'Conventional numbers in immigration research: the case of the missing Dominicans'. In: *International Migration Review* 21 (4), 1475-1497.

Lane, J.E. (1993) *The public sector: Concept, models and approaches.* London: Sage.

Layton-Henry, Z. (1994) 'Britain the would-be-zero-Immigration country'. In: Cornelius, W. A., P.L. Martin and J. F. Hollifield (eds) *Controlling Immigration: A Global Perspective.* Stanford: Stanford University Press, 273-296.

Leman, J. (1995) *Sans documents. Les immigrés de l'ombre. Lationo-américains, polonais et nigerians clandestines.* Bruxelles: De Boeck Université.

Leman, J. (1997) 'Undocumented migrants in Brussels: Diversity and the anthropology of illegality'. *New Community* Vol. 23 (1), 25-42.

Letkemann, P. (1973) *Crime as work.* Englewood Cliffs; Hemel Hempstead: Prentice-Hall.

Leuw. E. (1997) *Criminaliteit en etnische minderheden: Een criminologische analyse.* Den Haag: WODC.

Liefhebber, S. and B. Linders (1994) *Illegalen in de Rotterdamse gezondheidszorg. Een inventariserend onderzoek naar de hulpverlening aan illegalen gegeven door Rotterdamse huisartsen en ziekenhuizen en de financiering hiervan.* Utrecht: Utrecht University, unpublished Master thesis.

Light, I. (2000) 'Globalization and Migration Networks'. In: J. Rath (ed.) *Immigrant businesses. The economic, political and social environment.* London: Macmillan, 162-181.

Light, I. and C. Rosenstein (1995) *Race, Ethnicity, and Entrepreneurship in Urban America.* New York: Aldine de Gruyter.

Lipsky, M. (1980) *Street-level Bureaucracy; Dilemmas of the Individual in Public Services.* New York: Russel Sage Foundation.

Lowell, B. L. and Z. Jing (1983) 'Unauthorized workers and immigration Reform: What can we ascertain from employers?'. In: *International Migration Review,* Vol. 28, 3, 427-448.

Lucassen, L. and R. Penninx (1994) *Nieuwkomers, nakomelingen, Nederlanders. Immigranten in Nederland 1550-1993.* Amsterdam: Het Spinhuis.

Mahler, S.J. (1995) *American Dreaming. Immigrant Life on the Margins.* Princeton: Princeton University Press.

March, J.G. and J.P. Olsen (1989) *Rediscovering Institutions.* New York: Free Press.

Massey, D. (1987) 'Do undocumented immigrants earn lower wages than legal imigrants? Evidence from Mexico'. *International Migration Review* 21 (2): 236-274.

Massey, D., J. Arango, G. Hugo, A. Kouaouci, A. Pellegrino, J. Taylor (1993) 'Theories of international migration: a review and appraisal'. In: *Population and Development Review* Vol. 19 (3), 431-466.

Massey, D. and K. Espinosa. (1997) 'What's driving Mexico-US migration? A theoretical, empirical and policy analysis'. In: *American Journal of Sociology* Vol. 12 (4), 939-999.

Massey, D. and A. Singer (1994) *New Estimates of Undocumented Mexican Migration and the Probability of Apprehension.* Population research Center, University of Chicago.

McDonald, W. (1997) 'Crime and illegal immigration'. In: *National Institute of Justice Journal,* No 232, 2-11.

Merton, R. (1957) *Social theory and social structure.* Glencoe Ill. Free Press.

Miller, M. (1999) 'Immigrant integration in the United State: Still a model for emulation?'. In: *Metropolis International workshop proceedings.* Lisbon: Luso-American Development Foundation, 39-55.

Minderhoud, P.E. (1993) *Voor mij zijn ze allemaal gelijk. Een rechtssociologische studie naar verschillen tussen migranten en Nederlanders bij de uitvoering van de kinderbijslag- en de arbeidsongeschiktheidswetgeving.* Amsterdam: Thesis Publishers.

Minderhoud, P.E. (2000) 'The Dutch Linking Act and the violation of various international non-discrimination clauses'. In: *European Journal of Migration and Law,* Vol. 1 (2), 185-201.

Mingione, E. (1999) 'Introduction: Immigrants and the informal economy in European cities'. In: *International Journal of Urban and Regional Research.* Vol. 23 (2), 209-211.

Ministerie van Justitie (1995) *Illegaal verblijf van vreemdelingen.* Den Haag: Ministerie van Justitie.

