

**MIGRANTS' INSERTION IN THE INFORMAL ECONOMY,  
DEVIANT BEHAVIOUR AND THE IMPACT ON RECEIVING  
SOCIETIES**

**THE COMPARATIVE REPORTS  
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***Research team***

Emilio Reyneri (co-ordinator)  
Maria Baganha  
Alessandro Dal Lago  
Smain Laacher  
Salvatore Palidda  
Antonios Papantoniou  
Maria Papantoniou  
Carlota Solé  
Czarina Wilpert

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THEIR INSERTION IN THE UNDERGROUND ECONOMY**

by Emilio Reyneri and Maria Baganha

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by Czarina Wilpert and Smain Laacher

**Emilio Reyneri**

University of Parma

University of Milan Bicocca

**Maria Baganha**

University of Coimbra

## **NEW MIGRANTS IN SOUTH EUROPEAN COUNTRIES AND THEIR INSERTION IN THE UNDERGROUND ECONOMY**

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## National overviews of migration

A few years after the migratory flow from southern European countries to central and northern European countries had ceased, including the returning wave of permanent returnees, the first immigrants began arriving to southern Europe from less developed countries. Their numbers did not, however, become significant until later on, and at different times for the different countries. In fact, the migratory currents in southern European countries take two different forms. In the larger, richer countries, relatively large numbers of immigrants arrived first (since the late 1970s in Italy, in the early 1980s in Spain), accelerating towards their peak from the mid-1980s until 1991. After this, immigration continues, but at a slower pace, although there is a difference: immigration drops first, and most markedly, in Spain rather than Italy. In the two smaller and poorer countries, the immigration trend lags behind. In both Greece and Portugal, immigration reaches significant levels only in the late 1980s and reaches its highest levels in the early 1990s. The numbers stay high until 1997, when the governments of these countries also decide to strengthen border patrols and take measures against illegal migrants.

### *A summarising table of present migration in southern Europe*

	<i>Italy</i>	<i>Spain</i>	<i>Greece</i>	<i>Portugal</i>
Relative size of immigration	high	low	very high	low
Speed of Growth	high	very low	very high	medium
Level of Illegal stay	high, in spite of 3 legalisations	medium	very high	medium
Recent trend	medium-high increase till 1998	stabilisation since 1992	very high, in spite of deportations	medium high increase till 1996
Level of Homogeneity	very scarce	very high	high	very high

### Who migrated and why just here

Whereas in the 60's and 70's migratory movements were seen as a function of the needs of the country of destination and its recruitment policies, today the causes singled out to explain migration are principally a flight from the Third World countries and eastern Europe, which have been hit by excessive growth of the population, economic crises and/or political disturbances, or outright civil wars. The idea of migrants "escaping for the survival" does not even remotely correspond to the individual characteristics of the vast majority of the nearly 1,500,000 immigrants who have entered southern Europe over the last 12-15 years, although there are significant differences between the various immigrant groups in each country.

In two countries, Portugal and Greece, the vast majority of immigrants fit perfectly into the stereotype of the old European immigration: poor peasants and out-of-work farm-labourers, not educated, coming from rural societies. This is due to the principal characteristics of the two largest immigrant groups in these countries: Albanians in Greece and people from the PALOP in Portugal. In both cases these migratory movements originated from the special relationships between the countries of origin and those of destination: the colonial rule that Portugal continued to exert into the 1970s in one case and the territorial proximity, as well as ethnic-religious links, for Greece. This has turned Albania and the PALOP countries into a kind of suburb, although extra-national, of the Athens and Lisbon metropolitan areas. Even in Portugal and Greece, however, a sizeable minority of immigrants behave quite differently: the Brazilians and Chinese in Portugal, the Poles and Filipinos in Greece, are, for the most part, well-educated, middle class and of urban origins.

The breakdown of the immigrant population is quite different in Spain, and above all in Italy, where almost two-thirds of the immigrants who entered southern Europe in the last few years are now living. Spain also has special relationships with the countries of origin of the vast majority of its immigrants, but its colonial past is more remote, and borders on bodies of water are less permeable than contiguous pieces of land. Italy's colonial history was very brief and dates back many years, and a negligible number of immigrants come from the countries with which it shares a border.

Regarding many of the new migratory currents towards the countries of southern Europe, a comparison with the average educational levels of their own sending countries shows how emigration is to a large extent fed by elite youths. In order to explain how migrants, even those who are well-educated and/or middle class, are ready to enter unskilled, dangerous, hard and irregular jobs, we usually posit a split between their social and their occupational identity, together with a parallel split between their identity in the receiving and in the country of origin. According to this hypothesis, the migrant considers his job in merely instrumental terms: a way of earning as much as possible in the shortest time. This explanatory model was based on what in the 1970s was considered the dominant migratory project: the "temporary and targeted migration". The complexity and variety of migratory projects uncovered leads us to question the validity and adequacy of a single explanatory model to describe current trends.

We were, however, able to identify some common factors underlying many different migratory projects. First of all, there is the element of "escape" (from war or poverty), that appears as dominant theme only in Portugal, because with reference to the Albanians who have "invaded" Italy or Greece, the cause is better characterised as the disintegration of an entire society. Moreover, the very high turnover of the Albanian emigration is more reminiscent of movements from outlying areas towards the metropolitan centres, which is borne out by other attitudes towards emigration, as we saw in particular in the Italian situation.

Refugees and asylum seekers exist in all the southern European countries, but only in Greece and, temporarily, in Italy, have they reached a noteworthy level.

