

COUNTRY REPORT

The Netherlands



Undocumented Migration

Counting the Uncountable. Data and Trends
across Europe

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Undocumented Migration: Counting the Uncountable

Data and Trends across Europe

This interdisciplinary project is a response to the need for supporting policy makers in designing and implementing appropriate policies regarding undocumented migration. The project aims (a) to provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) to analyse these data comparatively, (c) to discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) to propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU. Twelve selected 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) are under study in this project. Three non EU transit migration countries used as key ‘stepping stones’ by undocumented migrants en route to the EU, notably Turkey, Ukraine and one Maghreb country, are also analysed. Where relevant, the project considers the factors affecting the shift between legal and undocumented status among migrant populations. The project work programme is complemented by two regional workshops with policy makers and academics, 12 fieldvisits each resulting in a series of meetings with key policy actors, NGOs and journalists working on migration in each of the EU countries studied. The CLANDESTINO database on irregular migration in Europe, the Project reports and Policy Briefs are available at: <http://clandestino.eliamep.gr>

Each country report reviews all relevant data sources on irregular migration (e.g. apprehended aliens at the border or in the inland, expulsion orders, people registered through health or other welfare schemes for undocumented immigrants, municipal registers, statistical estimates from national and European statistical services), assesses the validity of the different estimates given and where appropriate produces a new estimate for the year 2008 for the country studied. The country reports cover the period between 2000 and 2007 and the last year for which data or estimates were available when the study was finalised in 2009, notably in some countries 2007 and in other countries 2008. 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.

The Hellenic Foundation for European and Foreign Policy (ELIAMEP) is the coordinating institution of the CLANDESTINO consortium. CLANDESTINO Partners include the International Centre for Migration Policy Development (ICMPD) in Vienna, the Hamburg Institute of Economics (HWWI), the Centre for International Relations (CIR) in Warsaw, the COMPAS research centre at the University of Oxford, and the Platform of International Cooperation on Undocumented Migrants (PICUM) in Brussels.

LEIDEN University is a top-ranking research-intensive university within the European Higher Education and Research Areas. It is the oldest university in the Netherlands, founded in February 1575. The Department of Criminology and Penology at the Leiden Law School is involved with education and research in the field criminology and penology. The research programme of the department brings together researchers from the field of criminal law, criminology, legal economics, psychology of law and legal sociology.

ERASMUS University's research program *Social Problems in Contemporary Modernity* at the Faculty of Social Sciences, Department of Sociology, addresses the social problems that result from processes of globalization and individualization in contemporary western societies. The program's aim is to contribute to the scientific and public debate about some of the most pressing contemporary social problems: legal and illegal migration, integration and identity formation of ethnic minorities, social exclusion and poverty, widespread cultural and political discontent.

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Part I. Setting the frame, the Netherlands

1. *The regular migration framework*¹

After World War II, the Dutch government encouraged citizens to try their luck abroad. Between 1945 and 1960 the number of people leaving the country was higher than the number of people arriving. The turn around took place in the 1960s when the country went from emigration country to immigration country. At present 10.6 percent of the Dutch population is foreign-born (CBS, 2007, table A3 in the appendix). This concerns 1,732,379 individuals. If we widen the definition to people who are foreign born and/or have at least one foreign-born parent (commonly labelled as being from 'ethnic origin') this percentage rises to 19.4 (3,170,406 individuals). Dutch immigration figures are broken down into Western and non-Western immigrants². If we limit ourselves to non-Western immigrants (defined as 'ethnic origin') 10.6 per cent of the population (1,738,452 individuals) belongs to this category³.

In European comparative immigration debates, the Netherlands is referred to as an "old" immigration country. This means that it appertains to the group of countries who used the "guest worker programme" in order to recruit workforce for its post-World War II reconstruction. Between 1960 and 1970, the Netherlands recruited mostly low- and unskilled males from Italy, Spain, Portugal, Turkey, Greece, Morocco and Tunisia. This period of migrant labour was the only post-war period during which immigration was dictated by the demand for labour and when the admission policy operated on a large scale as a system of inclusion (WRR, 2001: 24). In 1974, following the independence of Surinam, there was a sizable influx of Surinamese to the Netherlands as well. Parallel to these "guided" flows of economic migrants and former colonials there was also a "spontaneous" one, operating through unofficial channels (Ibidem). This flow mainly comprised of tourists, who, after having found work in the Netherlands applied for an employment permit, which was granted easily. Like other European countries (Germany, Belgium), the Netherlands stopped its labour migration programme after the first oil crisis of 1973. This sudden freeze in economic migration brought two matters into light (Ibidem). Firstly, the government came to the realisation that the "guest worker programme" was not a temporary phenomenon – the guests turned out to be people who remained. Secondly, the sudden stop in labour recruitment created for the first time a large number of irregular persons in the Netherlands. This was because the government had tolerated until then the "spontaneous" labour migration and this sudden stop created a group of "hidden" labour migrants who did not have the possibility to legalise their status.

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² According to Statistics Netherlands, a person with a western background originates from a country in Europe (excluding Turkey), North America, Oceania, Indonesia or Japan. Due to their socioeconomic and cultural position and the colonial past, people from Indonesia living in the Netherlands are seen as people with a "western" background.

³ The most recent population data can be accessed at the website of Statistics Netherlands/CBS www.cbs.nl/statline. See also appendices of this report.

Even if the government did proclaim a formal stop to labour migration, immigration to the Netherlands continues, albeit through different channels. Former guest workers started to bring their relatives to the Netherlands or to form families with nationals from their countries of origin. In the early 1980s, major flows of postcolonial immigrants from the Caribbean (Suriname, Netherlands Antilles) came to the Netherlands as well (Snel, de Boom, Engbersen, 2003).

Another factor that contributed to the migration surplus in the Netherlands has been asylum-seekers. Like in most of the Northwestern European countries, in the mid 1980, asylum migration represented much of the immigration flows to the Netherlands. They came from countries such as Somalia, former Yugoslavia, Iran and Iraq. The claims for asylum rose between 1988 and 1994 from less than 10 000 to over 50 000 (van der Leun, 2003). Until amending its asylum granting regime in 2000, the Netherlands have been among the top receiving countries in Europe, regarding both absolute asylum numbers and proportion of asylum applicants.

Contemporary labour migration to the Netherlands reflects the demands of the domestic labour market. As the main employment sector is service-provision, the demand has been for high-skilled immigrants (who came from highly industrialised countries – USA, Japan and the EEA). As a result, the Dutch government eased its immigration rules concerning the highly-skilled aliens starting with October 2004 (IND, 2004). Thus labour migration is discouraged and only permitted in case a foreigner has unique skills and qualifications (Grünell & van den Berge, 2003: 2). While promoting the access of educated migrants, the Dutch government is trying to limit the access to its labour market for unskilled migrants (Marinelli, 2005: 4).

Thus, because of the decline of labour force in industrial sectors, growth of the services sector, entry restriction for low-skilled migrants and the emphasis of high-skilled labour recruitment⁴, theoretically speaking, there should be no room for undocumented immigrants (van der Leun & Kloosterman, 2006: 62). But the fact that the Dutch restrict unskilled economic migrants does not mean that the need for such does not exist. In fact, the demand for cheap, undocumented migrants seems to have increased lately (Ibidem, 60). The subsequent subchapter deals with this matter.

2. Irregular migration discourses and policies

The following questions are addressed in this paragraph:

- How is irregular migration discussed in the Netherlands?
- How is it defined, the main grey zones (regarding toleration of illegal work)? Are EU nationals discussed in this regard?
- Which types of irregularity raise public/scientific concerns?
- What are the main pathways in and out of irregularity?
- What are the main policy responses, enforcement and regularization?

In Dutch debates, the immigrants concerned are called *Illegalen* (irregulars) or *Illegale vreemdelingen* (irregular foreigners). The official definition of irregular

⁴ The main difference between the terms of admittance for low-qualified and highly qualified migrants (or migrants with special skills) lies in the exceptions to the obligation to obtain a work permit (Magnée & Gerritsma, 2003: 5). For aliens who meet the conditions of the skilled worker regulation, obtaining a residence permit is easier and can be done quicker than for aliens who apply for a residence permit via the regular procedure based on regular employment migration.

residency that is used for issuing legislation in the Netherlands is the following: *“the presence in the Netherlands of foreign nationals who are not in possession of a valid residence permit and are therefore obliged to leave the country”* (IND-EMN, 2005).

We can find the following types of irregular migrants in the Netherlands (Kromhout et al, 2008):

- migrant workers who have come to the Netherlands independently;
- migrant workers and chain migrants who have come to the Netherlands with the help of family members;
- migrants seeking asylum who have come to the Netherlands with the help of a human trafficker, also for work purposes;
- migrants who have crossed the border as victim of cross-border human trafficking or with the help of a human smuggler, without making use of the asylum procedure;

Migrants migrate irregularly for varied and sometimes combined reasons, namely political, economic, social and individual. Their future plans also vary. Some try to stay for as long as possible, whilst others migrate elsewhere or return to their country of origin. Others are unsure about where they will live in the future (Ibidem).

In order to determine the nationalities of irregular residents in the Netherlands, Dutch researchers and policy makers rely on police data, namely irregular migrants' arrests. The latest such available data is police records for the period 1 April 2005 - 1 April 2006 (van der Heijden et al 2006 and Kromhout et al, 2008, both at the request of the Dutch Ministry of Justice). Police records differentiate between Europeans and non-European irregular migrants. Within the European group, the main nationalities of irregular migrants have been Romanians and Bulgarians. Since the entry in the European Union of these two countries in 2007, this is of course no longer the case. They have been “circular migrants”, travelling to the Netherlands according to the availability of work and then returning home at the end of the working season. Their migration project was made possible because of the lack of visa requirements prior to EU accession.

Within the non-European group, the places of origin of irregular migrants are Turkey, Northern Africa and other African countries, Suriname, Asia (including the Middle East) and America. Unfortunately no deeper information regarding the precise country of origin is available in these files. However, other studies, namely Engbersen et al. (2002) single out China as the main sender of illegal migrants from Asia and Morocco from Northern Africa. According to reports about the medical condition of illegally residing migrants in the Netherlands (as reported in IND-EMN, 2005), the largest group of patients consulting general practitioners in the Netherlands came from Morocco, Turkey, countries in sub-Saharan Africa, and to a lesser extent from the Middle and Far East and Eastern Europe or the former Soviet republics.

Thus we can affirm that the main sending countries for irregular migrants to the Netherlands are Turkey, Morocco and China. Their connection to the Netherlands is the existence of the migrant established groups in the country – Turkish, Moroccan and Chinese, which generate migration networks of kin. Engbersen et al. (2006), show that irregular migrants are concentrated in cities and neighbourhoods inhabited by legal migrants with the same ethnic background. Leerkes et al. (2004) says that alongside the presence of legal immigrants, the presence of specific activities that are accessible to irregular immigrants plays an important role in generating flows of irregular migrants: the more commercial service-sector businesses are located in a given area, the higher the numbers of irregular aliens will be. We can therefore

conclude that illegal immigration also takes the form of labour migration that fulfils an existing economic demand in the Netherlands.

Attention for the issue of illegal immigration comes and goes, and roughly started in the 1980s. The 2002 governmental elections in the Netherlands are often seen as a “watershed” moment in the discussions surrounding immigration. The rise in prominence on the Dutch political spectrum of Pim Fortuyn, an outspoken critic of “multiculturalism” and his calls for “closed borders” due to the fact that the country was “full” struck Dutch immigration politics, revealing a sense of uncertainty, insecurity and dissatisfaction among the population (Geddes, 2003: 118). The new immigration discussions triggered by the 2002 elections showed that the anti-immigration sentiment in the Netherlands is not exclusively claimed by the right-wing parties (van Selm, 2005). Pim Fortuyn’s migration agenda had an echo with the subsequent immigration policies implemented by the new coalition government, and migration and integration policies were redefined (Engbersen, van der Leun, de Boom, 2007). More precisely, there is currently no other EU member state where the policy towards irregular migrants is so strongly focused on deterrence, exclusion and removal (van Kalmthout, 2007). This is contrary to what we had before the turn of the century, when in the 1990, the mainstream Dutch political parties agreed among themselves not to discuss immigration as part of election campaigns (Baker, 2004). The fear was that such a kind of debate would get out of control (Ibidem).

Pim Fortuyn’s criticism of Dutch multiculturalism was taken over by Ayaan Hirsi Ali, a liberal-conservative politician of Somali origin. She condemned the suppression of women within the Muslim communities as well as Islam more generally. Together with filmmaker Theo van Gogh, she produced a controversial film, *Submission* about the abuse of Muslim women. In 2004, Van Gogh was murdered by a young Moroccan who considered the film to be an insult to Islam while, even today, Ayaan Hirsi Ali receives police protection.

In order to find out more about the development of media-reporting about (perceived) problems concerning irregular aliens, we made a quick scan of Dutch newspaper articles between 2002 and 2007. The database LexisNexis Academic NL contains all articles from national newspapers, including the main free newspapers.⁵ Within this database we selected articles about irregular aliens, using the keywords ‘irregular aliens and criminality’, ‘irregular aliens and housing’ and ‘irregular aliens and labour’ (in Dutch), which are summarized below.

Table 1.1: News paper reporting on irregular immigrants in the Netherlands: number of (pages with) articles 2002-2007

	Crime	Housing	Labour	Total
2002	(347)185	(65)26	(196)82	(631)303
2003	(96)40	(85)34	(93)37	(274)112
2004	(65)29	(35)17	(110)54	(210)100
2005	(37)15	(25)14	(66)39	(128)68
2006	(35)12	(30)15	(77)38	(142)65
2007	(47)25	(19)12	(44)28	(110)65
Total	(650)317	(259)118	(586)278	

Source: Own analysis based on the LexisNexis database.

⁵Newspapers researched: Algemeen Dagblad; Metro; Het Parool; Trouw; Agrarisch Dagblad; Nederlands Dagblad; Reformatorisch Dagblad; De Volkskrant; Dag; NRC Handelsblad; Spits!; Het Financieele Dagblad; NRC.NEXT; De Telegraaf.