Moore, S.F. (1973) 'Law and social change. The semi-autonomous social field as an appropriate subject of study', *Law and Society Review* 7, 719-46.

Morelli, C and K. Braat (1999) *Kinderen zonder status. Een oriënterende studie naar de leefsituatie van illegale kinderen in Nederland.* Amsterdam: Defence for Children International.

Muus, P. (1998) *Migration, immigrants and policy in the Netherlands. Report for the Continuous reporting system on migration, Sopemi of the OECD.* Utrecht University: Ercomer.

Muus, P. (1999) *Migration, immigrants and policy in the Netherlands. Report for the Continuous reporting system on migration, Sopemi of the OECD.* Utrecht University: Ercomer.

Muus, P. And P. Muller (1999) *Beeldvorming onder (uitgeprocedeerde) asielzoekers en vluchtelingen over terugkeer en remigratie(beleid).* Utrecht: Ercomer.

North, D. (1991) *Institutions, Institutional Change and Economic performance.* Cambridge: Cambridge University Press.

OECD (1999) *Trends in International migration.* Sopemi. 1999 Edition. Paris: Organization for Economic Co-operation and Development.

OECD (2000) 'Preventing and Combating the Employment of Foreigners in an irregular situation: OECD conclusions'. In: Çinar, D, A. Gächter and H. Waldrauch (eds) *Irregular migration: Dynamics, Impact, policy options.* Vienna: European Centre, 231-236.

O'Kane (1992) *The crooked ladder. Gangsters, Ethnicity and the American Dream.* New Brunswick: Transaction Publishers.

Pennings, F.J.L. (1999) 'Invloed van het internationaal recht in de Koppelingswetjurisprudentie. Sociale zekerheid en verdrag'. In: *Migrantenrecht* Vol. 14 (4), 95-102.

Politie Haaglanden (1996) *Convenant gedecentraliseerd toezicht.* Den Haag: Politie Haaglanden (internal document).

Portes, A. (1994) 'The informal economy and its paradoxes'. In: N.J. Smelser and R. Swedberg (eds) *The Handbook of Economic Sociology.* Princeton: New Jersey and New York: Princeton University Press, 427-449.

Portes, A. (ed.) (1995) *The Economic Sociology of Immigration. Essays on Networks, Ethnicity, and Entrepreneurship.* New York: Russell Sage Foundation.

Portes, A.(1997) 'Immigration theory for a new century', *International Migration Review,* XXXI (4): 799-825.

Portes, A. and R.G. Rumbaut (1990) *Immigrant America: A Portrait.* Berkeley: University of California Press.

Portes, A. and J. Sensenbrenner (1993) 'Embeddedness and Immigration: Notes on the Social Determinants of Economic Action'. *American Journal of Sociology* Vol. 98 (6), 1320-1351.

Portes A. and M. Zhou (1992) 'Gaining the Upper hand: Economic Mobility among Immigrant and Domestic Minorities'. *Ethnic and Racial Studies* Vol. 15 (4), 491-522.

Pressman, J. L. and A. Wildavsky (1984) *Implementation* (Third expanded Edition). Berkeley: Oakland University Press. (orig. 1973)

Prottas, J.M. (1979*) People-processing. The Street-level bureaucrat in Public Service Bureaucracies.* Lexington, Massachusetts: Heath and Company.

Punch, M. (1979) *Policing the inner city: A study of Amsterdam's Warmoesstraat.* London: Macmillan.

Putnam, R. (1993) (with R. Leonardi and R. Nanetti*), Making democracy work: Civic traditions in modern Italy*. Princeton (NJ): Princeton University Press.

Quassoli, F. (1999) 'Migrants in the Italian underground economy'. In: *International Journal of Urban and Regional Research* Vol. 23 (2), 212-231.

Raes, S. (2000) *Migrating Enterprise and Migrant Entrepreneurs; A Study into the Role of Fashion and Migration in the Changes in the International Division of Labour in the Clothing Sector from a Dutch Perspective.* Amsterdam: Het Spinhuis.

Rath, J., R. Penninx, K. Groenendijk, A. Meijer (1996) *Nederland en zijn islam. Een ontzuilende samenleving reageert op het onstaan van een geloofsgemeenschap.* Amsterdam: Het Spinhuis.

Rath, J. (1999) 'The informal economy as bastard sphere of social integration' In: E. Eichenhofer (eds) *Migration und Illegalität.* IMIS-Schriften Bd. 7. Osnabrück: Universitätsverlag Rasch, 117-136.

Reijneveld, S.A. and L.M. van Herten (2000) *Toegankelijkheid van zorg voor illegalen.* Leiden: TNO Preventie en Gezondheid.