In contrast, cultural ones often accompany economic motives: from the freedom from family restrictions and traditional societies to the desire to acquire a Western lifestyle, with its consumer and fun-oriented values. But even those who emigrate for economic reasons are driven less by the need to make money than by the desire to improve their quality of life and that of the members of their families who have remained behind. Thus, for the new migratory movements towards the countries of southern Europe, an important role is played by economic, social and cultural factors of attraction, as the various channels of communication, from the usual migratory chains as well as the increasingly accessible mass media transmit them. The image, real or distorted, that the emigrants acquire of their prospective countries of destination plays a pivotal role in their decision to emigrate, as is true for any migratory movement, except for those due to political crises or natural disasters, which have until now been largely confined to Third world countries.

This aspect becomes even more important if we consider a factor that is often overlooked: the powerful auto-selection imposed by the obstacles the destination countries have erected against entry. All these countries have for some time implemented more or less rigorous policies against legal immigration. In order to overcome these barriers, it is necessary to muster considerable economic and personal resources, but above all, one must be prepared to undergo high risks, both at the time of illegal entry and afterwards. Unfortunately, it is difficult to measure the willingness to run risks, but we can assume that it is higher among people who suffer relatively greater hardships and who possess elevated personal and cultural qualities, thanks to which they believe that they can overcome the hazards involved in emigration.

These hazards are well known, because immigrants without documents are not only aware of the risks they run in attempting to cross the frontiers, but also they imagine that they will face a difficult, “clandestine” life in the country of destination. The only important exception is the PALOP immigrants in Portugal. The low level of risk in this case probably explains, in part, the relative lack of auto-selection found in immigrants from the PALOP countries in Portugal (poor education, rural origins).

The risks involved in immigration in other countries of destination were much higher and better known (but this is also true in Portugal for the Chinese, who cannot rely on special relations). But, in addition to determining the process of auto-selection in migratory movements, the existence of these risks has another important implication. The risks require commensurate benefits, or no one would run them. In other words, those who emigrate must know (or think they know) that the benefits they will find in the country of destination (economic, cultural and existential) will make up for all the sacrifices they have made. The

image of the country of destination is thus an important factor to consider if we want to understand the dimensions and characteristics of migratory movements.

The main reason given by people from the PALOP for their emigration to Portugal is proximity: linguistic, cultural, emotional and historic. A similar answer was given by many South Americans and Moroccans to explain their decision to enter Spain. On the contrary, in Italy very few migrants (some Somalis, Albanians and Tunisians) refer to the cultural proximity and few (Tunisians and Albanians) to the geographical one. The migratory chain, too, is important but only for the second comers, who entered the country in the last few years. Such a different scenario was largely to be expected, however, not only in Italy, but in Portugal and Spain as well, many immigrants either had relatives, friends, and acquaintances in other receiving countries too, or they themselves had previously migrated to other receiving countries. This was the case even for people from the PALOP in Portugal, in particular for the Cape Verdeans. So, many immigrants were able to choose or, at least, to make a comparison between different receiving countries.

The reason for choosing that specific receiving country was asked to people who applied for the 1996 legalisation in the surveys conducted for the project. Concerning migrants living in Spain, some of the interviewees, particularly North Africans and Gambians, mentioned that they thought it would be easier to find work in Spain than in other European countries, about one out of five African migrants living in Southern Spain had previously migrated to other European countries. Most of them left those countries because they did not succeed in finding jobs, whereas they well knew that in Spain working was easy, although in marginal and underground jobs.

Concerning migrants living in Portugal, aside from proximity and the migratory chain, people from the PALOP knew very well that it was relatively easy for them to find work in Portugal through subcontractors. The state control mattered, too. A Cape Verdean who had lived in France before said: "It's better in Portugal, because the French police are very strict". The dominant perception of Portugal revealed by the surveys was of a country where it is possible to get legalised, where it is easy to live and work informally.

Such an image of a receiving country is far more evident for Italy, where its impact on migratory movements is much more important, as only few people entering Italy had special relations of proximity with that country. In fact, surveys consistently reveal three main reasons for migrants' choice of Italy as a destination: it was thought to be easy to find a well-paid job in a rich society with a high standard of living; Italians were thought to be tolerant and not racist and it was considered an easy country to enter and even easier to stay in. The words of a young Senegalese sum up the opinion of a great majority of migrants: "In Italy it is easy, there are no controls, there is work, and Italians are not racist".

If easy entry and stay can be said to depend on poor organisation and administrative laissez-faire, then opportunities for earning, even for a migrant without a permit of stay,

depend on the great diffusion of the 'hidden economy'. The prevailing view was that work was easy to come by in Italy, so you could make money even without a permit of stay. Some migrants explicitly mention this state of affairs as an explanation for why they chose Italy. Many of the Albanians knew of Greece, where it was easy to find work without a stay permit as well. However, they preferred the Italian underground economy because of the higher earnings to be gained here. The opportunity for irregular jobs was cited as a reason for coming to Italy by many Moroccans, who should be familiar with Spain and who often travelled through that country illegally in order to reach Italy. In any case, migrants from the Mediterranean Basin agree in thinking that Italy's underground economy offers the most job opportunities and the highest earnings.