As can be derived from table 1.1, most attention is paid to the subject of crimes committed by and with regard to irregular aliens. The crimes mentioned in the newspapers concerns mainly fraud, survival crime and human trafficking. Media reports are often based on police reports or policy documents, but also on concrete incidences. In addition, much attention is given to labour conducted by irregular aliens. The results of the inspections performed by the Dutch Labour Inspectorate into illegal employment (see below) are extensively presented in the media. The agricultural sector is the economic branch mostly covered by these reports, as indeed (as we shall see throughout this report) it is here that illegal migrant employment can be found.

Recently, the media has also largely covered the effects of the eastern enlargement of the European Union, from the perspective of the movement of workers. Special attention is given to the effects of the ending of the restrictions for Polish workers on the Dutch labour market. The least attention is paid to the housing problems concerning irregular aliens. These articles mainly deal with attempts of the authorities to combat the so-called '*huisjesmelkers*', landlords who take advantage of the vulnerable position of the irregular immigrants. The table above also shows that media attention towards irregular aliens has generally been declining since 2002. This is the case for the criminality problem as well as for housing of irregular aliens and irregular workers. It seems that today, the debate about immigration in the Netherlands has become much more open and it evolves around matters such as the integration of the Muslims minorities. Overall, the issue of irregular immigrants is somewhat moving to the background.

Nonetheless, generally speaking, irregular immigration has been a main concern of the Dutch government since over a decade now (van der Leun, 2007). The most important legislative measures that have influenced the irregular status of migrants are the implementation of the expanded obligation to carry proof of identity as of January 2005, the Aliens Act of 2000, the Koppelingswet (Linkage Act or Linking Act) of 1998 and the implementation of the EU Directive 2001/51/EC relating to the liability of carriers (IND-EMN, 2005). Regarding policy developments in this area, there are the measures established by the Terugkeernota (Ministry of Justice, Policy document on Return of Aliens, 2003) and the Illegalennota (Ministry of Justice, Policy document on Illegal Aliens, 2004). The Terugkeernota provided for the increase of detention capacity for irregular aliens and focuses on forced return as a response to irregular residence, while the Illegalennota enhances the capacities of the police over the supervision of irregular migrants (van Liempt, 2007).

In particular, the reducing of irregular immigration to the Netherlands through a curtailed approach has been particularly enforced by the above mentioned Linking Act (Benefit Entitlement and Residency Status Act). This piece of legislation stretched the definition of irregular immigration in the Netherlands, by switching from the notion of "illegal stay" to that of "unlawful stay" (Pluymen, 2004). "Unlawful stay" also includes the so-called "tolerated immigrants", namely immigrants who could not leave the country for technical reasons (such as for health issues) (Ibidem). This means that a broader range of migrants fall within the scope of the "irregular" category. Thus, the Linkage Act extends the definition of illegal residence, thereby placing into illegality a broader range of immigrants and denies them access to a spectrum of facilities (as we shall later see). This "discouragement policy" towards illegal residence of the Dutch government, comes after years of de facto accepting irregular immigrants (van der Leun, 2004).

Given this, how do irregular migrants find niches where they live and work?

As shown in Engbersen et al. (2006), irregular migrants usually take up residence in areas with a large concentration of foreign nationals. The advantage of such areas is that due to their multiculturalism, they provide a number of facilities such as

mosques, ethnic shops, tea and coffee houses, which cater to both the needs and leisure of irregular migrants, so they do not have to adventure throughout the city and thus keep a low profile. Another advantage is that these areas are usually connected by transport to worksites where irregular migrants are hired.

The study of Leerkes et al. (2004) focuses on the social situation of irregular aliens in the Netherlands. The authors conclude that irregular aliens are mostly accommodated in the homes of family members. Engbersen et al (2006) found that within the Turkish community in Rotterdam, and the African community in the Amsterdam Bijlmermeer area, substantial help is given to an exclusive group of relatives who are irregular migrants, such as brothers and uncles. The assistance given covers a wide range of fields such as aid to come to the Netherlands or in finding a job or housing. The same study shows that within the Moroccan community in Utrecht and among African groups in the Amsterdam Bijlmermeer, the support provided is limited and restricted. It mostly resumes to financial aid, but occasionally it can also involve help such as providing medicine, introducing irregular immigrants to potential employers and marriage partners, or serving as an interpreter with a lawyer or a physician. This incidental support can be jointly organized, for example via collections, but it can also be of a direct personal nature. The aid is often provided within a local and geographically restricted network of ethnic groups. For instance, the Ghanaian communities in the Bijlmermeer district in Amsterdam collect money among themselves in order to pay for a specific need of an irregular migrant. Besides help given by family members and friends, there is a commercially-driven sector that caters to the social and economic needs of irregular immigrants. These services are provided mostly by legal immigrants, but also by irregular ones who have lived in the Netherlands for a long period of time. In general these "underground circles" provide irregular migrants with all sorts of useful information that would help them integrate into the Dutch society, namely how to get a job, a house, medical insurance and assistance or a tax and social security number ("sofinumber") which is required in the Netherlands by the employment-providers. For instance, in the Bijlmermeer district in Amsterdam, there is a professional forgery industry that produces and rents out (false) documents (Engbersen et al., 2006). In addition, marriages of convenience become a marketable commodity (Engbersen et al., 2006). A fee is levied for all these forms of assistance, meaning the financial gains are the underlying motive for this kind of support. The Dutch government increasingly tries to get grip on this 'infrastructure' surrounding irregular immigrants,

Another way for irregular migrants to get by is with the assistance of non-governmental organisations. In the Hague, there are more than 40 organisations (private and semi-public) providing assistance to irregular immigrants (Engbersen et al, 2006). Some of these are financed by the municipality of The Hague (Rusinovic et al., 2002).

The pathways into irregularity in the Netherlands are:

- crossing a land, air or sea border clandestinely, or by using forged travel or identity documents;
- overstaying through failure to depart according to the visa time limit or loss of the right to stay by undertaking irregular work or by committing a punishable offence;
- failure to depart after exhausting all asylum-granting procedures;
- by birth to irregular immigrant parents, as the Netherlands applies the *jus sanguinus* citizenship principle;

Today, the main sources of irregularity in the Netherlands is *overstaying*, whether it is residing beyond the visa expiration date (or the three months for nationals who do not require visa in order to travel as tourists throughout the Schengen zone) or failure to depart after finalising the available asylum procedures. Both ethnographic fieldwork and other sources of information confirm this dominance of legal entrance (Kromhout et al. 2008), although it depends of course on the country or region where immigrants come from.

For instance, the number of individuals from asylum countries accounts for more than one third of the total number of irregular aliens stopped and questioned by the police and this number is increasing slightly (IND-EMN, 2005). The new asylum procedure implemented through the Aliens Act 2000 creates a substantial group of rejected asylum-seekers, as the rates of granted asylum requests are low as seen in the table below.

Table 1.2 Percentage and absolute value of the asylum requests granted, per nationality

	2001		2002		2003		2004		2005		2006	
	%	Abs.	%	Abs.	%	Abs.	%	Abs.	%	Abs.	%	Abs.
Afghanistan	29	673	32	322	34	147	45	246	43	208	46	216
Angola	12	361	14	242	11	44	20	26	30	32	38	15
Iraq	39	273	56	590	49	1573	56	4144	54	651	23	527
Iran	20	156	24	136	20	137	22	93	27	90	18	77
Sierra Leone	37	590	20	293	17	47	36	40	39	41	49	54
Somalia	29	191	37	170	50	223	82	558	80	774	67	811

Source: IND, 2007

Rejected asylum seekers must leave the Netherlands and are responsible for their return to their country of origin; the idea is that asylum seekers managed to get to the Netherlands on their own, therefore they must depart on their own initiative (Ibidem). If they do not leave voluntarily, rejected asylum seekers can be taken by force from their homes or from the reception centre. However, in practice, this is seldom the case (see tables 1.3 and 1.4 below), as roughly 50% of those served with a deportation order actually being removed from the Netherlands. The voluntarily repatriation option is infrequently preferred by the irregular migrants, thus the country faces a growing number of rejected migrants who abscond, continuing to reside and work without authorisation (IOM, 2004: 260).

Table 1.3 Expulsions from the Netherlands 2002-2006 (totals de facto and de jure)

	2002	2003	2004	2005	2006
Asylum-seekers	21 300	21 900	14 900	12 500	10 200
Other irregular migrants	29 100	33 800	27 000	32 400	30 100
Total	50 400	55 700	41 900	44 900	40 300

Source: IND, 2003-2006

Table 1.3 above distinguishes between expelled asylum seekers who have exhausted their asylum procedures and received a final negative response and irregular aliens, for both administrative and enforced removals. Table 1.4 does not recognise the different types of migrants but rather between the different types of removals – actually taking place (voluntary and enforced) and administrative

expulsions where the migrants abscond, contributing to the ranks of irregular stocks. Thus as we can see in Table 1.4, roughly 20 000 immigrants (former asylum seekers and irregular migrants) on an annual basis become irregular migrants, although it is unknown whether they stay in the Netherlands or move somewhere else in the Schengen area.

Table 1.4 Removals and absconding 2002 - 2006

	2002	2003	2004	2005	2006
Voluntary & enforced removals	28 200	29 500	22 400	22 400	18 850
Absconding	22 200	26 200	19 500	22 500	21 450
Total involved	50 400	55 700	41 900	44 900	40 300
% removed out of involved	56	58	53	50	47

Source: IND, 2002-2006

The Dutch government promotes a comprehensive “discouragement policy” towards illegal residence (Engbersen and van der Leun, 2001). This is done through three channels. Firstly, the state blocks the access to the labour market. It has introduced high employer sanctions for hiring undocumented migrants (a natural person would be fined for a maximum of 11 250 Euro, while a legal person for maximum 45 000 Euro). Furthermore, superfluous “protective” documentary requirements are in place for access to jobs on the formal labour market for irregular third country nationals (Engbersen, van der Leun, de Boom, 2007).

Until the introduction of the above-mentioned Linking Act, it was possible for irregularly residing aliens to register in the population registry and thus obtain a social security number, as there was no status check run on those who applied for it. The fiscal number granted them entry to formal work. These were the so-called “white illegals”, foreigners who resided and worked illegally, while paying taxes and social security contributions (van der Leun, 2003). However, the Linking Act of 1998 removed the possibility for irregular migrants to gain this appearance of legality. Therefore, today in the Netherlands, there are no “shadowy” forms of illegal work officially tolerated by the authorities. Secondly, the Dutch authorities exclude irregular immigrants from access to public services and welfare state provisions (van der Leun, 2003). The control and enforcement of law against irregular residence is delegated to officers and professionals working in the public service sector, namely health institutions, schools and housing agencies. Data registered by these bodies, as well as immigration service registration files, census bureau data, fiscal identification agency data, and social security and social assistance information can be crosschecked to verify the validity of immigrants’ residence and work status, therefore the name of the “Linking” Act (Engbersen, van der Leun, de Boom, 2007). The basic idea is that people without residence permits do not belong to the Netherlands; therefore they are excluded from all the provisions offered by the modern welfare state. The gaps between this “discouragement policy” and implementation practices come to the fore when local authorities are unwilling or unable to implement the policies designed at national level. Empirical research carried out after the introduction of the Linking Act showed that the interests of the national government and those of the local authorities do not always coincide. Most of the street-level workers as well as police officers regarded the presence of the irregular migrants in the Netherlands as a “fact of life”, in contrast with the national government who aims at systematically dissuading illegal presence (van der Leun,

2007). Moreover, the idea that irregular immigrants are responsible for leaving the country (which underlies the national policies) is seen by many as unrealistic. Local parties are confronted with those immigrants who are never expelled and stay in the country. Every now and then the calls for strict implementation of the immigration rules clashes with more lenient practices at street level. This was for instance the case when several municipalities refused to set up detention centres for former asylum seekers on their territory.

Thirdly, the law enforcement mechanisms of surveillance, detention and expulsion have been fine-tuned. Unlike in other European countries (for instance Belgium, France, Germany), in the Netherlands, illegal residence as such is not punishable (ACVZ, 2002), although is debated regularly. The reason for this is that the penalization of the irregular migrant is feared to have as a side-effect the prolongation of the illegal residence (Minderhoud, 2004). However, based on the 2000 Aliens Act, many irregular migrants are detained on a yearly basis and further expelled (even if they have not committed any crimes). From a legal point of view, this detention is an administrative, not a penal matter. The Aliens Act 2000 has made it easier to arrest and detain irregular immigrants: there are over 20 000 irregular migrants confined in police stations, penitentiary institutions or a detention centre annually, and the numbers are on the rise (van Kalmthout, 2007). For instance, on September 30, 2004, the number of immigrants held in custody because of immigration laws was 1 655, number which had almost quadrupled since 1994, from 425 (Engbersen, van der Leun, de Boom, 2007). There are nine special deportation centres for apprehended irregular immigrants and failed asylum seekers, with a total capacity of 3 000 places. This marks a substantial increase from the 1980 prison capacity of no more than 45 places, with this measure carried for more than 500 times (van Kalmthout, 2007). Together with the UK, the Netherlands is the only country in Europe where there is no maximum detention period provided by the law (Ibidem)⁶. Besides the fact that irregular immigrants are detained more often than in previous years, the average length of detention has also increased significantly.

Of the irregular migrants confined in detention centres, a substantial fraction has not committed crimes; out of those who have, the offences are minor ones (van Kalmthout, 2007). However, various Dutch studies on irregular immigrants which are based on police data and ethnographic research show a strong increase in crime as a reason for apprehension (Engbersen, van der Leun and Leerkes 2004; Leerkes et al. 2004). For instance, in 1997, nearly 30% of the apprehended irregular migrants came into contact with the police as caused by a criminal offence. In 2003, this number has risen to 45%. One of the reasons for this increase is indeed stricter law enforcement. Because of the societal pressure, the police are generally more active in crime detection and in registering their findings. Also, the fact that there has been a significant rise in the number of people arrested for the possession of false documents and people who have been declared "undesirable aliens" does point to selective and more active enforcement by the police. Indeed, the Dutch police forces have been given additional capacity in order to carry out the supervision of aliens and to counter migrants' criminality. These capabilities are being used in order to detect and deal with irregularly residing aliens (IND-EMN, 2005). However, the increase in crime as a reason for arrest in the Netherlands shows that the restrictive immigration policy promoted by the Dutch government determines and changes the

⁶ Although the EU Directive on dealing with clandestine migrants which is currently underway will set a ceiling for the detention of illegal migrants of up to 18 months (EU Observer, 2008).

residence strategies employed by irregular immigrants (Engbersen, van der Leun, de Boom, 2007). As previously mentioned, in the recent past years irregular immigrants had a relatively easy access to the formal labor. However, today, survival without documents has become much more difficult (van der Leun and Kloosterman 2006). As a result, irregular immigrants who stay in the Netherlands develop forms of subsistence crime, as seen from the offenses they are arrested for.