Renooy, P.H. (1990) *The Informal Economy. Meaning, Measurement and Social Significance. Netherlands Geographical Studies 115.* Amsterdam: Koninklijk Nederlands Aardrijkskundig Genootschap/Regioplan.

Rodriguez, N. (1987) 'Undocumented Central Americans in Houston. Diverse populations'. In: *International Migration Review* Vol. 21 (1), 4-26.

Rovers, B. (1999) *Klassenjustitie: een overzicht van onderzoek naar selectiviteit in de Nederlandse strafrechtsketen.* Rotterdam: Erasmus Universiteit, Sectie Strafrecht en criminologie.

Ruggiero, V. and N. South (1997) 'The late-modern city as a bazaar: Drug markets, enterprise and the barricades'. In: *British Journal of Sociology,* Vol. 48 (1), 54-70.

Ruspini, P. (2000) Living on the edge: irregular immigrants in Italy. In: Çinar, D, A. Gächter and H. Waldrauch (eds) *Irregular migration: Dynamics, Impact, policy options.* Vienna: European Centre, 81-94.

Rijkschroeff, B.R. (1998) *Etnisch ondernemerschap: de Chinese horecasector in Nederland en in de Verenigde Staten van Amerika* Capelle a/d IJssel: Labyrint Publication.

Sassen, A. (1991) *The Global City.* New York, London, Tokyo. Princeton (NJ): Princeton University Press.

Sassen, S. (1996) *Losing control?* New York: Columbia University Press.
Sassen, S. (1999) *Guests and Aliens.* New York: The New Press.
Savona, E. and S. Goglio (1996) *Migration and Crime.* Trento University: Trans Crime Working paper 3.
SCP (1998) *Sociaal en Cultureel Rapport 1998.* The Hague: Social Cultural Planning bureau.
Schneider, F and D. Enste (2000) 'Shadow economies: Size, Causes, and Consequences'. In: *Journal of Economic Literature.* Vol. XXXVIII, March 2000, 77-114.
Schuyt, C. (1986) *Filosofie van de Sociale Wetenschappen.* Leiden: Martinus Nijhoff.
Scott, J.C. (1998) *Seeing like a state. How certain schemes to improve the human condition have failed.* New Haven and London: Yale University Press.
Smit, F., P. van der Heijden and G. van Gils (1994) 'Enkele weinig gebruikte methoden om het aantal plegers van misdrijven te schatten'. In: *Tijdschrift voor Criminologie* Vol. 36 (2), 97-119.
Smith, D. (1986) 'The neighborhood context of Police behavior'. In: A.J. Reiss and M. Tonry. *Communities and Crime.* Chicago/ London: Chicago University Press.
Soysal, Y (1994) *Limits of citizenship. Migrants and postnational membership in Europe.* Chicago: Chicago University Press.
Staring, R. (1999) 'International migration, undocumented immigrants and immigrant entrepreneurship'. In: J. Rath (ed.) *Immigrant businesses. The economic, political and social environment.* London: Macmillan, 182-198.
Staring, R. (2000) 'Migration scenarios. Network managed migration of undocumented migrants in the Netherlands'. In: W. Pansters, G. Dijkstra, P. Hoebink and E. Snel (eds), *Rethinking poverty. Comparative perspectives from below.* Assen: Van Gorcum, 91-117.
Staring, R. (2001) *Reizen onder regie. Het migratieproces van illegale Turken in Nederland.* Amsterdam: Het Spinhuis.
Stol, W. P. (1996) *Politieoptreden en informatietechnologie. Over sociale controle van politiemensen.* Lelystad: Koninklijke Vermande.
Stone, D. (1998) *Policy paradox: the art of political decision making.* New York [etc.]: Norton.
Suárez-Orozco, M.M. (1994) 'Anxious Neighbors: Belgium and its Immigrant Minorities'. In: Cornelius, W.A., P.L. Martin and J.F. Hollifield (eds) *Controlling immigration. A global perspective.* Stanford: Stanford University Press, 237-268.

Sykes, G. and D. Matza (1957) 'Techniques of Neutralization. A Theory of Delinquency'. *American Sociological Review* Vol. 22: 664-670.

Tapinos, G. (1999) 'Clandestine immigration: economic and political Issues'. In: *Trends in International migration.* Sopemi. 1999 Edition. Paris: Organization for Economic Co-operation and Development, 229-251.

Tapinos, G. (2000) 'Illegal immigrants and the labour market'. In: *OECD Observer.* October 19 2000. <http: //www.oecdobserver.org>.