The evidence uncovered supports the hypothesis of a pull effect by the underground economy from the supply side. Most migrants are not desperate people without means of survival, but people looking to improve their circumstances. So they are deeply affected by information about what to expect in receiving countries. Without a doubt, a widespread underground economy exercises a particular attraction in an international context where European borders are strictly closed. Those who do not hold a permit of stay for work reasons are obviously cut off from the regular labour market, and were it is not for the shelter of the irregular economy, they would soon be forced back to their home country. Thus, the ready availability of employment in the underground economy, where no documents are required, promotes undocumented immigration. Far from being an effect of illegal immigration, the submerged economy would appear to be one of its causes.

### **How migrants become undocumented**

The paths through which a non-EU immigrant worker comes to be living illegally in Greece, Italy, Portugal or Spain can be quite different. There are four typical alternatives, with a fifth that is less common in southern Europe, except for Greece, but some of these patterns have variants.

- a. Illegally crossing the land border (hidden in trains, buses or trucks) or sea border (boat people),
- b. Legal entry, with a short-term permit (for tourism, health reasons, etc.) and subsequent illegal overstaying after its expiration;
- c. Apparently legal entry using false documents, purchased in the country of origin;
- d. A return to illegal status because the immigrant was unable to renew the permit of stay, whatever the original reason for its issuance.

The fifth alternative regards asylum seekers, who become illegal when their application for asylum is denied and they do not leave the country. The first and third alternatives differ according to the presence or absence of organisations that set up the clandestine entry or furnish the false documents. The Chinese are the only group for whom the role of these



organisations does not end after entry, because they must continue to oversee the Chinese immigrants' work, in order to exact payment of the large sums they charge for the "trip" from China to a European country.

***A summarising table of paths to illegal stay***

	<i>Italy</i>	<i>Spain</i>	<i>Greece</i>	<i>Portugal</i>
Illegal crossing of borders	high	low	Very high	low
Legal entry / illegal stay	high	high	low	high
Asylum seeker	low	low	high	low

**The labour market and the employment structure of the receiving countries**

The high unemployment rate in European countries and above all in some of the Mediterranean new receiving ones is generally used to support the hypothesis that new migration inflows are not pulled by a labour demand in receiving labour markets, as in times past, but are merely caused by a push effect in more and more underdeveloped sending countries. We believe that this macro-economic approach to unemployment neglects to take into account the personal characteristics and the household status of job seekers, and that in so doing incorrectly interprets the impact and significance of unemployment on migration to southern European countries.

In fact, we think to be misleading to depart from the presumption that all the domestic job seekers are looking for heavy, poorly paid and low status jobs which are filled by migrant workers. Most of them are educated youths who have high professional and social aspirations and are able to wait in order to enter highly qualified and rewarding jobs. Some are merely youths or women who are living in a household whose head has a good job and can support his/her waiting for another "good" job. Other job seekers could be prime-aged men, i.e. breadwinners, but safeguards in the national welfare provisions might cover them. Finally, the situation of the labour market can be very different from region to region, because internal migrations have stopped for many years. So, in spite of a high unemployment rate at the national level, in some regions an important lack of manual manpower can occur. Therefore, as the total unemployment rate at the national level cannot at all be considered a proper index of the number of citizens who migrants are supposed to compete with, we cannot speak of an oversupply of migrant labour.

In all the South European countries, an unemployment pattern prevails that basically penalises women, young people living with their parents and the well-educated, while protecting prime-aged men, heads of household and the uneducated. This unemployment pattern contrasts

with the North European one, whose features are the opposite. Furthermore, while everywhere the risk of being unemployed decreases as the educational level increases, the relative advantage of educated youth is far lower in Italy, Greece and Spain than in all of the other European countries, although the proportion of educated people is smaller. It does not matter whether the underlying reason is either a subjective rigidity on the part of the educated labour supply or backwardness in the economic system. In either case, this pattern reveals a serious imbalance between demand and supply of labour, that can have a pull effect on migrant workers, because, in spite of large-scale unemployment, the number of uneducated youths out of work is not really so large. In Greece as well as in Spain and Italy, the bulk of the unemployed are youths with a high school education. Portugal is an exception among South European countries, as the unemployment rate among well-educated people is far lower than the already low rate of uneducated people. This explains why in Portugal migrants fill qualified jobs, too.

Finally, in southern European countries the likelihood of a head of household's exposure to unemployment is lower than that of a youth's in all the European countries. However, the gap between the two is larger in Spain, Greece and particularly in Italy, where the unemployment rate of heads of households is the lowest, whereas that of sons or daughters is the highest. Young people seeking their first job, who account for the largest proportion of the unemployed, are thus frequently living under their family's roof, with their fathers holding gainful employment or at least receiving a pension. Conversely, heads of household are only a small minority of job seekers in the South European countries, except in Portugal, where unemployed people are relatively few, in any case.

Cross-national differences in unemployment benefit coverage are quite parallel to the differences in unemployment rate by household status. Yet, even the South European countries, where job seekers are very poorly covered by state welfare provisions, only a few job seekers are really forced to look for any job whatsoever, because most of them are well-educated youths, who can afford to wait for suitable jobs in the shelter of their families.

In most of the South European countries a geographical balkanisation is added to the unemployment segmentation by gender, age, education and household status. Italy is the most evident case. In the Centre-Northeast, the unemployment rate is far lower than the national average and in some regions it is the lowest in Europe. In these regions prime-aged men, particularly if uneducated and suited to blue collar jobs, are nearly fully employed. By contrast, in Southern regions the unemployment rate is far above 20%, although the very high level of discrimination against women and youths allows the unemployment rate for heads of households to stay under 8%. Internal migration, which was huge in the 1960s, has, nonetheless, remained almost negligible for more than 20 years. The reasons range from the difficulty in finding cheap lodgings in northern cities to the improvement of Southern families' standard of living, which allows them to support their children for a long time. The number of migrants is relatively higher exactly in those regions where the unemployment rate is lowest.