As already above-mentioned, roughly half of those detained are actually expelled out of the country. Moreover, van Kalmthout (2007) says that, contrary to the political rhetoric, the share of effective expulsions has been decreasing over the years. Thus, even if irregular migrants are increasingly apprehended and detained, this is not necessarily followed by an expulsion. Many irregular foreigners are just released back to the streets.

If deportations are not thoroughly enforced, the reverse does not happen either: with a recent exception, regularisations and general amnesties are not part of the Dutch policy responses towards irregular immigration. The Netherlands is has been a strong and vociferous anti-regularisation advocate on the European political scene. Unlike other EU member states (Italy for instance), general amnesties are enacted by administrative circulars and not immigration policy. As we can see from Table 1.5, all the regularisations that took place in the Netherlands so far (with the exception of the 2007 amnesty programme) have been extremely limited in scope. Roughly 20 000 irregular residents had been regularised between 1975 and 2000 and the application criteria have been strict.

The conditions set by the Dutch government for those who availed themselves to the regularizations that took place between 1975 and 2000 were (Apap et al, 2000: 295): proof of the fact that they had been living in the Netherlands for at least a year prior to the legalisation (this threshold had been raised to six years in 1996), proof of identity, be holders of an employment position and pay their social security contributions – the “white-illegals” previously mentioned. The rationale behind the payment of taxes condition was to exclude as many potential applicants as possible. The outcome of these regularisations has not been substantial on the pool of irregular migrants.

Table 1.5 Regularisations in the Netherlands

Year of Governmental Decree	Number of Regularisations
1975	15 000
1979	1 800
1991	2 000
1999	1 800
2007	27 500

Sources: Apap et al, 2000; Spijkerboer, 2000; EMN, 2005; IND, 2007

The 2007 regularisation programme received a substantial amount of media and public attention, and caused significant political turmoil. It was supposed to involve a group of 26 000 asylum seekers who had applied for asylum before the introduction of the 2000 Aliens Act. As their asylum applications have been rejected, but nevertheless they did not leave the Netherlands, in 2004, the Dutch Immigration Minister announced their imminent deportation. It took a swing in Dutch politics from the conservative centre-right coalition who has advocated the return of the 26 000, to a centre-left one, to change the fate of the failed asylum seekers and to finally grant them a general amnesty. The Dutch public opinion, NGOs and advocacy groups

were highly involved in the policy debate surrounding their fate, acting as a constraint against their return.

Eventually, without attracting too much media attention, state secretary Ms. Albayrak implemented the agreed amnesty for 26 000 former asylum seekers who applied for a status under the old Aliens Act. It turned out to include a few hundred more, in stark contrast to the 200 000 people that former Minister of Immigration Ms. Verdonk had expected.

We can thus say that the Netherlands' track record of regularisation suggests that it is only an exceptional pathway out of illegality, for a tiny minority of undocumented migrants.

Apart from the history of regularisation decisions (Table 1.5), there are no official provisions for irregular foreigners to legalise their status. There are serious reasons to believe that the 2007 regularisation programme for failed asylum seekers will not easily be repeated, particularly in the wake of the latest developments and tendencies at the European level.

The channels out of an undocumented situation for third country nationals are virtually non-existent. The far-fetched available tools are asylum application and marriage to a Dutch national. Asylum has a low granting rate in the Netherlands and it is of course dependent on the legitimacy of the application and whether or not it qualifies as a Dublin II case. The scope of family formation between a Dutch national and a third country national has been reduced by the Aliens Act 2000 and in 2003 new measures have been introduced. The income requirement for marital migration has been raised to 120% of the official minimum income level of the Netherlands for the Dutch partner and the latter needs to have adequate housing facilities. However, for the marriage to be able take place in the Netherlands, the foreign partner needs to be in possession of an "authorisation for temporary stay" (MVV – Machtiging tot Voorlopig Verblijf), which must be applied for in his or her country of origin. This means that the irregular alien must return to his or her country of residence and wait for the issuance of an MVV. However, since March 2006, the "Pre-arrival integration law" (*Wet inburgering in het buitenland*) requires those who wish to marry to a Dutch citizen to take a Dutch language and culture test at consulates in their countries of origin. Not only does this measure reduce substantially the possibility of legalisation through marriage (a common route out of illegality in many other Western European countries), but it also limits marital migration (for third country nationals) to the Netherlands.

Even if, as previously mentioned clandestine work is not tolerated by the Dutch authorities and therefore we can not pinpoint any "grey" zones of illegality, the case of the workers from the new Eastern EU member states trigger a particular (yet temporary) discussion with respect to undocumented work in the Netherlands. The groups that catch the most headlines have been the Polish and subsequently Romanians and Bulgarians. Starting with the 1st of May 2007, the government granted access to the Dutch labour market to the Eastern member states from the 2004 enlargement, while Bulgarian and Romanian citizens must still apply for a work permit, with the authorisation dependent upon satisfaction of the labour market test. Thus, the discourse over irregular EU workers has shifted from Polish to Romanians and Bulgarian labourers, as being the "new" Poles (Algemeen Nederlands Persbureau, 2007). Regarding Romanians and Bulgarians, Lex van Dijk, director of the market fraud agency says that 25% of those who employ Romanians or Bulgarians do not ask for a work permit for these employees. The absolute numbers of illegally working Romanians and Bulgarians are not very big yet. However, it is expected that the numbers will grow, as the flow of cheap workers from Bulgaria and Romania needs

some time to develop (NRC Handelsblad, 2007). Indeed, in the first nine months of 2007, nearly 13 000 Bulgarians, Poles and Romanians have settled in the Netherlands, which is nearly twice as many as in the same period of 2006 (CBS, 2007). The increase occurred notably among immigrants from Bulgaria and Romania: after joining the EU in 2007, immigration from Bulgaria and Romania grew from 1000 in 2006, to 5 600 in the period January–September of 2007 (Ibidem)

With regard to Polish nationals, the debates evolve around the fact that although they enjoy the same rights as the Dutch nationals on the labour market, it is highly likely that they would still be “abused” by “mala fide” employment agencies and employers who do not inform workers about their rights. As a result of this Poles may still be in a situation where they are underpaid and exploited, by both employers and recruitment agencies. They can also be paid partially off the books. As a preventive measure, the Dutch Labour Inspectorate will investigate whether the newly legal Polish workers are paid sufficiently (Algemeen Nederlands Persbureau, 2007 and Provinciale Zeeuwse Courant, 2008).

With respect to third country nationals, again, we can not point to any “grey” areas of their existence in the Netherlands. What we can say is that the presence of undocumented workers is a well-known fact and, moreover, one that has moved far beyond being a temporary adjustment to new conditions (Van der Leun & Kloosterman, 2006). In the 1960s and 1970s, undocumented immigrants to the Netherlands were even welcomed as eager and undemanding workers (Van der Leun 2003). In the 1980s, when the overall labour market situation worsened, general immigration policies became much less welcoming and starting with the early 1990s, illegal labour came to be seen as a contentious policy issue. This stricter regime towards undocumented immigrants has, however, not fundamentally altered the structural demand for undocumented workers in the Netherlands. One could even argue that given the long-term changes in the Dutch economy, the demand for illegal labour has rather increased. Undocumented workers are, then, located at the intersection of, on the one hand, a stricter regime and, on the other, of a steady, maybe even a growing, demand for their services in the Netherlands. Until the introduction of the above-mentioned Linking Act in 1998, it was possible for irregularly residing aliens to register in the population registry and thus obtain a social security number, as there was no status check run on those who applied for it. The fiscal number granted them entry to formal work. These were the so-called “white illegals”, foreigners who resided and worked illegally, while paying taxes and social security contributions (van der Leun, 2003). However, the Linking Act of 1998 removed the possibility for irregular migrants to gain this appearance of legality. Therefore, today in the Netherlands, there are no “shadowy” forms of illegal work officially tolerated.

Part II. Estimates, data and assessment of total size and composition of irregular migrant population, the Netherlands

1. Most relevant studies

All estimates which are dealt with below are based on inherently selective data which are at least in part the outcome of policy choices. Yet, methods have been fine-tuned and the quality of available data has gradually improved as a result of increased co-ordination between different government branches and ongoing computerisation. Very briefly summarizing we can say that the estimated size of the illegally resident population in the Netherlands has not changed substantially over the years. There are neither indications that the age and gender distribution has significantly changed, or that new estimates with the same method would yield very different results. The concrete estimates are addressed below.

Irregular residence

There is no institution specifically involved with collecting data related to irregular immigration in the Netherlands, and such information is unavailable (IND-EMN, 2005). There are no official registrations of irregular immigrants in the Netherlands and neither can we fall back on census data. However, the Netherlands has quite a rich experience of estimating the numbers of foreigners illegally residing in the country (Sikkel et al., 2006). The studies assessing the stocks of hidden populations look at two distinct categories: (a) the irregular resident population, from a demographic point of view and (b) the irregular working population, from an economic point of view (although the stocks of those involved into an economic activity indirectly also provide information with regard to stock of irregular residence). The available data regards mostly stocks rather than flows of irregular migrants.

Research into the residence and employment of irregular migrants is based on information primarily resulting from control exercised by the governmental authorities, be it police apprehensions or inspections on the labour market. Before, numbers that circulated in the press were typically claims made by police officers or municipal representatives who had a certain interest in stressing the scope of the issue. 'Conventional numbers' (such as 100,000 or 200,000) were – and still are – popular (cf. Larson and Sullivan 1987).

The first estimations based on official data in this field were made in the context of academic research (Burgers 1995). The main aim was to indicate the size of the issue and to provide a background when doing qualitative fieldwork. These attempts were met with criticism as other researchers opposed to these attempts and stressed the fact that they would be used politically. Böcker and Groenendijk (sociologists of law) maintained that it was preferable to refrain from trying to set the record as the data was poor and the reliable methods were lacking (Böcker and Groenendijk 1996). Over the years, however, methods and data improved and attempts were made continuously. In later stages, many of the studies into illegal employment of third country nationals mentioned below have been commissioned by the Dutch government or one of the social partners. Unlike in many other countries, this is a common practice in the Netherlands. The existent studies tend to have a rather general approach, as they concentrate on global estimates, respectively on total

stocks, and not on particular categories within the undocumented population. Particularities such as age, gender, nationality are touched upon rather tangentially. Empirical research on irregular immigration started in the early 1990s. We could say that the changes in international migration that have been observed all over Western Europe in the 1990s (sometimes labelled as new migration, see Koser and Lutz 1998, Castles and Miller 1998) have also been mirrored in research on immigrants in the Netherlands. In addition to publications on former guest workers and post-colonial immigrants and their offspring, attention has increasingly gone to research on immigrants with a weak residency status (asylum seekers) or without a formal status (irregular immigrants). The substantial inflow of asylum seekers from all parts of the world since the 1980s and the growing concerns about irregular migration in particular during the 1990s stimulated new research within Dutch academia. One of the first empirically grounded studies on how irregular immigrants survive was conducted in the early 1990s in the city of Rotterdam (Burgers and Engbersen 1999) and it was followed by a number of studies in the country as a whole by more or less the same research group (cf. Engbersen et al. 1999, Engbersen et al. 2001, Staring 2001, Van der Leun 2003). The fieldwork in ethnic communities and interviews with migrants and key informants were later complemented with studies based on police data and other official registrations, resulting in several publications involving estimations starting with Burgers 1995 and Van der Leun et al. 1998. All these publications are based on the Poisson estimation model as developed by statistician Peter van der Heijden (cf. Van der Heijden 2006). The majority of the studies on illegal employment have been conducted by private research institutes.

The Poisson estimation model

The estimates of irregular residents are based on the irregular immigrants registered in the Police Suite Enforcement-Foreigners database (Politie Suite Handhaving-Vreemdelingen, PSH-V)⁷. This information refers to the number of people who have been stopped and questioned by the police in relation to their residence or who have been handed over to the police by for instance the Labour Inspectorate. It is regarded as the best available data, and therefore used as a basis for further assessment of the extent, nature and specifics of the irregular resident populations (IND-EMN, 2005). The PSH-V records are incomplete in rapport to the total stock of hidden population, in the sense that they contain only information about the irregular aliens who have been apprehended by the law enforcement authorities. With the use of the "Poisson regression model", the population which is not recorded in the police files is calculated. This so-called "capture-recapture" method is used by all relevant studies engaged in generating estimations regarding the numbers of the illegally residing aliens in the Netherlands. It has been pioneered by the van der Leun et al. (1998) study. The authors analysed all the apprehension data from the police for the year 1995 (a total of nearly 7000 files corresponding to more than 6000 irregular migrants) in the four largest cities of the Netherlands (Amsterdam, Rotterdam, The Hague and Utrecht). The results were 40 000 irregular residents in the four cities, respectively 18 000 in Amsterdam, 11 000 in Rotterdam, 8 400 in The Hague and 2 600 in Utrecht. Visser and van Zevenbergen (2001) extrapolated these findings to the whole country and came up with an estimated 60 000 irregular immigrants in the Netherlands at the time.

⁷ Before, this was the Foreigner Administration System.

