

CLANDESTINO PROJECT OVERVIEW

The project aims

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

The countries studied

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

Methods, Data and Period of Reference

Country reports. Individual country reports review all relevant data sources on irregular migration, assess the validity of the different estimates given and where appropriate produce a new estimate for the country studied. The country reports cover the period between 2000 and 2007. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

Classification of data & estimates

The main output of the project is a **database** (<http://irregular-migration.hwwi.net/>) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the European Union and in selected member states. The presentation is innovative in its consistent structuring and its carefully developed quality classification, which indicates whether estimates are more or less trustworthy. Quantitative information is accompanied by substantial background materials, both on issues of general concern and on the situation in individual countries. In addition, the database provides aggregate EU level estimates for the years 2002, 2005 and 2008.

Terminology

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

Definitions

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

Trafficking & Asylum Seeking

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

IRREGULAR MIGRATION IN THE CZECH REPUBLIC

Background of migration situation in Czech Republic

The Czech Republic is a Central European member state of the EU with a population of 10,381 millions (Czech Statistical Office data as of January 1, 2008). At the end of December 2007 there were 392,315 foreigners with a residence permit or visa for more than 90 days registered in the country. Over the last few years, the Czech Republic has had a positive net migration which is rising due to the steadily increasing immigration of foreigners alongside a smaller yet stable emigration of natives.

The rapidly growing economy of recent years demanding cheap, low-skilled and flexible workers especially in construction and manufacturing industry, together with historical migration patterns and cultural proximity, not to mention a stable democracy, are the most important causal factors of current migration to the country.

Up to now, the Czech Republic has served as a destination country mainly for temporary or circular legal labour migrants from post-communist countries (Slovakia, Ukraine, Poland), as well as from East and South-East Asia (namely Vietnam and China). Moreover, the Czech Republic hosts probably a large pool of irregular migrants. However, the size of irregular migrant population rests unknown. Recent expert estimates indicated that it could range from some 40,000 to more than 200,000.

Data sources used for estimating size & features of irregular migration

There are two main data sources on irregular migration. Data of the Alien Police informs us about apprehended foreigners for illegal border crossing or illegal residence in the territory. Next to that, labour force controls offer data on those who violated labour regulations, including irregular migrant workers. However, both data sources are rather problematic since they are not based on a systematic or representative sampling process and, thus, one cannot draw any far-reaching conclusions. Other supplementary data provided by the Czech state concerning irregular migrants, like data on irregular entrepreneurial activities from trade offices controls or data on expulsions, are of very limited use to the discussion of the size of irregular migration. On the other hand, surveys and research in general may serve as a useful data source on irregular migration and its features.

Social and demographic features of irregular migration

Irregular migration and the economic activities of irregular migrants have become important features of current Czech society and economy. Irregular migrants, especially labour migrants, come to the Czech Republic from economically less developed countries to take up labour intensive, demanding, and poorly paid jobs that are unattractive to most Czechs. One of the most crucial reasons for the presence of irregular migrant workers is the demand by Czech employers for the cheap and flexible labour that irregular migrants provide.

This inflow of irregular labour has already been effectively organized by various mediators (brokers, labour recruitment agencies) who make it easier, both for irregular migrants to come and find work, and for employers to hire foreigners with irregular status. The existence of brokers and foreigners' irregular work is to some extent caused by ineffective state policy regarding the legal recruitment and management of the foreign labour force. It is also worth stressing that irregular labour relations in the Czech Republic take place in an environment which is highly tolerant to undeclared work.

The size of the irregular migrant population rests unknown. According to official data on irregular migration provided by the Alien Police (counted as persons apprehended for illegal border crossing or illegal residence), there were 7,549 foreigners apprehended in 2007, which compared to the number of foreigners' apprehensions in 2000 (53,116) indicates a large decrease by almost 86%. Especially, the volume of apprehended for illegal border crossings has dramatically decreased from 30,761 in 2000 to 2,837 in 2007. Most border apprehensions of foreigners took place in case of out-migration at the Czech-German and Czech-Austrian border.

However, data from the Alien Police refer only to those apprehended rather than to the overall size of irregular migration. Various estimates of the number of irregular migrants in the country have been produced ranging from 15,000 to more than 300,000, with generally low levels of reliability and/or validity. Therefore, no conclusion concerning the size of irregular migration can be reached. Nor could we state any far-reaching conclusions on the gender composition of irregular migrants, although there are some signs that irregular migrants are both men and women. As for age composition, we can only presume that migrants in productive age dominate, as the data on persons apprehended for illegal migration reveals.

Ukraine is the most important source country sending undocumented economic migrants to the Czech Republic as indicated not only by Police data on foreigners apprehended

for illegal migration (see table 1), but also by research surveys. Other Eastern European and Far Eastern countries, namely Moldova, Russia, Belarus, Vietnam, and China, are thought to follow as the most important countries of origin of irregular/illegal migrants to the Czech Republic.

Table 1: Foreigners apprehended for illegal migration (illegal border crossings + illegal residence), top 5 countries of origin, 2007

Country of origin	Absolute numbers	In % of total
Ukraine	3,240	42.9%
Vietnam	763	10.1%
<i>Germany</i>	<i>347</i>	<i>4.6%</i>
China	314	4.2%
Moldova	300	4.0%
Other	2,585	34.2%
Total	7,549	100%

Source: Alien Police data

Note: Citizens of Germany (a neighborhood state) represent a specific category - they were mostly apprehended for violating border crossings regulations when performing sport, recreational or shopping activities.

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

Main Pathways into and out of Irregular Status

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

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

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

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

**Key
Messages
for Policy
Makers**

There is no serious public debate on irregular migration in the Czech Republic. However, in the last years irregular migration has attracted some policy interest not only because it is one of the EU priorities, but perhaps also due to the mere fact that irregular migrants have become more visible in the Czech Republic. To address the issue of irregular migration / irregular work of migrants one can suggest several measures to be taken. Namely:

- Loopholes in legal regulations tied to economic migration should be eliminated – especially the misuse of trade licenses for performing dependent employment should be addressed.
- Requirements for setting up and running of labour recruitment agencies should be made stricter, or rather their activities should be more controlled by the state.
- Control actions toward irregular migration should be made more effective, more systematically managed and in cooperation with various institutions. Sanctions toward employers of irregular migrants and labour recruitment agencies/agents should be effectively enforced.
- Conditions for legal labour migration should be eased and simplified (cut red tape). More legal labour migration channels should open.
- Information campaigns in the source countries should be launched to inform potential migrants about real labour opportunities in the Czech labour market.
- The fight with human trafficking, especially with forced labour occurring within the informal system of labour relations among post-Soviet migrants ('client' system) should be enhanced.

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

For more information on the case of the Czech Republic, please contact, the authors of the Project Report and this Policy Brief, Assoc. professor Dušan Drbohlav, Charles University in Prague, Faculty of Science, Department of Social Geography and Regional Development at drbohlav@natur.cuni.cz, and Lenka Medová, PhD candidate, Charles University in Prague, Faculty of Science, Department of Social Geography and Regional Development at medlenka@yahoo.com.

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You may also visit the Social Sciences and Humanities Research Programme of the European Commission: http://ec.europa.eu/research/social-sciences/index_en.html