This evidence lead us to conclude that some demand for migrant workers does exist in South European countries, even in those whose overall unemployment rate is high. The usual reason used against the “pull effect” hypothesis seems to fail when unemployment segmentation is taken into account.

In the early 1990s, when the migratory flows reached their maximum levels, in Greece, Italy, Portugal and Spain the distribution of jobs per sector of the economy showed the following characteristics when compared to the other EU countries:

- very high proportion in agriculture, particularly in Greece and Portugal;
- high employment in tourism and personal services, mostly as domestics;
- low proportion in business services and in all public and social sectors, except for education;
- other sectors (manufacturing, construction, commerce, transportation and communications) register proportions similar to those found in Central and Northern European countries, although in Greece there is little employment in manufacturing and in Portugal little employment in commerce and transportation.

The main recent trends in employment by economic sector in Greece, Italy, Portugal and Spain may be summarised as follows:

- job creation only in services, both in modern and traditional activities;
- stagnant employment in construction;
- job losses in agriculture, but employment in this sector is still important;
- job losses in manufacturing, but in selected small firms’ areas (the Italian industrial districts or Cataluna in Spain) demand for blue-collar workers are still increasing.

Another well-known feature of the employment structure common to all the Southern European countries is the high proportion of small businesses and self-employment. In fact, in the South European countries the large majority of people are working in small or the smallest economic organisations, many of which are run on a family basis. We must add that in Spain a huge and increasing proportion of fixed-term jobs among employees balances off a relatively “low” self-employment share: over 30% vs. an European average of around 10%. A growth in demand for precarious jobs, by both employees and self-employed, characterises the South European countries, just as well as the Central-Northern ones, but employment in the former countries was much more de-structured in the past as well, so that the impact of the new trend is even more important.

What is less well known, instead, is another feature of the employment structure that characterises the countries of Southern Europe. In fact, it has been only a few years that, in the labour force surveys collected by Eurostat, people in employment have been classified by the International Standard Classification of Occupations (ISCO), which takes into account the skill and social level of jobs. The resulting picture is truly surprising. In fact, in Greece, Italy, Spain and Portugal, the proportion of the most skilled jobs, which confer the highest social

status (executives, professionals, technicians), is far lower than that in the Central-Northern European countries: 24-27% against 36%. In Greece, Spain and Portugal, there is also a decidedly lower proportion of clerks. On the other hand, there is a much higher proportion of semi-skilled or unskilled jobs: 25-27% in Italy and Portugal, 33-34% in Spain and Greece, as compared with little more than 21% in the other European countries. In conclusion, we note that the greater number of micro-businesses and self-employed workers can explain the higher proportion of craft workers (17-21% as against 15%). Often these jobs combine technical skills and manual toilsome labour.

We can, therefore, conclude that in the countries of Southern Europe, employment opportunities remain oriented towards low-skilled jobs, with correspondingly low social status, in very small and relatively unstructured production units. This partially explains an apparent contradiction underscored above: the lesser competitive advantage of well-educated youths, despite the relatively scarce diffusion of higher education. It also explains why employers are led to seek labour abroad despite the availability of educated young job seekers at home.

A significant part of the current employment opportunities in low unskilled jobs is taking place in the firmly rooted and well spread underground economy of these countries. Thus, migrant workers entering Greece, Italy, Portugal and Spain found a huge underground economy that offered them a wide range of jobs without demanding any document, either for working or for staying.

All sources agree in estimating that the level of the underground economy in Greece, Italy and Portugal is much higher than in all the other European countries. As to Spain, on the contrary, the estimates are quite uncertain, but the more recent ones seem to show a decrease, so that the Spanish underground economy is now estimated to be only a bit over the European Union average. The cross-national estimates are usually based on indirect methods: the macroeconomic and monetary approaches estimate how much of the GNP is not registered by the income tax and social security bureaux.

Although, this method overestimates the proportion of informal employment with respect to total employment, it is reasonable to postulate that the differences between countries would remain unchanged, which is also the conclusion of a 1990 report to the European Commission: in most Northern countries of the Union the black market sector accounts for probably 5% of declared labour or less, whereas it is reaching 10-20% in the Southern countries, although regional variations can be important.

In Southern Europe more people are working in occupations where it is easier to ignore administrative and legal rules: agriculture, building, small firms in manufacturing and services, self-employment. Furthermore, state regulation of economic activities is traditionally strict, but enforcement is slack and "free rider" behaviour is not firmly condemned by public

opinion. It is exactly the employment opportunities in low skilled jobs offered in these sectors of the underground economy that migrants are increasingly fulfilling in southern European countries.

### **Which jobs for migrants.**

***Housekeeping.*** In all South European countries housekeeping is by far the largest occupation open to immigrants and in particular it is almost the only one which women are able to enter easily, although also several men are employed as maids. Although relatively many migrants entered Italy, Greece and Spain having a stay permit as housekeepers through the quota system, the largest proportion of people who availed themselves of the legalisation drives made an application as housekeepers. This means on the one hand that migrant domestic servants very often work without contract (just as their national counterparts), on the other that such a job is the easiest to find in order to be qualified for the legalisation process. In fact, living within a household, as housekeepers do, is the best way of avoiding any control.