The study of Leerkes et al. (2004) provides estimates regarding the number of irregular aliens in the Dutch provinces⁸. The study shows that provinces North Holland and South Holland each accommodated about one quarter of the total number of irregular aliens. Approximately three quarters of the irregular aliens in South Holland were living in the cities of Rotterdam and The Hague. The study shows also that the concentration of irregular migrants in the big-cities does not apply in quite the same extent in the case of North Holland as it does in South Holland. Half to two thirds of the irregular population of North Holland lives outside the city of Amsterdam. However, around one third of all irregular aliens live in the four largest cities of Amsterdam, Rotterdam, The Hague and Utrecht⁹. Approximately one third (36, 7%) of the registered addresses of the apprehended irregular migrants were in Amsterdam, Rotterdam, The Hague and Utrecht. These estimations are based of the registered address of the irregular migrant apprehensions as provided by the police offices in each on the mentioned cities. In addition, there were a relatively high number of irregular aliens in the provinces of North Brabant and, to a lesser extent, in the provinces of Limburg and Utrecht. In a "top 20" rank of the cities with the highest absolute concentration of irregular immigrants (Leerkes et al., 2004) based on the registered addresses of the irregular migrants apprehended, the first five cities are Rotterdam, The Hague, Amsterdam, Vlaardingen (South Holland) and Utrecht. However, as far as the relative concentration of irregular migrants is concerned (calculated as number of irregular aliens per 1000 inhabitants), the top five cities or towns are Vlagtwedde (Groningen), Zundert (North Brabant), Vlaardingen, Venlo (Limburg) and Rotterdam (South Holland).

Shortcomings of the Poisson estimation model (CBS, 2002, Raming van het aantal niet in de GBA, 19-20):

There are three assumptions that do not represent the actual situation of irregulars, but upon which the Poisson model builds in order to generate data regarding illegal residence:

1. The irregular population is *homogenous* in the sense that all the individuals have the same Poisson parameter;
2. The observations of the population are *time-independent*, namely that the possibility of getting caught is constant in time;
3. The population is closed in the sense that new entries and exits are not accounted for.

However, these conditions are not fulfilled automatically by the illegally resident population. Because of this, the outline form for continuous registrations is adjusted by the researchers and thus the following deviations result:

1. Homogeneity: some irregulars are more visible than others, and thus they have a bigger chance of being arrested. Moreover, the tracking policy of the police is selective, and it differentiates per city.
2. Time-independency: it is not clear whether the Poisson parameter of each irregular individual changes over time. Hypothetically, we could say that

⁸ The Netherlands is divided into 12 provinces: North Holland, South Holland, Friesland, Groningen, Drenthe, Overijssel, Flevoland, Utrecht, Gelderland, Zeeland, North Brabant and Limburg.

⁹ Amsterdam is located in the province of North Holland, Rotterdam and The Hague in South Holland, while Utrecht is located in the province of Utrecht.

- irregular immigrants tend to behave more “shyly” after their first arrest, and this lowers their chance of getting caught again by the police. This means that the estimation of the number of individuals who have not been registered by the police will become higher. On the other hand, it is may be that irregulars behave more recklessly since they have seen that their first arrest did not lead to deportation. In this case the chance of being caught becomes bigger and thus the size of the hidden population lower. Moreover, the police do not purposely search for irregular immigrants. People are arrested during “general” police checks, such as those performed on workplaces and public means of transport. This means that the estimates are dependent on the harshness of the law enforcement authorities.
3. Constant population size: there are a few reasons because for which the size of the irregular population is not constant:
 - Theoretically speaking, the irregular aliens who are arrested are going to be deported, a part of whom will be effectively returned. If they will not return to the Netherlands, they will disappear completely from the hidden population and thus by definition they will not be arrested again. During the estimation of the Poisson parameter, the effectively deported irregulars are not taken into consideration.
 - Irregular migrants disappear out of the NL on a voluntarily basis, while others will arrive during the year. The estimation does not take this into account
 - There are a number of irregular foreigners who reside in the Netherlands for merely a short period of time, thus they have a smaller chance of being arrested. These are mainly Eastern Europeans¹⁰ (from countries outside the European Community) that come to the Netherlands to perform undocumented labour activities and who travel back and forth between the Netherlands and their country of origin. Thus this group has been left out when performing the parameter estimations.

It should be noted that the population estimations are calculated with a 95% reliability interval. This interval sets the boundaries within the real population size, with a 95% probability. The reliability intervals for West and Eastern European groups of irregulars are calculated by assuming that there exists an equal ratio between population size and population variation for effective and non-effective deported groups.

In terms of post-2000 studies regarding the scale of hidden foreign population in the Netherlands, Engbersen et al. (2002) and Leerkes (2004) who also build on the model as developed by Peter van der Heijden are regarded as the most influential and reliable studies, and serve as basis for other publications in the field.

Undocumented work

The research on illegal work in the Netherlands concentrates around two aspects of illegality on the labour market: the number of irregular workers (quantitative aspects) and the illegal work itself (qualitative aspects). The basis for estimating illegal work performed by third country nationals consists of the files of the Dutch Labour Inspectorate that contain data regarding apprehensions of irregular third country nationals during in situ investigations. This data, collected by the Ministry of Social

¹⁰ These are mostly nationals of the 10 countries in Central and Eastern Europe who did not require Schengen visas prior to their countries accession to the European Union, making easy for them to travel back and forth according to the availability of work.

Affairs and Employment through labour inspections, also records the number of infringements of the Aliens Employment Act by the employers. Unfortunately (see below), the Ministry of Social Affairs and Employment does not provide complete data regarding numbers of irregular workers involved, except for years 2004-2006. Data generated through labour inspections is highly conservative, as it depends on the number and rigour of workplace inspections. Researchers further develop this official numbers with the help of expert interviews, notably governmental workers, the social partners, nongovernmental organisations as well as intermediary employment agencies. All the estimates into illegal employment show that irregular workers are a part of the Dutch workforce which can not be neglected. The estimates amount to the presence of irregular immigrations on the Dutch labour market to tens of thousands of workers on a yearly basis.

2. Estimates, data and expert assessment on stocks

2.1 Total Stocks

2.1.1 Undocumented employment

Table 2.1 Estimates undocumented workers

Year	Number of undocumented workers	Source
1999	128 000	Visser and van Zevenbergen (2001)
2003	80 000 (60 000 to 100 000)	Zuidam and Grijpstra (2004)
2004	66 750 to 89 000	Mosselman and van Rij (2005)
2006	86 250 to 115 000	Groenewoud and van Rij (2007)
2006	80 000 (60 000 to 97 000)	Dijkema et al. (2006)

An estimated 128 000 illegally employed migrants in 1999

Visser and Van Zevenbergen (2001), of the research institute *Research voor Beleid*, estimated that in 1999 there have been potentially 128 000 undocumented workers in the Netherlands. They based their estimate on existing literature, interviews with what they refer to as "key informants" (qualitative surveys) as well as the files of the inspections undertaken by the Dutch Labour Inspectorate (*Arbeidsinspectie*) and interviews with employer in the four most popular sectors for illegal labour employment - agriculture, construction, hotel and catering industry, and cleaning (quantitative surveys). The employer survey gave an overview of the percentage of companies that broke the Aliens Employment Act¹¹ in 1999 in each of the four

¹¹ This Act regulates entry of foreigners to the Dutch labour market. Those employers who do not possess the necessary work permit required by the Act, employ foreigners illegally.

sectors¹². The analysis of the Labour Inspectorate files revealed information regarding the average number of undocumented employees in each company that broke the Aliens Employment Act. Based on these, the authors estimated the number of undocumented foreigners employed in each investigated economic sector. Later, they were able to estimate the number of illegally working third country nationals in the Netherlands¹³.

The limits of this study are set by the fact that the researchers based their estimates almost exclusively on pre-existent data with their inherent selectivity and on expert opinions. Also, the authors assumed that the undocumented third country workers are concentrated into four economic sectors and within these sectors the non-response rate in the employer survey was relatively high.

An estimated 80 000 illegally employed migrants in 2003

Zuidam and Grijpstra (2004), working for the same *Research voor Beleid* institute assumed in a follow up study that there were roughly 80 000 undocumented third country nationals working in the Netherlands in 2004, hired through intermediary employment agencies. The primary focus of this study is the number of malafide or fraudulent employment agencies and the numbers of undocumented workers hired by these agencies.

The organisation for Dutch employment agencies (Algemene Bond Uitzendondernemingen – ABU) commissioned this research as a worrying number of intermediary employment agencies have become a channel for the placement of irregular migrants on the Dutch labour market. This became a problem since the liberalisation of the employment agencies sector.

The problem of malafide employment agencies that hire irregular migrants receives much attention from policy-makers as well as the media in the Netherlands. Intermediary employment is a popular access to illegal work in this country.

These estimates in the above-mentioned study are based on expert interviews, particularly employment agencies, governmental actors and the social partners. However, the researchers do not mention the methods employed in order to extract information regarding illegal labour from their interviewees. Furthermore, pre-existent reports and publications regarding malafide employment agencies and illegal labour in the Netherlands have been used. Thus, the information provided by Zuidam and Grijpstra (2004) does not contain “hard evidence” as it is largely based on the ideas and views of the experts interviewed and pre-existent records.

An estimated 66 750 to 89 000 illegally employed migrants in 2004

Regioplan Policy Research as commissioned by the Ministry of Social Affairs and Employment assessed the infringement and compliance with the Aliens Employment Act by Dutch employers. The Regioplan reports, available for 2004 and 2006, are

¹² For the sampling procedure, the researchers compiled a sample base of 6 000 employers based on the combined files of four different registrations of companies, half of which they have approached. They came into contact with 2 235 firms (765 could not be found) among which the response rate was 36 percent. The share of employers who actually *refused* to co-operate varied between 38 percent in the agricultural sector and 49 percent in construction. As far as possible, a non – response analysis was conducted and the authors concluded that the reliability of their data was not under threat, although smaller firms were somewhat under represented (Visser and van Zevenbergen 2001: 84)

¹³ Based on the formula: number of illegal foreign employees = (% companies breaking the Aliens Employment Act x total companies) x average number of illegally employed in each in each company that broke the Aliens Employment Act.

based on field work, namely surveys among employers who hire workforce directly or who resort to subcontractors and temporary work agencies. The researchers used the "Randomised Response-method" for surveying employers. Although this method guarantees the anonymity of the respondents and thus enhances the quality of the study, the results may be biased by those respondents who do not understand this rather complicated surveying method.

The report by Mosselman and van Rij (2005) from the Regioplan Policy Research assessed the compliance by the Dutch legal entities with the Aliens Employment Act. Their estimates are based on fieldwork carried out in March, April and May of 2005. In the scope of infringement of the Aliens Employment Act, the researchers included both employees who hired undocumented migrants directly, as well as those who hired them through temporary work agencies and subcontractors. The method employed for surveying the employers was the "randomized response-method".

The randomized response¹⁴ is a research method designed to measure behaviours and attitudes of respondents regarding sensitive topics such as breaking the law – in our case hiring irregular migrants. This method reduces the tendency of the respondents to give lawful answers because they are asked to answer to sensitive questions based on a chance mechanism. Respondents are asked to read a question and through two dices. The respondent answers the questions according to the total that is thrown by the two dices. If the total is 2, 3 or 4 the respondent is forced to answer "yes", and if the total is 11 or 12 the respondent is has to answer "no". In all other cases the respondent is required to answer truthfully. Since only the respondent can see the dice, nobody knows the real answer and is the anonymity of the respondent protected. Due to the chance mechanism that is employed, data collected through this method contains errors, because in some of the cases the respondent has to answer untruthfully. Moreover, some of those surveyed may not understand the somewhat complicated method and this may also influence the results.

Mosselman and van Rij (2005) concluded that 19% of the employers they had surveyed had used illegal workers for one or more days during 2004. Extrapolating this finding to the whole of the economy means that 89 650 companies violated the Dutch Aliens Employment Law. They assumed that each company hired roughly three undocumented aliens and this means that:

89 000 companies x 3 persons = 267 000 work relations with irregular foreigners in 2005

267 000 work relations / 3 to 4 jobs held by an irregular = 66 750 to 89 000 irregular workers in the Netherlands in 2005

Thus in 2004, Dutch employers entered into 267 000 employment relations with foreigners who did not possess a work permit. These employment relations involved 66 750 to 98 000 foreigners, which represent between 0.8% and 1.2% of the legal workforce of the Netherlands. The authors also estimated that 40% of these undocumented employees come from the 8 Eastern European countries that joined the European Union in May 2004, of whom the majority was Polish.

An estimated 86 250 to 115 000 illegally employed migrants in 2006

Using the same methods as the 2005 research study, the 2007 Regioplan report conducted by Groenewoud and van Rij (2007) investigated into the reasons of the Dutch employers to hire undocumented workforce. They also focused on the extent

¹⁴ <http://www.randomizedresponse.nl/>

to which these employers used the undocumented workforce. The report showed that 9% of the total number of Dutch employers hired irregular foreigners in 2004 while in 2006 it amounted to 11%. Roughly speaking, between 86 250 and 115 000 irregular immigrants had been employed on the Dutch labour market in 2006.

An estimated 54 000 to 97 000 illegally employed migrants in 2006

As the previously mentioned Zuidam and Grijpstra (2004) study, the Dijkema et al (2006) report has been commissioned by the confederation of the Dutch employment agencies (Algemene Bond Uitzendondernemingen – ABU) with the scope of estimating the number of “malafide” employment agencies in the Netherlands and the extent of undocumented employment provided on the Dutch labour market through these intermediaries. Thus, the focus of this research is foremost the temping agencies and the employers, and secondly the undocumented migrants involved in a working relationship with these labour providers.

The researchers employed several sources in order to build up their estimate:

- relevant existing reports and documents, including irregular migrants apprehended during employer inspections performed by the authorities;
- an expert meeting in which 5 ABU members gave their opinion about the issue of undocumented labour and its size, with specific attention for recent changes and their impact;
- 21 interviews with members of the ABU;
- written questions sent to national coordinating organizations for employment agencies of several European countries, in order to get an image of the number of employment agencies which send foreign workers to the Netherlands;

This estimation is not based on concrete information. The above-mentioned research methods are based on pre-existent reports (that we have mentioned throughout this report) and the opinion of experts and practitioners in the field which can or cannot be biased. There is no “hard data” backing these estimates. Moreover, the results of this estimations are bound to those irregular migrants hired via temping agencies, thus those hired directly by employers are not included in the estimate. Therefore we suggest that this estimation be treated as low quality estimate.

Based on the above-mentioned sources, the authors estimated that in 2006 there have been between 54.000 and 97.000 illegally employed aliens in the Netherlands. While this study is more comprehensive and thorough in the choice and analysis of interviews than the earlier study about the use of irregular labour in employment agencies, the total estimate is still based on many uncertainties. .