Tienda, M. (1995) 'Wage mobility of undocumented workers in the United States'. *International Migration Review,* Vol. 29 (1): 112-138.

Tilly, C. and L. Tilly (1994) 'Capitalist work and labor markets'. In: N. Smelser and R. Swedberg (eds) *The Handbook of economic sociology.* Princeton (N.J.) /New York: Princeton University Press, 283-312.

Tinnemans, W. (1994) *Een gouden armband. Een geschiedenis van mediterrane immigranten in Nederland (1945-1994).* Utrecht: Nederlands Centrum Buitenlanders.

Tonry, M., (ed.) (1997) *Ethnicity, crime and immigration. Comparative and cross-national perspectives.* Chicago/ London: University of Chicago Press.

Tupman, B. and A. Tupman (1999) *Policing in Europe: diversity in uniform.* Exeter: Intellect.

Van Amersfoort, H. (1974) *Immigranten en Minderheidsvorming, een analyse van de Nederlandse situatie 1945-1973.* Alphen aan den Rijn: Samson.

Van Beek, K.W.H (1993) *To Be Hired or Not to Be Hired, the Employer Decides; Relative Chances of Unemployed Job Seekers on the Dutch Labour Market.* Amsterdam: University of Amsterdam.

Van den Brink, J. (1999) 'Autonomie, onzekerheid en professionele normen bij de uitvoering van het vreemdelingenbeleid'. In: W. Bakker and F. van Waarden (eds) *Ruimte rond regels. Stijlen van regulering en beleidsuitvoering vergeleken.* Amsterdam: Boom, 98-111.

Van der Leun, J.P. (1998) 'Onbedoelde integratie: de in- en uitsluiting van illegale migranten in de lokale beleidspraktijk'. In: *Justitiële Verkenningen* 24 (1), 19-30.

Van der Leun, J.P. (1999) 'Illegaliteit en Criminaliteit'. In: J. Burgers and G. Engbersen (eds) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom, 188-218.

Van der Leun, J.P. (2000a) 'Modes of incorporation. Undocumented migrants in an advanced welfare state. The case of the Netherlands'. In:

D. Çinar, A. Gächter and H. Waldrauch (eds). *Irregular migration: Dynamics, Impact, policy options.* Vienna: European Centre, 31-54.
Van der Leun, J.P. (2000b) 'Embeddedness and exclusion. Undocumented immigrants in the Netherlands. In: *Bulletin of the Royal Institute for Inter-faith Studies* Vol. 2 (1), 71-95.
Van der Leun, J.P., G. Engbersen and P. van der Heijden (1998) *Illegaliteit en criminaliteit. Schattingen, aanhoudingen en uitzettingen.* Rotterdam: Erasmus University.
Van der Leun, J.P. and S. Botman (1999) 'Uitsluiting van illegale migranten na de Koppelingswet'. In: G. Engbersen, J. C. Vrooman and Snel (eds) *Effecten van armoede. Vierde jaarrapport armoede en sociale uitsluiting.* Amsterdam: Amsterdam University Press, 157-172.
Van der Leun, J.P. and R.C. Kloosterman (1999) 'Loopbanen onder het legale plafond; de arbeidsmarkt positie van illegalen in Rotterdam'. In: J. Burgers and G. Engbersen (eds) *De Ongekende Stad 1. Illegale vreemdelingen in Rotterdam.* Amsterdam: Boom, 118-160.
Van der Torre, E. and S. Gerz (1996) *Drugstoeristen en kooplieden: Een onderzoek naar Franse drugstoeristen, Marokkaanse drugsrunners en het beheer van dealpanden in Rotterdam.* Arnhem: Gouda Quint.
Van der Torre, E. (1999) *Politiewerk, Politiestijlen, community policing, professionalisme.* Alphen aan den Rijn: Samson.
Van der Veen, R.J. (1990) *De sociale grenzen van beleid. Een onderzoek naar de uitvoering en effecten van het stelsel van sociale zekerheid.* Leiden: Stenfert Kroese.
Van Gemert, F. (1998) *Ieder voor zich. Kansen, cultuur en criminaliteit van Marokkaanse jongens.* Amsterdam: Het Spinhuis.
Van Hulst, H. and J. Bos (1993) *Pan i réspét. Criminaliteit van geïmmigreerde Curaçaose jongeren.* Utrecht: OKU.
Van San, M. (1998) *Steken en stelen. Delinquent gedrag van Curaçaose jongens in Nederland.* Amsterdam: Het Spinhuis.
Van Waarden, F. (1995) 'Persistence of National Policy Styles: A study of their institutional foundations'. In: B. Unger and F. Van Waarden (eds) *Convergence or diversity? International and economic policy responses.* Avebury Aldershot, 333-373.
Van Waarden, F. (1999) 'Ieder land zijn eigen trant?'. In: Bakker, W. and F. van Waarden (eds) *Ruimte rond regels. Stijlen van regulering en beleidsuitvoering vergeleken.* Amsterdam: Boom, 303-339.
Valenzuela, A. (2001) 'Day labourers as entrepreneurs?'. In: *Journal of Ethnic and Migration Studies,* Vol. 27 (2), 335-352.