***Street selling.*** Migrant street selling was an important phenomenon only in Italy at the starting of mass inflows: in the Eighties peddlers were estimated more than 15% of workers from undeveloped countries, although peddlers are very visible as well as quite mobile and they are likely to have been “counted” more than once. The situation changed dramatically after the 1990 legalisation, which allowed many migrants to move to the Northern-Central regions and find work as wage earners in other activities. But a sizeable proportion of migrants are going on in street selling, a form of trade which had a long history in Italy, but was by then dying out. The migrants’ incorporation in this sector was found to be much less important in the other countries. The reason for the difference may be the difference in the supply of national labour for this activity: in Spain, Greece and even more Portugal migrants found still many national people vending on the street and in weekly markets and did not manage to mass enter the sector; whereas this was not the case in Italy. Furthermore, in Spain a tighter police control matters, too.

***Agriculture.*** The use of migrant labour in seasonal harvesting increased and spread through all South European regions over time until it became a fundamental part of Mediterranean-type agriculture and migrants had replaced national workers. The exception is Portugal. Furthermore, migrants are more and more working also in greenhouses, stock raising and even in intensive animal productions (cows-houses and pigsties) which mostly operates in the rich large plain of Northern Italy. Most farm labourers are Tunisians, Moroccans and Albanians, but they are also Gambians and Senegalese. Some are commuters: they come for the harvest and return to their countries when it ends. Others follow the different harvesting seasons from one region to another. Others alternate agricultural work with street selling, jobs in construction or low level services

***The building industry.*** Construction is the main sector of employment of male migrants in Greece and Portugal and it employs many migrant workers in Italy and Spain, too. In Greece illegal migrants are estimated to be nearly half of the total employment in the sector. Most of them are Albanians. Many migrant workers are hired on one-day basis through the street corner's labour market. As a lot of the labour demand is from households for house maintenance and repairs, they are hired by small independent employers who work directly for the customers. In contrast, in Portugal migrants, even the illegal ones, work mainly on large sites and/or on important public works, although they are hired on the street by informal subcontractors, the so-called *patos bravos* (wheeler-dealer) or *empreiteiro de pasta* (briefcase contractors, as they have no office and move with a briefcase full of all their papers). These subcontractors, many of whom migrants themselves, are largely considered as playing a positive role because they help migrants find work, but they generally exploit migrant workers employing them without contract, compelling them to work abnormal working hours, and sometimes even not paying them their wages.

***Small manufacturing firms.*** Only in Italy a sizeable and increasing proportion of migrants are employed in manufacturing. The regions most affected were the Central and Northeastern industrial districts, among the wealthiest areas in Europe whose labour market is near full employment. The trades most affected are plastics, ceramics, metalworking, marble cutting, tanneries, garment and cement factories. Firms employing migrant workers are usually small or medium sized, whereas few migrants are employed by artisan micro-firms, whose organisation is usually based on the household, and almost none by big firms, which are in any case not numerous in areas where migrants are employed as factory workers.

***Low level services in metropolitan areas.*** In all South European countries migrants hold a wide range of jobs in the least skilled services: dishwashers, waiters, cooks and other jobs in restaurants; gas-pump operators; guardians and concierges; night watchmen; painters; blue collar workers in repair workshops, garages and cleaning firms; porters and transport workers; home delivery personnel; cleaners, low level workers in butcher shops and bakeries, and so on. Common features of these jobs are low skill levels, a need for physical effort or great endurance, long or inconvenient working hours, little opportunity for professional advancement and the lowest social status. Even when they are registered, labour contracts are precarious, as most firms are very small and they have a high labour turnover. Finally, wages are usually very low. Employment in tourism related activities increases even more the number of these typical "bad jobs", increasingly needed to service the needs of modern Western societies, also of those which are not quite high income ones.

***Self-employment.*** If we except Brazilians in Portugal, the proportion of self-employed among migrants is generally low, especially if the very high proportion of the local self-employment is taken into account. Greece is the extreme case: in front of the far highest proportion of self-employed people in Europe the number of self-employed migrants is negligible. In Portugal the proportion of self-employment among people from PALOP is under

5%. In Italy among those migrants holding a permit of stay for work reasons the proportion of those entitled to be self-employed is very low and decreasing in the last few years: from 6% to 4%. In big cities, the few real self-employed migrants can be found in sectors such as retail trade, restaurants, artistic or intellectual professions and artisans. In Spain, finally, the proportion of self-employed is higher, but decreasing both among work permits and the migrants who applied for the legalisation drives: from 1 to 3 in 1985 to 1 to 7 in 1991. They are mainly Latin Americans and Asians, who work as retailers and street vendors, just as in Italy.

To sum up, it is not the case that enclaves are formed which are closed to the receiving society, nor do we find ethnic businesses based on the exploitation of human and monetary resources of their own ethnic group. Only the Chinese, as usual, organise their business (restaurant and garment sweatshops) on the basis of intense use of family and co-ethnic labour. Customers are nevertheless external and activities are only in part traditional. Therefore, in South European countries, which are the developed economies where the proportion of domestic self-employment is highest, immigrant overrepresentation in the underground economy is not at all related to their overrepresentation in small ethnic entrepreneurship, as occurs in most receiving countries, from North European ones to United States.

### **Competition, replacement or complementarity?**

One of the crucial questions of the project was: are migrant workers in competition with the local one or are they substituting/complementing them? All national reports agree on the answer: in segmented labour markets, as those of South European countries are, migrant workers are in competition only with marginal sectors of the domestic labour supply and/or in narrow occupational areas. A counter-factual factor confirms that conclusion: as we will see in another chapter of the final comparative report, conflicts between migrants and the local population only seldom concern labour market problems and even in countries where media are strongly stigmatising migrants the competition for jobs is the last item that they refer to.