The experts interviewed stated that irregular migrant employment grows on a yearly basis by 5 – 10%. Within this group, the predominant nationalities are Bulgarian, Romanian, Ukrainian, and Turkish. The Polish and other nationals of the countries who joined the EU in 2004, shift to legal employment as a result of the lifting of labour market restriction for these countries. For most of its part, the employment of undocumented workers is temporally. The sectors connected to illegal work are agriculture, meat industry, hotel/catering, transport land, cleaning and construction.

Workplace checks and infringements of the Aliens Employment Act

Besides surveys and expert-based studies, we can also look at secondary data as provided by government agencies. The table below summarizes the results of work place checks by the Labour Inspectorate, which falls under the Ministry of Social Affairs and Employment

Table 2.2 Labour Inspectorate findings 2002-2006

Year	1. Inspections carried out	2. Reported violations	3. Illegally employed aliens	4. 2/1	5. 3/1
2000	-	718	-		
2001	-	739	-		
2002	-	658	-		
2003	3 940	731	-	18%	
2004	6 000	1 063	2 810	17%	0.46
2005	8 600	2 200	4 650	25%	0.54
2006	11 026	2 507	5 478	22%	0.49
2007	10.931	2.002	2.894	18%	0.26

Source:

Yearly reports of the Labour Inspectorate, see http://docs.minszw.nl/pdf//35/2008/35_2008_3_11897.pdf

Note:

1. "Reported violations" represent the number of official contravention reports drawn up by the inspecting authority, which includes different forms of labour law violations, including hiring illegally residing third country nationals.

2. Column 4 presents the percentage of reported violations of the Dutch Labour law within the total number of inspections carried out by the labour inspectorate between 2003 and 2007.

3. Column 5 presents the number of irregular aliens hired per company inspected by the Dutch Labour Inspectorate between 2004 and 2007.

Column 4 shows that on average, between 2003 and 2007, 20% of the inspections carried out by the Labour Inspectorate resulted into a violation of the Dutch Alien Law, which forbids hiring third country nationals without the appropriate documentation. According to column 5, between 2004 and 2007, each inspected company hired between 0.26 irregular migrants in 2007 and 0.54 irregular migrants in 2005. However, if we look at the data on a yearly basis, we can see that the number of illegally employed aliens decreased drastically by almost 50% between 2006 and 2007 (the number of inspections carried out was roughly the same in 2006 and 2007). A reasonable explanation might be the liberalisation of the labour market access for Polish nationals, a substantial source of otherwise undocumented labour. In 2007, there has been a total of 1.090.100 registered companies, hiring a minimum of one employee¹⁵. This means that in 2007, 1% of the total workplaces in the Netherlands have been visited by an inspector.

The Aliens Employment Act was amended in 2004 and a substantial administrative penalty was introduced as a new instrument to deal with employers who contract aliens illegally (EMN, 2006: 34). Different pecuniary penalties are applied to natural and legal persons hiring clandestines (a natural person would be fined for a maximum of 11 250 Euro, while a legal person for maximum 45 000 Euro). In the table above we can see that the introduction of increased fines in the Netherlands for hiring undocumented immigrant labour was accompanied by an increase in the numbers of company checks for irregular migrant work. The number of inspections into undocumented labour has more than doubled in between 2003 and 2006, marking a continuous yearly increase. As a result of the increased workplace inspections, the number of discovered WAV infringements has also increased. In 2007 there is a sharp decrease in apprehended undocumented workers which the Labour Inspectorate relates to successfully implemented measures but also to the EU enlargement.

¹⁵http://www.kvk.nl/Branches/020_Cijfers/startersenbestaandebedrijven/010kerncijfersbedrijven.asp

2.1.2 Irregular residence

The table below summarizes the estimates of irregular residents which are primarily based on police apprehension files.

Table 2.3 Estimates Irregular residents

Year	Number of irregular residents	Source
2000	84 523 (71 578 to 97 467) 91 788 (72 629 to 110 948)	Engbersen et al (2002) Leerkes et al. (2004)
2001	80 000 (46 500 to 115 600) 117 373 (77 973 to 156 772)	Hoogteijling (2002) Leerkes et al. (2004)
2002	104 990 (77 721 to 132 262)	Leerkes et al. (2004)
2003	77 077 (60 469 to 93 684)	Leerkes et al. (2004)
2005	88 116 (62 320 to 113 912)	van der Heijden (2006)

Note: Estimates are for non-Europeans only

An estimated 70 000 to 110 000 irregular residents in 2000

There are two studies that provide estimates for the irregularly residing population in the Netherlands for the year 2000. The results of these studies show comparable averages of 84 523 irregulars in the Engbersen et al (2002) research and 91 788 irregular migrants in Leerkes et al. (2004). These estimates are generated with the use of the same method – the “Poisson regression model”, but using different data.

The authors of the Engbersen et al. (2002) report based their estimates on police apprehension data from all 25 police regions taken between 1997 and 2000. The findings showed that on a yearly basis, in the 1997-2000 time period, there have been between 65 000 and 91 000 irregular residents in the Netherlands. This number includes only third country citizens from outside the European geographic area. A separate estimate has been made for Eastern European countries¹⁶. It is estimated that about 47000 to 72000 irregularly working migrants came to the Netherlands for a certain period of time in the course of one year.

An estimated 46 000 to 156 000 irregular residents in 2001

The Dutch Central Bureau for Statistics (Hoogteijling, 2002) estimated that in 2000 there have been a minimum of 46 000 and a maximum of 116 000 foreigners residing irregularly in the Netherlands. Hoogteijling (2002) based her assessment on the legal/irregular ratio for different migrant categories estimated in the previously mentioned van der Leun et al. (1998) study. Thus the minimum estimated rates of 7% and maximum of 14% were used to estimate minimum and maximum irregular resident ceilings based on data regarding the legally resident ethnic minorities (Turkish, Moroccan, Indonesian and Suriname populations), rejected asylum applications and deportations.

¹⁶ Eastern Europeans at the time of this estimation meant nationals of the following countries: The Slovak Republic, Chechnya, Bosnia-Herzegovina, Georgia, Turkmenistan, Tadjikistan, Uzbekistan, Uzbekistan, Kyrgyzstan, Moldova, Kazakhstan, Belorussia, Tadjikistan, Azerbaijan, Armenia, Russia, Slovenia, Croatia, Latvia, Estonia, Lithuania, Albania, Bulgaria, Hungary, Yugoslavia, Poland, Romania, The Czech Republic, Macedonia

The Leerkes et al (2004) report uses the same method but newer data than the above-mentioned studies. Based on police apprehension data from the 25 police regions of the Netherlands as well as fieldwork in the migrant-attractive Schilderswijk neighbourhood in The Hague and Bospolder/Tussendijken in Rotterdam, the authors generated estimates for the 2000-2003 time-frame.

As far as irregular work is concerned, the researchers assumed that two thirds of all the irregular residents have income from working activities. They based this assumption on earlier research, namely interviews with irregular immigrants as recorded in the van der Leun and Kloosterman (1999) and Engbersen et al. (2002) reports. In both of these studies about one third of the interviewed irregular aliens did not have a job at the time of the research, thus the aforementioned conclusions that the remaining two thirds have been illegally employed. Leerkes et al (2004) assumes that on an average (for the 2000-2003 time frame), there are around 100.000 (minimum 75 000, maximum 125 000) irregular residents each year. If we apply the 2/3 ratio in order to determine the number of irregular workers, we come up with 67 000 irregular workers (minimum 50 000, maximum 83 000), on an average, on a yearly basis for the 2000-2003 time frame.

However, the definition of "work" used by these studies is stretched to include also "unconventional" forms of labour such as street musicians and petty self-employment. Thus this estimate is higher than the estimated generated by the previously mentioned researches into irregular migrant labour in the Netherlands, who used a narrow definition for labour – namely work performed within a company. This approach excludes other forms of labour performed by irregular migrants, particularly domestic labour.

By focusing only on employment in firms and by only looking at trends within certain high-risk sectors, the quantitative studies tend to overlook certain dynamics. Qualitative research with a wider scope – but no random sampling - suggests several changes over time. Whereas in the beginning of the 1990s irregular workers often had semi-formal jobs, this has now become nearly impossible. Matching strategies between employers and employees have become less transparent. Irregular immigrants are more often hired indirectly by employers on the basis of false documents or false identities and the in-between layer of intermediaries has grown. They have also moved deeper into immigrant circuits and there are indications that their involvement in personal services has increased. For the immigrants concerned this has the advantage that working in private households or smaller immigrant firms hampers detection by the authorities. Yet, it can also make them more dependent. The hourly wages also seemed to be lower at the end of the 1990s than at the beginning, which underlines the more vulnerable position of undocumented workers. Intermediaries skim of the profits and sometimes even refuse to pay (Van der Leun and Kloosterman 2006, Van der Leun and Vervoorn 2004). Although these shifts may have to do with the stricter policies, they also interact with the arrival of new groups of irregular immigrants who can often fall back less well on established immigrant communities. In fact, demographic factors and policy changes seem to be reinforcing each other.

An estimated 77 721 to 132 262 irregular residents in 2002

Leerkes et al. (2004)

An estimated 60 469 to 93 684 262 irregular residents in 2003

Leerkes et al. (2004)

An estimated 62 320 to 113 912 irregular residents in 2005

The most recent assessment into irregular residence, that is for the period April 2005-April 2006 is the one conducted by van der Heijden (2006). Using the same method, the researchers aimed for the greatest possible comparability with the previous studies from the 1997-2003 time frame. The estimates resulted in 88 116 irregulars from non-European countries. With the 95% reliability, the number of irregulars may be anywhere between 62 320 and 113 912. Regarding European irregular aliens (i.e. from the European geographic area), the estimate is 40 791, which with a 95% reliability can range anywhere between 12 000 and 70 000.

2.2 Gender and age composition of irregularly residing aliens

Discussions about irregular immigrants commonly pertain to male immigrants. Female immigrants are usually addressed only when talking about victims of human trafficking (Schrover et al. 2008). Although this view is skewed, there seem to be indeed much more men than women residing irregularly in the Netherlands. Fieldwork among irregular immigrants confirms this (Burgers and Engbersen 1999, Engbersen et al. 2001). Van der Heijden (2006) also finds this, when estimating that the majority of irregular residents in the Netherlands are young men.

Table 2.4 Gender and age composition of apprehended non-European irregular migrants, 2005-2006

Women	15%
Men	85%
<40 years old	80%
>40 years old	20%

Source: van der Heijden et al., 2006, own calculations based on first police apprehensions, N= 5599, West and East Europeans excluded.

With almost one quarter, the share of female immigrants is somewhat higher among Eastern and Western Europeans (not in table), but still a minority.

With respect to age, fieldwork among irregular immigrants suggests that there are more men than women staying irregularly in the country (Burgers and Engbersen 1999, Engbersen et al. 2001). Van der Heijden (2006) also concludes that the majority of irregular residents in the Netherlands are young men, although this may also be the result of using police data. This “migrant prototype” of the young male addresses primarily immigrants from non-European third countries. This assessment is corroborated when compared with the police apprehension data from 2005 and 2006 (van der Heijden et al. 2006, table 2.4). Around 80% of those stopped by the police without a valid residence permit had been men aged less than 40 years. One of the reasons of men as the dominant gender of the irregular migrant stock is the economic sector composition of irregular migration. Besides cleaning, where women can be found as well, all the other sectors of the Dutch economy where irregular aliens can be found consist of “heavy” jobs, where men are over represented. Furthermore, the personal care sector (i.e. taking care of children and elderly) which employs overwhelmingly migrant women is underdeveloped in the Netherlands.

As far as detailed information about the aged group is concerned, the only data available for the Netherlands results for the table below, respectively that less than 3% of those stopped by the police in 2000 were older than 51 years. Although almost 15% of those stopped by the police in 2000 without a valid residence permit were less than 20 years old, there are no reliable estimates that comprise the whole irregularly residing juvenile group (namely both those apprehended and not).

Table 2.5 Irregular migrants arrests - gender and age composition, in 2000

Women	20.1%
Men	79.9%
TOTAL arrests (absolute value)	11 461
0 to 20 years	14.2
21 to 30 years	49.9
31 to 40 years	26.0
41 to 50 years	7.5
>51 years	2.4
Average age	28.9 years
TOTAL arrests (absolute value)	11,481

Source: Engbersen et al., 2002

The finding that the average age of apprehended irregular immigrants does not rise over the years and is always close to 29 years of age, suggests at least some mobility, but this is a very under-researched topic.

2.3 Nationality composition

The distribution of the nationality of irregular immigrants in the Netherlands is unknown. The most recent information in this direction is provided by the police apprehension files. The following table contains the number of irregularly residing migrants, broken down by their nationalities. The Romanian and Bulgarian nationalities are included because in 2005 the two countries were not yet members of the European Union. In the "European" columns, nationals of the EU Member States are included¹⁷ in order to highlight the size of the Bulgarian and Romanian irregularly residing migrants.

Table 2.6 Irregular immigrants apprehended by the police in 2005-2006, per nationality

Nationality	Absolute number	% out of the European/non European irregulars	% out of the irregular population
Europeans			
Bulgarians	1013	38	12
Romanians	446	17	5
Other nationalities	1235	46	15
Total Europeans	2694	100	32

¹⁷ Respectively Western-European (from EU15) drug tourists and seasonal workers for the new EU member states.

Non-Europeans			
Turkish	799	14	9
Northern African	816	14	10
Africa other	1450	25	17
Surinamese	120	2	1
Asian	1980	34	23
American	338	6	4
Unknown	292	5	3
Total non-Europeans	5795	100	68
TOTAL	8489		100

Source: van der Heijden et al., 2006, own calculations

Approximately one third of the irregularly-residing migrants apprehended by the police in 2005 came from a country within Europe. Out of these, Bulgarians and Romanians accounted for more than 50% of the irregularly residing populations. Due to the shift of the EU border eastwards in January 2007, this situation is no longer pertinent. Out of the non-European population, one third of the apprehended irregulars came from an Asian country (comprising the Middle East), while one quarter came from an African Nation. In 2000, one third of the irregularly-residing apprehended migrants came from an Eastern European country. The reason that accounts for the lower apprehensions of Eastern European in 2005 as compared to 2000 is the EU accession of popular irregular-migrant sending countries, such as Poland. From Northern African countries, it is most probably the most popular sending country is Morocco, as shown also by the estimates of Hoogteijling (2002). According to Engbersen et al. (2002), in 2000, Moroccans accounted for the highest number of arrests of irregular residents¹⁸, followed by Turkish and nationals from countries members of the former Soviet Union¹⁹. From Asia, the Chinese were the group with the highest number of police arrests in 2000. Table 2.7 offers a broader overview of the nationalities of irregular migrants in 2000 based on police apprehensions. The data in Table 2.7 refers to the actual number of people arrested by the police in 2000.