Visser, J. and A. Hemerijck (1997) *A Dutch Miracle: Job Growth, Welfare Reform and Corporatism in the Netherlands.* Amsterdam: Amsterdam: University Press.
Visser, J. P., and R.G. van Zevenbergen (2001) *Illegale tewerkstelling verkend. Eindrapport.* Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.
Vos, M.J. (1998) *Dossierkennis 24233 De Koppelingswet.* Deventer: Kluwer.
VRIS-Politie Rotterdam Rijnmond (1999) *Vreemdelingen in de strafrechtsketen.* Rotterdam: Politie Rotterdam Rijnmond.

Waldinger, R. (1996) *Still the promised city? African-Americans and new immigrants in postindustrial New York.* Cambridge (USA): Harvard University Press.
Walzer, M. (1983) *Spheres of justice: A defense of pluralism and equality.* New York: Basic Books.
Wenzel, U. and M. Bös (1997) 'Immigration and the modern welfare state: the case of the USA and Germany'. In: *New Community,* Vol. 23 (4), 537-548.
Werdmölder, H. (1991) 'Marokkaanse jongeren, delinquentie en dreigende uitzetting'. In: *Tijdschrift voor Criminologie,* Vol. 33 (3), 166-173.
Werdmölder, H. and P. Meel (1993) 'Jeugdige allochtonen en criminaliteit: een vergelijkend onderzoek onder Marokkaanse, Turkse, Surinaamse en Antilliaanse jongens'. In: *Tijdschrift voor Criminologie* Vol. 35 (3), 252-276.
Westland interventie Team (2000) *Het multidisciplinair samewerkingsverband Westland Interventie Team (WIT). Halfjaarverslag januari-juni 2000.* Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.
Widgren, J. (1999) *South-east Europe as a key area for illegal migration.* Statement by Mr. J. Widgren, Director of ICMPD (International Centre for Migration Policy Development) in Vienna at the Symposium organised by Bundesnachrichtendienst (BND) in Pullach (Germany) on 28 October 1999.
Wilpert, C. (1997) 'Migration and informal work in the new Berlin. New forms of work or new sources of labour?. *Journal of Ethnic and Migration Studies* Vol. 24 (20), 269-294.
Wilson, J.Q (1989) *Bureaucracy. What government agencies do and why they do it.* New York: Basic.
WRR (1979) *Etnische minderheden.* Den Haag: Staatsuitgeverij.
WRR (1989) *Allochtonenbeleid.* Den Haag: Staatsuitgeverij.

Zandvliet, C. and J. Gravesteijn-Ligthelm (1994) *Illegale arbeid: Omvang en effecten.* Ministerie van Sociale Zaken en Werkgelegenheid, 's-Gravenhage: VUGA.
Zolberg, A. (1999) 'Matters of state'. In: C. Hirschman, P. Kasinitz and J. De Wind (eds) *The Handbook of International Migration: the American experience.* New York: Russell Sage Foundation, 71-93.

Newspaper articles

de Volkskrant, September 15 2000: 'Mensen steeds vaker een nummer'.
de Volkskrant, July 1 1998: 'Steden steunen gedupeerden Koppelingswet'.
La Libération, February 27 1998. 'Au sud on regularise par vague. Au nord, c'est au cas par cas'.
NRC Handelsblad, April 29 1997: 'Politie Rotterdam vrijgevochten bende'.
NRC Handelsblad, January 8 2000: 'Medisch asieltoerisme beperkt tot tientallen'.
NRC Handelsblad, February 12 2000: 'Illegaal heeft recht op alle zorg'.
NRC Handelsblad, March 16 2000: 'VVD tegen veel te ruime medische zorg voor illegalen'.
Staatsblad 1998 (34), April 2 1998.
The Economist, October 12 1996.
The Economist, October 16 1999: 'A single market in Crime' (Special Europe's borders).

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