To sum up, in formal economy and even more in the underground economy a sizeable number of activities are below the level accepted by almost all domestic workers, even either in high unemployment or low income countries, as South European countries are in comparison with the Central-Northern Europe. The competition concerns only the marginal sections of the national labour force: young dropouts, uneducated women, elderly people, national ethnic minorities (gypsies, whose number is sizeable only in Portugal and Greece) in case they are not enough sustained by welfare state provisions. Finally, the number of potential competitors is higher in the less developed areas inside the countries, but for many years the internal migration of national people is scarce in all South European countries.

These unqualified, irregular, low-status working positions, the so-called “3D-jobs” (dirty, difficult and dangerous) are just those that migrants are inserted in. Even in Italy as well as in Spain, where unemployment rate is the highest, all observers agree that *"The migrants*

*take jobs the locals refuse. It's simply a matter of substitution".* Therefore a trend towards an ethnic segmentation of the labour market is growing. We are only at the first stage, but in the next future it is likely that an "ethnic division of labour" shall consolidate, there is that within the limited range of jobs available to migrants from a large number of countries, each ethnic group shall be concentrated in some particular sector or activity. Till now the main reasons are two: the recruitment system in which networking is essential to finding employment and a "positive discrimination" as there are cases in which employers prefer migrants because they are cheaper, more vulnerable (they are less in a position to officially complain about their situation) and more docile (they do not protest if their working conditions get worse or if they are overexploited). However, in the future negative discrimination will reinforce this process, which, moreover, is self-feeding. The risks not only for the functioning of the labour market, but for the larger society are evident on the long term as well as the benefits on the short term.

### **A domestic underground economy having a pull effect on immigration**

The South European countries, exception made to Greece till now, have been using regularly special processes for legalizing unlawful foreigners within their borders: Italy and Spain since the mid-Eighties and Portugal since the early Nineties. Italy carried out mass legalization processes in 1986, 1990, and 1996; Spain in 1985, 1991, and 1996; and Portugal in 1992 and 1996. The aims and the target population, as defined by the conditions set out for eligibility, varied from country to country and within the same country from process to process, but in all these three countries one of the main political legitimizing reasons for launching these processes has always been to prevent illegal foreign workers from remaining trapped in the underground economy. Although it is unquestionable that to get a stay permit is a necessary step for illegal immigrants to emerge from the informal economy, the evidence gathered in our research lead us to conclude that, in countries with a large and well rooted underground economy, as it is the cases of Italy and Portugal, the acquisition of a legal status is not a sufficient condition for migrants to enter the formal economy in a permanent way.

A widespread underground economy exercises a particular attraction in an international context where European borders are strictly closed. Those who do not hold a permit of stay for work reasons are obviously cut off from the regular labour market, and were it is not for the shelter of the irregular economy, they would soon be forced back to their home country. The ready availability of employment in the black economy, where no documents are required, thus promotes undocumented immigration. Far from being an effect of the illegal immigration, the submerged economy in Italy, Portugal and Greece would appear to be its cause. The counter-check of this hypothesis is the Spanish case. In Spain since the mid-Nineties, the opportunities for migrants of entering the underground economy decreased substantially because of the tighter controls from the labour inspectors. Since then, new illegal entries decreased, too, as we can infer also from the characteristics of the 1996 legalisation.



If migrants who entered illegally Italy, Greece, Portugal and till few years ago Spain, too, are able to stay here, easily making money in their large underground economy, this does not at all mean that they are living according to their expectations. Irregular and odd jobs let migrant workers survive, but crush their hopes. Nevertheless, the impact on migratory flows is almost nil, as the well-known self-sustaining effect of the migratory chain is prevailing. According to the Italian fieldwork, among migrants declaring themselves to be in difficult situations, not one even vaguely hints at the possibility of returning to his/her country of origin, and they all say that their negative opinion would never suffice to prevent their friends and relatives from emigrating too. Emigration is a kind of bet between those who leave and those who stay: so, those who emigrate feel obligated to show those who stayed behind that the hardships they have suffered were worth it. The migrant will try to avoid coming home without money at all costs, because he/she would be a “walking dead person” among his/her friends and relatives. He/she is thus forced to prolong his/her stay, even if life becomes increasingly difficult. For the same reasons, the migrant tends to paint a rosy picture of his/her situation to those who have remained home. Migrants can only justify their choice, by concealing the negative aspects of living and working conditions in the country of destination. Furthermore, migrants add that negative advice wouldn’t be heeded and would not at all serve as a deterrent. Apart the frequent contradiction between verbal and non-verbal communication in the messages given by the migrants when they return home, their negative comments would be interpreted as a sign of hostility or rivalry. The new immigration in South European countries is seldom a success story, as was true for the past one in the old European receiving countries. The migratory chain has, however, the effect of prolonging the migration and augmenting the desire to follow the emigrants in those who remained at home, even in the face of serious difficulties for people who emigrated.

In conclusion, from a policy point of view, the huge informalisation of employment in the South European countries plays a crucial role in understanding what occurs as regards migratory inflows and their impact on receiving societies. Public opinion, politicians and state agencies devote a lot of care and resources to the control of the external borders of the European “fortress”. If they would devote both as much care and as many resources to address the downgrading of the labour market, whose “black employment” is the extreme feature, they would increase their resources and lower the existent potential for social conflict.