Thus, based on van der Heijden et al. (2006) and on Engbersen et al. (2002) as well as on police apprehension data, we may say that the most relevant nationalities of irregularly residing migrants are Moroccans, Turkish, nationals of the CIS countries and Chinese.

¹⁸ The number of arrests is higher than the number of illegal migrants, as one individual may be apprehended several times throughout a year.

¹⁹ These are nationals of: Georgia, Turkmenistan, Tadjikistan, Uzbekistan, Ukraine, Kyrgyzstan, Moldova, Kazakhstan, Belorussia, Azerbaijan, Armenia, Russia, Latvia, Estonia and Lithuania

Table 2.7 Apprehensions of irregular immigrants 2000-2003, per nationality

	2000		2003	
	Absolute value	%	Absolute value	%
National background (per apprehension)				
Turkey	929	8.2	777	6.3
North Africa	1 359	12	1 624	13.2
Africa other	1 767	15.6	1 848	15
Surinam	204	1.8	238	1.9
Western Europe	1 201	10.6	1 077	8.7
Eastern Europe ²⁰	3 660	32.3	4 730	38.3
Asia	1 564	13.8	1 429	11.6
South/middle America	578	5.1	578	4.7
North America/ Oceania	68	0.6	37	0.3
Total (valid cases only)	11 330	100	12 340	100

Source: Engbersen et al., 2002 and Arjen Leerkes²¹

2.4 Economic sector composition

According to the Ministry of Social Affairs and Employment, the construction industry, the agricultural, horticultural and catering sectors are the so-called "high-risk sectors" as these are the worst offenders when it comes to hiring irregular workers. In 2005, 28% of the construction companies, 23% of the catering ones and 20% of the agricultural and horticultural sector employed irregular workers although it is possible that the actual figures in catering and agriculture could be with 50% higher or lower. In 2006, as a result of the inspections carried out by the Labour Inspectorate, the sectors with the highest violation densities (number of violations relative to the number of inspections carried out) have been found to be retail trade, agriculture and horticulture, horeca²², construction and temporary employment agencies.

Using the previously mentioned randomized response method, Groenewoud and van Rij (2007) estimated that in 2006, 9% of the Dutch employers belonging to the nine risk sectors identified by the researchers (see table below), hired one or more irregular workers. The percentages for 2004 comprise workers from Eastern European countries before these joined the European Union. In 2006 the numbers of Alien Employment Act infringements rose to 11%. However, as the method employed to generate these estimates has a $\pm 2\%$ reliability margin, we might confidently assume that there is no substantial change between the 2004 and 2006 estimates. As regards the number of irregular immigrants hired in these nine risk sectors, we can see that the highest concentration is in the cleaning, metal-

²⁰ Eastern Europeans means nationals of the following countries: The Slovak Republic, Chechnya, Bosnia-Herzegovina, Georgia, Turkmenistan, Tadjikistan, Uzbekistan, Uzbekistan, Kyrgyzstan, Moldova, Kazakhstan, Belorussia, Tadjikistan, Azerbaijan, Armenia, Russia, Slovenia, Croatia, Latvia, Estonia, Lithuania, Albania, Bulgaria, Hungary, Yugoslavia, Poland, Romania, The Czech Republic, Macedonia.

²¹ The authors would like to thank Arjan Leerkes for providing unpublished data for 2003.

²² The acronym "horeca" stands for the hotel, restaurant and café sector.

processing and semi-governmental²³ companies. These estimates are slightly at odds with the results of the Labour Inspectorate inspections, which have found the retail trade, agriculture and horeca business to be the ones in which most of the infringements occur. However, we should keep in mind that the data generated by the governmental authorities are biased according to the sectors “chosen” for labour inspections to take place.

Table 2.8 Estimates of the infringements of the Aliens Employment Act, per economic sector

Sector	Total estimation 2004	Total estimation 2006	Totals suspected employers 2006	Total irregular employees 2006	Absolute figures employers
Cleaning	19%	10%	13%	11%	741
Metal industry	11%	10%	6%	9%	891
Agriculture	14%	22%	17%	7%	1044
Semi-governmental	7%	16%	16%	7%	971
Construction	6%	5%	19%	4%	1063
Temping agencies	10%	13%	11%	4%	775
Other private businesses	9%	9%	8%		792
Horeca	14%	8%	10%	1%	869
Meat and fish	-	-	-	-	147
Total	9%	11%	11%		7293

Source: Groenewoud and van Rij (2007)

Van der Leun and Kloosterman (2006) note that in the Netherlands, it is usually horticulture and the agrarian sector in general that are the first to be associated with undocumented labour. Also according to an employer survey conducted by Visser & van Zevenbergen (2001), undocumented employment is predominant in agriculture. According to this study, it accounted for almost three quarters of all undocumented work. However, according to the Van der Leun and Kloosterman (2006), the research among irregularly working employees conducted between 2000 and 2001 shows that the sectors with the highest concentration of irregular employment are the horeca businesses, personal services and agriculture. For their assessment, the authors used interviews with 156 undocumented immigrants from eight countries of origin (Engbersen *et al.* 2002): China, Iran, Morocco, Somalia, Sri Lanka, Turkey, former Yugoslavia and the former Soviet Union. The interviews included some questions on their labour market position and their work history. The research groups have been chosen based on “convenience sampling” and the use of as many search channels as possible in order to include a wide range of immigrant categories.

If we compare these findings with those of Groenewoud and van Rij (2007) we can draw no firm conclusions, but there are indications that irregular workers move between sectors, as determined by the chances of staying undetected and profitability. If agriculture, semi-governmental organisations and construction sector

²³ These are semi-privatized organisations, in which the Dutch government holds a stake (for instance distribution of household water, gas, electricity, garbage collection).

being the highest ranked infringers in 2006, the highest density of irregular workers per sector is to be found in the cleaning, metal-processing and semi-governmental sectors.

Table 2.9 Sectoral distribution of irregular employment according to respondents, 2000-2001

Sector	Absolute figures employees	Distribution rate
Horeca	25	22%
Personal services ²⁴	25	22%
Horticulture	16	14%
Retail and trade	15	13%
Cleaning	14	12%
Construction	14	12%
Harbour and transport	4	3%
Drugs and prostitution	2	2%
Total	100	100%

Source Van der Leun and Kloosterman (2006)

2.5 Asylum-seeking and refugee-related groups

Out of the total of 5 795 irregular migrants arrested by the police in 2005 - data provided by police files as reported in van der Heijden et al. (2006: 12), 654 (respectively 11%) irregular migrants have been in an asylum procedure within less than a year before their apprehension took place. This means that minimum 654 irregular migrants (i.e. actual police apprehensions), have been former asylum seekers within one year prior to their arrest in 2005.

Table 2.10 Irregular migrants arrested recently in an asylum procedure, in 2005

	Arrested by the police, absolute value	Arrested by the police, %
Recently in an asylum procedure	654	11
Recently not in an asylum procedure	5 141	89
TOTAL	5 795	100

Source: van der Heijden et al., 2006

However, according to the estimates of van der Heijden et al. (2006), employing the Poisson regression method, the actual number of irregular aliens that have been in an asylum procedure the year before they were apprehended by the police (before 2005) is approximately 8 500. As the method employed to generate these estimates are calculated with a 95% reliability interval, the number of irregularly residing migrants who have formally been asylum seekers lays between 7 850 and 9 316, as shown in Table 2.11.

²⁴ Domestic services, such as baby sitters, house cleaners and odd-jobbers

The data offered by IND-EMN, (2005) places the number of individuals from asylum countries stopped by the police at 33% of the total number of irregular aliens stopped and questioned by the police. According to van der Heijden et al (2006), out of the total number of irregular aliens stopped by the police between 01/04/2005 and 01/04/2006, 11% had been in an asylum procedure within a year after the termination date of their last asylum procedure. The difference between the two estimates is the fact that in the case of van der Heijden et al (2006) we know that those apprehended had been previously been in an asylum procedure whereas in the case of the IND-EMN, (2005), the estimate is based on the "country of origin" assumption, while not all those who come from popular asylum sending countries have actually applied for protection in the Netherlands. We therefore suggest that these two estimates be regarded as minimum and maximums, respectively minimum 11% and a maximum of 33% as former asylum-seekers within the irregular migrant population.

Table 2.11 Estimates of irregular migrants who have previously been in an asylum procedure, apprehended in 2005

	Estimate	Minimum	Maximum
Recently in an asylum procedure	8 583	7 850	9 316
Recently not in an asylum procedure	79 533	64 385	94 681

Source: van der Heijden et al., 2006

Information regarding the refugee-related groups can also be deducted via the practice of return of irregularly residing aliens. In this regard, the Dutch Immigration Office (IND) is a reliable source. As seen in Table 2.12, from the total numbers of expulsions, the failed asylum seekers represent less than 50%. Due to a decrease in asylum applications, the number of expelled irregular economic migrants exceeds by far that of asylum seekers.

Table 2.12 Expulsions from the Netherlands 2002-2006 (totals de facto and de jure)

	2002	2003	2004	2005	2006
Asylum-seekers	21 300	21 900	14 900	12 500	10 200
Other irregular migrants	29 100	33 800	27 000	32 400	30 100
Total	50 400	55 700	41 900	44 900	40 300

Source: IND, 2003-2006

However, Table 2.12 above provides aggregated data for both practically enforced deportation orders as well as only administratively enforced, that is people who end up absconding somewhere in the Netherlands or in Europe. Table 2.13 shows that only about 50% of those served with a deportation order are practically returned to their home countries. This information also sheds light on the number of possibly irregularly residing persons in the Netherlands.

Table 2.13 Removals and absconding 2002 - 2006

	2002	2003	2004	2005	2006
Voluntary & enforced removals	28 200	29 500	22 400	22 400	18 850
Absconding	22 200	26 200	19 500	22 500	21 450
Total involved	50 400	55 700	41 900	44 900	40 300
% removed out of involved	56	58	53	50	47

Source: IND, 2002-2006

2.6 Other groups of concern in the Netherlands: third country nationals who are victims of human trafficking

The Netherlands is a transit and destination country for trafficked girls, women and men (NRM 2007). The purpose of trafficking is commercial sexual exploitation and forced labour, and as the numbers in Table 2.14 show us, sexual-related activities are by far more acutely a reason for trafficking. Those trafficked for the purpose of forced labour is mainly men from India, China, Bangladesh and Turkey. They can be found in ports, factories, restaurants, and as domestic workers²⁵.

The Foundation against Trafficking of Women (Stichting Tegen Vrouwenhandel – STV)²⁶ is the organisation responsible with registering the victims of human trafficking. The STV gathers data from persons and institutions that come into contact with a victim of human trafficking. However, it is only the Dutch Police who has a *duty* to report to the STV the cases and profiles of the victims of human trafficking that they encounter. Other institution and private persons *can* report to the STV, but this is not always the case. This means that the numbers provided below are minimums, and the actual numbers of trafficked persons probably will be higher.

Table 2.14 Number of victims registered by the STV – yearly totals, 2000 - 2007

2000	2001	2002	2003	2004	2005	2006	2007
341	284	343	257	405	424	579	716

Source: NRM, 2007; STV, 2006; STV, 2007

Table 2.15 The most popular sectors of activity for the victims of human smuggling, 2006

Sector	Absolute numbers	Percentage
Brothel/Club	124	21.5%
Window prostitution	66	11.5%
Private house prostitution	47	8.1%
Street prostitution	44	7.6%
Escort	30	5.2%
Agriculture and gardening	16	2.8%
Horeca	11	1.2%
Domestic work	5	0.9%

Source: STV, 2006

²⁵ <http://www.gvnet.com/humantrafficking/Netherlands-2.htm>

²⁶ Its new name will become Comensha.

As seen in Table 2.14, after a drop in the number of victims in 2003, the yearly figures increased steadily, reaching an all-time high since 2000 in 2007. It is unknown to what extent this is a real increase or an effect of increased attention and law enforcement in this field. The latter is certainly also the case. STV reports show (see also Table 2.16 with the information for 2007) that the traditional sending countries of the victims of trafficking are Nigeria, Bulgaria, Romania and China.

If the typically irregular alien that resides in the Netherlands is the young male, in the case of trafficked third country nationals we typically find young women. This is because the main reason for trafficking is commercial sexual exploitation, while forced labour – where men are victims, is found less in the Netherlands. For instance, in 2006, out of the 30 male victims, 5 were found to have worked in prostitution, 9 in agriculture (STV, 2006). Most of the Chinese male victims, 4 respectively, had worked in the horeca (Ibidem).

Table 2.16 Age and gender composition of victims registered by the STV, 2006

Age bracket	2006			
	Women	Men	Total	%
10 – 14	8	2	10	1,7 %
15 – 17	90	3	93	16 %
18 – 23	217	5	222	38,3 %
24 – 30	138	13	151	26,1 %
31 – 40	63	3	66	11,4 %
> 40	6	3	9	1,5 %
Unknown	27	1	28	5,0 %
Total	549	30	579	100%

Source: STV, 2006

3. Estimates, data and expert assessment on flows

3.1 Demographic flows (birth and death in irregularity)

Very little is known about birth and death of irregular immigrants in the Netherlands and no data are available after 2000. In a report for the Ministry of Health, which dates back almost ten years now, Verkleij (1999) estimated that in the country as a whole on a yearly basis, 500 - 1.250 irregular babies are born. The estimate is based on data provided by midwives combined with the population estimate by Van der Leun et al. 1998. The fertility rate is assumed to be the same as for Dutch women. In the Netherlands, pregnant women tend to go to midwives and if the women do not have a health insurance it is probable that the midwife knows about a lack of residence status as well. Some midwives register babies who are born out of irregular women with the population register using their own address (Van der Leun 2003). According Dutch law, irregularly residing pregnant women are eligible for the care they need before and after the birth of the baby. Their newborns also have to get preventative care including the normal vaccinations. All costs which midwives or doctors make and patients cannot pay themselves are fully covered by a special fund

(Koppelingsfonds). Yet according to some NGO's and midwives, many women do not know their rights and wait too long before seeking help or they are scared away by some hospitals asking payments in cash²⁷. According to a survey among 110 midwives, 90% of them know the law in this field and do treat irregular women different from other women (Van Oort et al. 2001). There is no special reason for irregular women to give birth in the Netherlands, because the Netherlands does not apply *jus soli* path to citizenship thus babies do not get Dutch citizenship based on the fact that they are born on Dutch territory.

In a similar way as the estimate mentioned above, the authors estimate that about 250 abortions in the Netherlands pertain to babies of irregularly residing mothers (Verkleij, 1999). The women have to pay for these abortions themselves. More information or more recent estimates are lacking.

With respect to death in irregularity, Verkleij (1999) also estimated the number of immigrants who die in irregularity. Departing from estimated 40.000 - 100.00 irregular immigrants in the Netherlands, predominantly between 0 and 45 years of age, two thirds of them being men and with mortality that is comparable to that of the legal inhabitants, this would lay between 35 and 85 death a year. Again, however, reliable data are lacking. The Central Bureau of Statistics (CBS) records only death certificates of persons who at the time of their death were registered in the Population register GBA (*gemeentelijke basis administratie*) in the Netherlands, and therefore irregular immigrants are excluded. The CBS does receive the death certificates of deceased persons but does not register them. It is impossible establish which of these certificates pertain to irregular immigrants as the reason of stay in the country and the residences statuses are not known (ibidem). The larger municipalities in the Netherlands arrange funerals for people without any known acquaintances, and in some cases they assume that the deceased were residing irregularly in the country, but this concerns only individual cases²⁸. In the Bijlmermeer neighbourhood in Amsterdam it was found that irregular immigrants who died were in some brought back to their countries of origin with the (financial) support of co-ethnics and/or church members (Engbersen et al. 1999). More anecdotic information suggests that their identities and their documents are sometimes used by other people.

3.2 Border-related flows

The Schengen rules apply fully to the Netherlands. The external borders of the Netherlands consist of 523 kilometres of maritime border at the North Sea (out of a total area of the country of 33 873 km²) in the North and in the West. The land borders are shared with Germany in the East and Belgium to the South. The main air border is at Amsterdam Airport Schiphol, ranked fifth in Europe in terms of passenger and air transport movements as well as cargo transport²⁹.

²⁷ <http://www.johannes-wier.nl/content.php?page=17>

²⁸ See for instance <http://eenzameuitvaart.web-log.nl/eenzameuitvaart/amsterdam/index.html>, accessed 27 August 2008.

²⁹ <http://www.schipholgroup.com>

Data on irregular border crossings are provided by the Royal Netherlands Marechaussee (KMAR), a police organisation with military status which has both civil and military tasks, including border controls.

Table 2.21 Number of irregular third country nationals apprehended in border regions by the Military Police (KMAR), sea and air borders

2004	9 987
2005	10 588
2006	7 842
2007	8 189

Source: Ministry of Defence 2005, 2006, and 2007

After 2005 the total number of people apprehended at borders decreased which can be explained as a successful policy outcome, for instance of brought about by 'carrier sanctions', although it is not clear to what extent this may (also) be an effect of less controls.

Table 2.22 Number of third country nationals apprehended after having crossed the external maritime and air border irregularly

2005	10 803
2006	11 634

Source: COM (2008) 68 final

Border apprehensions give an indication of migration pressure, but they are highly dependent on the activities of the responsible agencies and therefore not very useful for estimating irregular flows (Hoogteijling 2002).

According to data collected by the European Commission and as provided by the Dutch Military Police (Tables 2.21 and 2.22 respectively), roughly 10 000 irregular migrants are apprehended each year after trying to cross one of the Netherlands' external borders. Although the data provided in the two tables above is aggregated for both air and sea borders, given the country's geographical position, the great bulk of irregular crossings take place at Schiphol International Airport. These attempts of irregular crossings take place in most of cases with the use of forged documents. Airport data³⁰ show that in the years 2004, 2005, 2006 and 2007 there have been respectively 42 541 000, 44 163 000, 46 066 000 and 47 795 000 passenger movements at Schiphol. Thus the number of irregulars of these third country nationals apprehended represents roughly 0.02% of the legal flow of people at Schiphol airport.

The discrepancy for year 2006 between the information provided by Table 2.21 and 2.22 is due to the fact that the sources differ. Data in Table 22 is provided to the European Commission by the Member States directly³¹ under confidential terms and there is no possibility of tracking it.

³⁰ Ibidem

³¹ However, Member States provide this data for participation in The External Borders Fund. Thus the higher the numbers, the higher the funds allocated.

3.3 Status-related flows

Change from a regular to an irregular status

The Immigration and Naturalisation Service of the Ministry of Justice (IND) handles all visa applications made by foreigners who want to visit the Netherlands as far as they are obliged to obtain a visa. Short stay visa are also issued by the Ministry of the Exterior. According to qualitative fieldwork most irregular immigrants enter the country with a tourist visa and overstay (Van der Leun et al. 2001), but there are no data as to 'visa- overstayers' in the Netherlands or the Schengen area.

In addition, un-enforced expulsions are a source of irregularity. However, we can not say that absconding results in a change of status, as it is precisely the unlawful residence of the migrants that makes them eligible for deportation in the first place. As seen beforehand, roughly 50% of those served with a deportation order are effectively expelled out of the country. This leaves us with a considerable pool of migrants who have become irregular (Table 1.4 - Absconding). However, it is not sure how many of these do actually remain in the Netherlands, as they may have departed to other Schengen countries.

Another factor that leads to the shift from the legal to the irregular migrant status is being declared an "undesirable alien". The table below shows that 5 541 third country nationals were declared undesirable aliens between 1997 and 2003, meaning they fall under Criminal Law (they were irregular immigrants already) and an additional 928 lost their residence permit or saw their applications otherwise refused because they were considered a threat to public order.

Table 2.24 Alien resolutions and (other) residence terminations because of public order interests, non-EU nationals (1997-2003)

	Undesirable Alien	Other Residence Termination	New reclassifications Total
1997	740	25	765
1998	711	28	739
1999	742	23	765
2000	700	48	748
2001	647	207	854
2002	896	352	1,248
2003	1,105	245	1,350
Total	5,541	928	6,469

Source: Leerkes, Engbersen, and van der Leun (2007).

Over the years, the Dutch government has loosened the criteria for residence termination and it has intensified its policy against immigrants who are involved in

crime. Although this has indeed resulted in more immigrants losing their residence rights, it must be noted that these concerns relatively small numbers (928 in seven years time).

Change from irregular to a legal status

The fact that immigrant regularisations are rare is a particular problem for irregular migrants living in northern Europe (De Haas 2007). As already mentioned in Part I of this report, the possibilities to legalise the status of third country nationals living without documents are indeed limited. The Netherlands does not have a track-record as far as regularisation programmes are concerned for this past decade, with the sole exception of the 2007 *generaal pardon* that granted residence permits to 27 500 failed asylum seekers, who fell under the scope of the 2000 Aliens Act. Thus, given the unique context of this regularisation programme, it is understood that it is not to be considered as precedence. Staring (2001) followed a group of irregularly residing Turkish immigrants in Rotterdam over a period of six years and found that about one third of them had succeeded in regularising their stay, primarily through marriage³². Mazzucato (2005) found that Ghanaian migrants in her research group spent approximately 10 years acquiring legal status, during which time they often worked extremely hard after which many of them ended up receiving welfare payments from the Dutch state.

As far as asylum applications are concerned, the total yearly asylum influx in the Netherlands consists of: (1) initial applications from those recently arrived in the country, (2) second or subsequent applications from asylum seekers who have been in the Netherlands for some time. The second category of asylum seekers can be thus seen as a possibility of legalisation through asylum-seeking. For instance in 2006, out of the total 14 450 asylum influx, 3 400 had been a second or subsequent application, from migrants who have been in the Netherlands for some time, while in 2007, from the total of 9 750 applications, 2 100 have been second or subsequently-submitted asylum applications. Unfortunately, the immigration authorities do not provide any data regarding the acceptance rate for those who applied for asylum at some time after their arrival in the Netherlands.

³² Legalization through marriage, however, has become more difficult over the years.

Part III: Discussion and policy implications

Above, we summarized the literature regarding estimations of the irregular population in the Netherlands and the discussions surrounding these estimates. We have seen that irregular immigration is seen as a pressing issue since the 1990s and that the government aims at increasing governmental influence on the process of immigration. Although this has been fuelled by the electoral turnaround of 2002, the process started long before. In particular, irregular immigration and asylum immigration has been the centre of attention for over a decade now. Whereas the number of asylum claims has dropped significantly over the years, there are still undocumented immigrants. After years of silently accepting “spontaneous migrants”, the Dutch government has pursued a comprehensive “discouragement policy” with respect to irregular residence, which has been “fine-tuned” ever since the early 1990s. To a certain extent, undocumented immigrants appear to have responded to the regulations and controls by behaving more unobtrusively and by going deeper underground, thereby escaping detection. The estimates available are relatively stable and do not demonstrate dramatic changes over time. In recent years, mainly as a result of the Eastern enlargement of the European Union, the number of irregular migrants has decreased. The initiative to estimate the number of irregular populations residing in the Netherlands on the basis of available data came from academics working in the field, who were dissatisfied with the conventional numbers which were used in public debates. In later years, governmental bodies sometimes commissioned studies. The estimates of the irregular workforce were all commissioned by the Ministries or the social partners.

In public debates since 2002 the issue of irregular immigration appears to have moved somewhat to the background, which is for instance indicated by a drop in news paper coverage between 2002 and 2007. The estimations made with regard to the probable size of the irregular population in the Netherlands are reported in the press, but they do not attract huge attention. The same holds for the use of these numbers in policy discussions. Dramatizing the numbers of irregular migrants is sometimes used in order to adopt a certain policy line. This has been the case for instance of the former Minister of Immigration, Ms. Verdonk, who argued that the amnesty for ex-asylum seekers would attract much more immigrants than expected. However, on the whole the influence of the estimations of irregular migrants seems to be limited in public policy. This is more the case since the ministerial position for immigration and integration affairs has been abolished. As previously mentioned the former Immigration has been notorious for her hard-line, populist rhetoric on immigration affairs. Now the immigration portfolio is under the authority of the state secretary in the Ministry of Justice who has adopted a more conciliatory approach.

On the other hands, incidents and reports on migrant crime, fraud and human smuggling tend to attract more attention. In some sub-fields – such as the field of combating human trafficking and prostitution- the quest for numbers is harsh, but this is more an international phenomenon than a Dutch phenomenon³³. Moreover, the available numbers are not heavily used for policy evaluations, apparently because they are not considered precise enough.

³³ Personal conversation with a spokesperson of the National Rapporteur Human Trafficking, June 2008.

An exception has probably to be made for the police, because the regional police forces are increasingly tied to certain targets and apprehension quotas. The first national covenant of 2007 (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties 2007) specifies that the identity of at least 40 000 foreigners should be checked and that in almost 12 000 of cases they should be held for further investigation with the aim of a possible expulsion. The aim is to intensify this surveillance further when more concrete information is available, indicating that unreliable figures have also played a role in the policy discussions here.

The latter is illustrative of the problems with estimates of irregular immigrants: on the one hand the government is in search of reliable numbers for policy reasons, but on the other hand it is rather obvious that the issue of irregular residence can never be fully captured in reliable figures, because irregular immigrants do everything to keep out of the public eye. Another impediment is the fact that available data is directly dependent on policy priorities and implementation. Rising apprehension figures can mean either that the police are more active in tracking down irregular immigrants (which can be seen as a success), or that there are more irregular immigrants present in the country. The latter possibility may be seen as policy failure. Yet, it is problematic to relate changes to policy developments as the size of the irregular populations can very well be influenced also by reasons outside the scope of the police. After all, the best explanation for lower estimates lately is the EU enlargement.

As we have seen throughout this report, quite a substantial scholarship has been generated regarding quantitative and qualitative aspects of irregular immigration to and in the Netherlands. Moreover, as far as quantitative aspects of migration are concerned, it is precisely those involved in policy-making (the governments and the social partners) who have commissioned these studies. However, although these studies question the premises of the current Dutch alien policy, policy-makers seem to dismiss the major findings of these studies (Engbersen et al. 2006). Thus we can conclude that to the greatest extent, the scholarship developed in the Netherlands with regard to quantitative and qualitative aspects of irregular immigration is not used in order to develop an effective immigration policy³⁴. But we can also look at the research-policy nexus the other way around. As Engbersen et al (2006) shows in his investigation into irregular migrant residents in the city of the Hague, in spite of all the new legislation developed in the 1990s, the new deportations centres built in the Randstad, and the rise in police actions to combat irregular work and irregular housing, there is no empirical indication that the number of irregular immigrants in the city of The Hague is substantially decreasing (Engbersen et al., 2006: 210). Thus immigration research in the Netherlands also has the role to point to the failures and to emphasize the negative results of a certain policy being conducted in the immigration policy area.

Being aware of the numbers of irregular immigrants on a national territory is a crucial piece of information in order to develop a sustainable policy towards this particular group of immigrants. Given the constraints associated with generating reliable data in this direction, we can say that scholars in the Netherlands have brought a significant value added to the body of knowledge in this domain without the effect on policy formation or transformation being clear. Official reactions to new publications almost ritually stress the need to crack down on irregular residence or irregular labour more actively.

³⁴ It must be noted that the gap between academics and policy makers is certainly not only observed in this specific field of study.