A formal policy of no migrants’ admittance, justified with the high domestic unemployment, coupled with sizeable illegal inflows attracted by the underground economy, the lack of a policy of integration coupled with the strong exploitation and stigmatisation of migrant workers employed in the black labour market: this mix is causing more and more perverse effects. However, interrupting this cycle it is not at all easy. First, EU countries should recognise themselves as immigration ones. Second, they should admit and institutionalise the segmentation of their own labour markets, i.e. that there can be at the same time both youth unemployment and a not fulfilled demand for the bad jobs. Third, they should open the borders to a labour immigration, of course well checked. But for which jobs, if they

are in the submerged economy, i.e. they formally do not exist? We return to the question of the domestic underground economy.

**Salvatore Palidda**  
University of Parma

**Maria Frangouli**  
**Antonios Papantoniou**  
Reintegration Centre for  
Returning Migrants Athens

## **DEVIANT BEHAVIOUR AND CRIMINALISATION OF IMMIGRANTS**

*(original in French)*

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## 1. Some problems concerning the focus and the approach of the research

The study of migrants' deviant behaviour was intended to address not only the correlation between this phenomenon, migrants' insertion in the underground economy and the reactions of receiving societies, but also the dynamics involved and the differences between nationalities. Having adopted a constructionist<sup>1</sup> approach, the study analyses the interactions that affect the dynamics through which some migrants become involved in criminal or deviant activities. In fact, the main point of this approach is that, regardless of the context and historical period, almost all migrants are subject to three main kinds of insertion and may also move from one to another: regular/legal, informal and deviant/illegal. The critical issue is that the passage from one to another of these situations depends on the context.

In the past, conditions have either been more favourable to regular insertion and to the regularisation of irregular status (clandestine or even deviant); on the contrary the present conditions have made this passage difficult, if not impossible. The aspects that appear decisive are the various elements that define the frame, the interactions that have the greatest effect on the insertion of some migrants in deviant activities rather than informal or regular ones. In order to examine these aspects, we have attempted to organise the study around the principal actors and factors in these interactions, with particular emphasis on an ethnographic analysis of numerous cases of migrants in prison or at liberty, interviews with police officers and magistrates, lawyers, social workers and informed observers, as well as the observation of specific frames and the statistical data presented in the relevant documentation.

This study has shown us the importance of the relationships between the contexts the migrant moves in: the conditions in the country of origin, the migration itself, the relationship between the country of origin and that of destination and the conditions in the receiving country.

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<sup>1</sup> According to the constructionist approach, the deviance or the criminality of migrants or those attributed to them are to be considered as the result of interactions among different social actors in defined frames. The main actors are: the government, local authorities, police and judicial system, mass-media, opinion-makers, citizen committee and moral entrepreneurs. Therefore it is a phenomenon or social fact identified and explained by means of the police acts, of the justice administration, by the analysis of experts and in particular, by the analysis of statistics regarding criminality, often reflecting social or racial prejudices as well as power relations. According to such approach, the other theories may be taken into consideration as hypothesis of interpretation which are likely to become categorisations or theorisations of common sense adopted by the actors concerned (i.e. the rational choice or utilitarian theories, anomy theory, unequal partition of power, theory of cultural specificity, etc.).

Making European and international comparisons concerning the object of this study is particularly problematic. In fact, although there is a strong trend towards uniformity of policies and practical efforts to deal with immigration, as well as certain similarities between the various migratory movements, the differences in the penal codes, police procedures and judicial practices continue to make comparisons difficult. Despite this, the similarities and differences permit us to put together a fairly adequate comparative picture, providing important clues to the salient features that lie behind today's migratory situation, the societies of origin and those of destination, both in terms of trends and diversity of deviant behaviour among some immigrants.

## **2. The principal features of the context**

The features of the current situation can be summed up in three main points:

a) the correlation between the deviant or criminal behaviour of some immigrants and the situation in their country of origin appears clear, not only in cases of migration between countries with a common border (for example, Albania-Greece or, in the past, Italy-Switzerland) but also between distant countries (for example Nigeria-Italy or China-France, or in the past, Italy-United States). Far more than in the past, almost all the societies of origin are marked by economic, social and political turmoil, cultural breakdown, violence and civil war, as well as organised crime and deviant models. All this creates a strong urge to escape, even at the risk of losing one's life. This context encourages deviant or criminal behaviour by a certain segment of the population (often young people and the most enterprising, or those imitating deviant models), who migrate with the idea of taking advantage of the opportunities presented by the wealthy societies.

b) The conditions under which today's migrations occur are characterised by the near-impossibility to emigrate freely, entailing a high risk of losing one's life in the attempt to migrate illegally. Immigrants are forced to use the services of smugglers and "coyotes", so they risk being criminalised by association, or simply because illegal immigration is considered a crime in itself.

c) Conditions in the country of destination are increasingly marked by both a great difficulty in achieving legal status and the highly temporary and precarious nature of this legality. Their economic and social-residential conditions are often irregular and inferior. The difficulty of developing fairly good relationships among immigrants, as well as between immigrants and the local population, especially for the youngest ones and for some groups who are seen as particularly undesirable, makes it still more unlikely to move from an irregular/illegal status to a legal one, strengthening the push towards illegality, deviance, criminalisation and self-criminalisation. Another outcome is the devaluing of the traditional

model of achieving success (through regular or irregular work), and the corresponding adoption, particularly among the young, of the deviant models, which provide the illusion of achieving success through illegal activities. This fits well with the increasing “demand” for migrants in illegal activities, “ethnicising” some deviant activities in the same fashion as some segments of irregular or semi-regular activities. In conclusion, the above elements combine to create a growing spiral of criminalisation, self-criminalisation and victimisation, particularly with respect to youths from the countries bordering on the EU (the Balkans, Eastern Europe and North Africa).