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Appendixes

1. Migration figures the Netherlands

Table 1: Immigration of foreign nationals by country of origin and gender, 2006

	Male		Female		Total	
		in %		in %		in %
Total	51,691	100.0	49,459	100.0	101,150	100.0
Dutch nationals	18,069	35.0	15,424	31.2	33,493	33.1
<i>of whom from</i>						
Dutch Antilles and Aruba	2448	4.7	2451	5.0	4899	4.8
25 EU countries	8769	17.0	7287	14.7	16,056	15.9
Non-Dutch nationals	33,622	65.0	34,035	68.8	67,657	66.9
<i>of whom from</i>						
Western Countries	21,400	41.4	21,029	42.5	42,429	41.9
<i>of whom from</i>						
EU-countries (25)	16,409	31.7	14,970	30.3	31,379	31.0
<i>of whom from</i>						
old EU-countries (15)	10,778	20.9	10,143	20.5	20,921	20.7
<i>of whom from</i>						
Germany	2742	5.3	3335	6.7	6077	6.0
United Kingdom	2172	4.2	1465	3.0	3637	3.6
France	1063	2.1	930	1.9	1993	2.0
Belgium	928	1.8	1021	2.1	1949	1.9
new EU-countries (10)	5,631	10.9	4827	9.8	10,458	10.3
<i>of whom from</i>						
Poland	4,522	8.7	3543	7.2	8065	8.0
Slovak Republic	425	0.8	213	0.4	638	0.6
Other Europe	1,588	3.1	2427	4.9	4015	4.0
<i>of whom from</i>						
Soviet Union (former)	555	1.1	1117	2.3	1672	1.7
Romania	333	0.6	332	0.7	665	0.7
Yugoslavia (former)	202	0.4	319	0.6	521	0.5
other Western	3,403	6.6	3632	7.3	7035	7.0
<i>of whom from</i>						
United States	1629	3.2	1670	3.4	3299	3.3
Canada	312	0.6	373	0.8	685	0.7
Japan	441	0.9	616	1.2	1057	1.0
Indonesia	566	1.1	548	1.1	1114	1.1
Australia	362	0.7	346	0.7	708	0.7
Non-Western countries	12,116	23.4	12,917	26.1	25,033	24.7
<i>of whom from</i>						
Turkey	1493	2.9	1283	2.6	2776	2.7
Morocco	749	1.4	889	1.8	1638	1.6
Ghana	261	0.5	349	0.7	610	0.6
South Africa	213	0.4	357	0.7	570	0.6
Somalia	300	0.6	187	0.4	487	0.5
Nigeria	229	0.4	190	0.4	419	0.4
Suriname	385	0.7	631	1.3	1016	1.0
Brazil	318	0.6	575	1.2	893	0.9
Colombia	137	0.3	206	0.4	343	0.3

China	1243	2.4	1690	3.4	2933	2.9
India	1313	2.5	586	1.2	1899	1.9
Thailand	219	0.4	632	1.3	851	0.8
Pakistan	523	1.0	281	0.6	804	0.8
Iraq	457	0.9	320	0.6	777	0.8
Philippines	100	0.2	446	0.9	546	0.5
Iran	227	0.4	247	0.5	474	0.5
Unknown	106		89		195	

Source: Statistics Netherlands

Table 2: Immigration of foreign-nationals to the Netherlands by country of origin (2000-2006)

	2000	2001	2002	2003	2004	2005	2006
Total	91,383	94,507	86,619	74,654	65,121	63,415	67,657
<i>of whom from</i>							
Western countries	45,285	44,390	39,556	36,154	36,707	37,348	42,430
<i>of whom from</i>							
EU-countries (25)	25,497	25,881	24,242	22,325	25,960	27,079	31,379
<i>of whom from</i>							
EU-countries (15)	22,323	22,230	20,806	19,138	18,644	18,223	20,921
<i>of whom from</i>							
Germany	5276	5186	4983	4834	5260	5408	6077
United Kingdom	5635	5649	4774	3985	3587	3126	3637
Belgium	2178	2069	1962	1791	1684	1635	1949
France	2235	2053	2022	1824	1822	1792	1993
Spain	1369	1418	1515	1482	1439	1380	1572
EU-countries (10)	3174	3651	3436	3187	7316	8856	10,458
<i>of whom from</i>							
Poland	1705	2011	2087	1962	4949	6512	8065
Hungary	500	565	443	424	567	596	576
Czech Republic	338	372	296	276	496	484	492
Slovak Republic	360	360	243	163	450	504	638
other Europe	1703	1850	1795	1826	1786	1559	1822
<i>of whom from</i>							
Soviet Union (former)	5698	5686	4240	3074	2108	1794	1672
Yugoslavia (former)	4559	2993	1599	1132	749	593	521
Romania	580	650	579	656	658	508	665
other Western countries	7827	7980	7679	7795	6104	6323	7036
<i>of whom from</i>							
United States	3483	3255	3270	2790	2400	2722	3299
Canada	671	740	582	531	527	599	685
Indonesia	1437	1564	1570	1357	1185	1078	1057
Japan	1189	1213	1184	1178	1164	1094	1114
Australia	789	955	872	701	670	676	708
Non-Western countries	44,915	49,166	46,379	38,029	28,135	25,821	25,032
<i>of whom from</i>							
Turkey	5196	5646	5899	6389	4245	3116	2776
Morocco	4068	4818	4787	4392	3217	2013	1638
Somalia	1773	1343	672	235	197	257	487
South Africa	987	1024	787	687	549	516	570
Angola	1163	1822	3429	1088	274	96	39
Sudan	1468	1339	782	389	156	161	94
Egypt	446	497	586	583	466	386	345
Sierra Leone	768	1514	1867	576	166	104	81
Ghana	356	315	277	427	347	836	610
Congo	461	492	506	319	165	116	101
Nigeria	358	421	436	481	360	526	419
Ethiopia	443	510	477	317	300	287	298
Netherlands Antilles	138	109	166	180	90	36	28
Suriname	2095	2225	2202	2417	1985	1338	1016
Brazil	613	627	681	733	697	829	893
Colombia	347	389	451	440	368	361	343
Iraq	4014	2802	1269	1037	840	770	777
Afghanistan	4247	4064	2416	1407	604	426	379
China	2569	3560	3789	3915	3383	3041	2933
Iran	1585	2061	1316	863	562	476	474
Thailand	810	987	1006	946	906	769	851
Pakistan	725	581	589	504	345	780	804
India	620	655	575	562	533	1098	1899
Philippines	516	533	588	569	482	508	546
Syria	1023	1115	652	408	277	192	144
Sri Lanka	649	590	465	341	183	126	133
Israel	323	395	541	481	356	291	299
Vietnam	374	546	694	525	443	299	272

Unknown / asylum-centre	1.183	951	684	471	279	246	195
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2. Population figures the Netherlands

Table 3: Non-Dutch / Non-native Population in the Netherlands 2006 (= 1-1-2007)

	Foreign nationals		Foreign-born		Ethnic origin	
	number	percentage	number	percentage	number	percentage
Total	16,357,992	100.0	16,357,992	100.0	16,357,992	100.0
Dutch/Native	15,676,060	95.8	14,625,613	89.4	13,187,586	80.6
Non-Dutch/Native	681,932	4.2	1,732,379	10.6	3,170,406	19.4
<i>from</i>						
Western countries	308,213	1.9	666,112	4.1	1,431,954	8.8
<i>of whom from</i>						
25 EU countries	239,441	1.5	355,429	2.2	820,518	5.0
<i>of whom from</i>						
old EU countries (15)	210,877	1.3	306,580	1.9	740,836	4.5
<i>of whom from</i>						
Germany	60,201	0.4	116,387	0.7	381,186	2.3
United Kingdom	40,335	0.2	45,797	0.3	75,686	0.5
Belgium	25,999	0.2	47,372	0.3	112,224	0.7
new EU countries (10)	28,564	0.2	48,849	0.3	79,682	0.5
<i>of whom from</i>						
Poland	19,645	0.1	35,313	0.2	51,339	0.3
Hungary	2386	0.0	5850	0.0	12,931	0.1
Czechoslovakia (former)	3933	0.0	7116	0.0	11,495	0.1
Other Europe	29,607	0.2	109,158	0.7	150,124	0.9
<i>of whom from</i>						
Yugoslavia (former)	9661	0.1	52,965	0.3	76,465	0.5
Soviet Union (former)	9824	0.1	36,034	0.2	47,450	0.3
Romania	3225	0.0	6926	0.0	9374	0.1
other Western Countries	39,165	0.2	201,525	1.2	461,312	2.8
<i>of whom from</i>						
United States	14,641	0.1	23,028	0.1	31,154	0.2
Canada	3324	0.0	8839	0.1	13,160	0.1
Australia	3179	0.0	9978	0.1	14,526	0.1
Indonesia	11,389	0.1	149,652	0.9	389,940	2.4
Japan	5736	0.0	6103	0.0	7347	0.0
Non-Western countries	284,451	1.7	1,066,267	6.5	1,738,452	10.6
<i>of whom from</i>						
Turkey	96,779	0.6	195,379	1.2	368,600	2.3
Morocco	80,518	0.5	168,008	1.0	329,493	2.0
Somalia	1175	0.0	12,969	0.1	18,918	0.1
South Africa	2865	0.0	12,176	0.1	15,718	0.1
Ghana	4632	0.0	12,305	0.1	19,437	0.1
Cape Verde	1466	0.0	11,449	0.1	20,181	0.1
Egypt	2729	0.0	11,251	0.1	19,266	0.1
Ethiopia	1256	0.0	8036	0.0	10,454	0.1
Angola	746	0.0	7046	0.0	9459	0.1
Sudan	862	0.0	4903	0.0	6623	0.0
Conqo	512	0.0	5086	0.0	7793	0.0
Suriname	7561	0.0	187,768	1.1	333,504	2.0
Netherlands Antilles and Aruba	0	0.0	86,257	0.5	129,965	0.8
Colombia	2063	0.0	12,122	0.1	10,631	0.1
Brazil	4209	0.0	11,335	0.1	13,964	0.1
Dominican Republic	1223	0.0	7137	0.0	10,303	0.1
Iraq	3628	0.0	34,784	0.2	43,891	0.3
Afghanistan	3810	0.0	31,344	0.2	37,230	0.2
China	15,266	0.1	35,476	0.2	45,298	0.3
Iran	2695	0.0	23,762	0.1	28,969	0.2
India	5381	0.0	13,760	0.1	16,027	0.1
Vietnam	2623	0.0	12,115	0.1	18,441	0.1
Pakistan	3042	0.0	11,124	0.1	18,374	0.1
Hongkong	0	0.0	10,299	0.1	18,106	0.1
Sri Lanka	1474	0.0	9798	0.1	9612	0.1
Philippines	3280	0.0	9242	0.1	14,019	0.1
Thailand	5504	0.0	10,687	0.1	13,760	0.1
Syria	642	0.0	6620	0.0	9341	0.1
South Korea	1775	0.0	6101	0.0	4242	0.0

Table 3: Non-Dutch / Non-native Population in the Netherlands 2006 (= 1-1-2007)

unknown/stateless	89,268	
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Source: Statistics Netherlands, population register, a. Slovenia not included, b. Baltic states not included

3. Asylum figures the Netherlands

Table 4: Asielverzoeken in Nederland naar nationaliteit, geslacht en leeftijd

Perioden	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Afrika totaal	9.920	11.710	13.740	14.610	9.360	4.430	3.270	4.090	4.450	4.010
<i>waaronder</i>										
Angola	610	1.590	2.180	4.110	1.890	370	180	220	210	80
Ethiopië	240	210	250	230	130	90	70	80	210	70
Guinee	340	530	1.390	1.470	480	200	120	110	120	260
Kongo (DR)	410	250	530	500	530	220	100	190	270	60
Liberia	190	180	240	170	290	440	140	180	80	100
Sierra Leone	480	1.280	2.000	2.410	1.610	310	140	190	200	230
Somalië	2.780	2.730	2.100	1.100	540	440	790	1.320	1.460	2.010
Sudan	1.870	1.690	1.410	870	510	290	250	340	320	100
Overig Afrika	3.000	3.260	3.640	3.760	3.380	2.060	1.490	1.480	1.590	1.120
Amerika totaal	100	110	80	100	70	80	200	380	140	110
<i>waaronder</i>										
Suriname	10	10	10	10	0	0	0	0		0
Overig Amerika	90	100	70	80	70	70	200	370	140	110
Azië totaal	20.830	13.600	15.420	9.720	4.930	5.800	3.390	4.610	6.260	4.320
<i>waaronder</i>										
Afghanistan	7.120	4.400	5.030	3.630	1.080	490	690	900	930	520
China	920	1.250	1.390	710	540	300	270	330	310	270
India	70	60	70	100	180	180	170	170	90	80
Irak	8.300	3.700	2.750	1.330	1.020	3.470	1.040	1.620	2.770	2.450
Iran	1.680	1.530	2.530	1.520	670	550	450	560	920	360
Libanon	160	130	140	80	80	40	30	30	70	20
Overig Azië	500	680	1.300	1.040	680	370	420	550	610	340
Pakistan	210	160	160	110	80	80	70	80	120	30
Sri Lanka	1.050	860	970	680	300	100	80	90	150	160
Syrië	830	850	1.080	520	320	230	180	280	290	90
Europa totaal	13.550	12.950	13.140	7.030	3.790	2.330	1.850	1.910	2.380	740
<i>waaronder</i>										
Armenië	710	1.250	810	530	420	200	250	200	280	150
Azerbeidzjan	1.270	2.450	1.150	640	340	280	250	290	380	80
Bosnië-Herzegovina	3.770	1.170	1.640	1.030	220	100	60	90	120	20
Kroatië	150	130	130	60	40	10	20	10	30	0
Macedonië	120	80	60	190	80	30	30	20	30	10
Servië en Montenegro	4.290	3.690	3.810	910	520	400	400	340	610	70
Slovenië	10	10	0	10	0		0			
Turkije	1.220	1.490	2.250	1.400	640	410	340	290	340	150
Bulgarije	60	20	30	30	30	20	0	10	10	0
Polen	20	10	60	30	20	20	10		0	0
Roemenië	60	80	60	30	60	30	20	10	20	0
Slowakije	320	470	1.000	230	200	160	40	10	0	
Overig Europa	1.570	2.110	2.150	1.950	1.230	670	450	650	570	260
Oceanië	0	0	0	0	0	0	0	0	0	0
Onbekend	120	180	420	470	190	510	870	1.210	1.030	490
Staatloos	700	740	760	650	330	260	200	150	200	70
Totaal landen	45.220	39.300	43.560	32.580	18.670	13.400	9.780	12.350	14.470	9.730

Source: CBS.