These three important aspects of the contexts that influence today’s migrations are closely interrelated and are also linked to the current economic, social, political and cultural conditions.

The current situation is marked by a radical change in the migration paradigm, corresponding to the change in the economic, social and political context that characterises the passage from an industrial society to the so-called global, or post-industrial society. Since the mid-1970s, but above all during the last decade for European countries, the changes in the migration paradigm parallel the passage from internationalisation to “foreignisation”: from an economy that relied on a vast supply of immigrant labour to one that uses mostly cheap labour in underdeveloped countries, with the exception of small, often irregular activities, the very ones in which many immigrants find work. The paradigm of internationalisation involved *inclusion*, and therefore less social ostracism (except during periodic cycles of crisis). Criminalisation procedures and policies (in terms of penal law, police and judiciary practices) concerned the individuals perceived as enemies of the state or as hopeless cases, with respect to the social order required for the development of the industrial society. Despite the various vicissitudes, being an illegal immigrant was not, per se, an indication of suspected deviance; the individuals seen as part of the “dangerous classes” or the “criminal classes” were subversives and delinquents, regardless of their origins, while the myth of the immigrant as self-made man was prevalent.

In contrast, the paradigm of the “post-industrial-global” society appears to be a dichotomy between inclusion and exclusion, exemplified by a denial of immigration, which is depicted as a public menace on a par with crime and terrorism (as we can see from the official documents concerning the European accords, the activities of the secret services and police, etc.). The immigration policies of the European countries therefore acquire a prevalently militaristic-police character, and immigration is increasingly seen as irreconcilable with European Union. The EU is thus seen, by both migrants and some of its citizens, as a society based mainly on criteria of exclusion, with actual inclusion reserved for established citizens.

The changes in the migration paradigm (and in migratory policies) seems to be the first “factor” that explains the tendency towards criminalisation and self-criminalisation of increasing numbers of immigrants, a completely new event. We should note that this tendency also corresponds to a widening gap between the growing resources allocated to law enforcement and those allocated for assistance programs. Although the European situation is quite different from the American one, which is characterised, according to some authors, by a shift “from the welfare state to the prison state” and by the often racist nature of police and judicial repression, an analysis of the data we gathered, as well as the results of other recent studies, shows that there has been a considerable increase in the number of prison sentences, which does not correspond to an increase in crimes committed. These jail terms are often meted out to underprivileged locals and, above all, immigrants from overseas. Therefore, even in Europe there seems to be a trend towards the ethnicisation of criminalisation and self-criminalisation.

### 3. Some research outcomes

In agreement with some other authors, the results of our study also show that the general increase in prison sentences and inmates between 1990 and 1997, common to all European countries, is especially marked by an increase in the proportion of foreigners and the foreign-born among the prison population. This increase involves mostly immigrants from the countries bordering on the EU or people born in those countries, and above all, young men who have acquired the nationality of the receiving country (through *jus solis* or other means). Despite the increase in prison sentences meted out to the local population, in recent years there has been a reduction, in percentage terms, and a corresponding increase in the proportion of foreigners. Therefore, foreigners have replaced locals as the objects of law enforcement efforts and in the prisons.

In the table below, we have grouped some of the most significant data concerning the proportions of foreign and native prisoners in the largest European countries, based on the figures available as of September 1997 published by the Council of Europe and also on information gathered by us.

#### *Prison inmates in the largest European countries as of September 1997*

country	Native inmates per 100 thousand inhabitants	% foreigners / total inmate population	Foreign inmates per 100 thousand foreigners	Difference between proportion of foreign inmates/ proportion native inmates	Characteristics of the largest groups of foreign inmates
Germany	66	33.6	342	5	Youths from Turkey and E. Europe

Austria	70	26.9	257	4	Youths from Turkey and E. Europe
Belgium	57	38.2	349	6	Mostly young Moroccans
Denmark	58	13.6	189	3	Various nationalities
Spain	91	17.8	1417	16	Mostly young Moroccans
France	74	26.0	394	5	Mostly young N. Africans
Greece	70	25	470		Mostly Albanians
Italy	69	22.1	881	13	young N. Africans, Albanians. ex-Yugoslavs, Nigerians
Norway	47	14.6	215	5	Various nationalities
Netherlands	68	27.2	546	8	Mostly young Moroccans, Turks and Surinamese
Portugal	127	10.9	926	7	Ex-colonial nationals
Sweden	52	20.4	202	4	Various nationalities
Switzerland	45	60.3	282	6	Ex-Yugoslavs, N. Africans, Turks

United States	Rate of whites (per 100,000)	<i>Rate of Afro-Americans (per 100,000)</i>	<i>Difference in rates of Afro-American/white</i>
	919	6,926	7.5

Apart from the question of how reliable these data are, particularly for some countries, we should note that comparisons between foreigners and natives and between countries are difficult, due to many factors, ranging from the differences in the applicable norms, procedures and practices of the police and the legal system to the legal status of the immigrants, the relative age of the immigration flow and the composition of the immigrant populations involved. In countries where immigration has been occurring for a relatively long time, where citizenship has been granted to people from the former colonies or to immigrants in general, a closer examination of the data reveals that the majority of the inmates classified as “natives” are actually nationalised foreigners. For example, in France these are mainly youths with Algerian, Moroccan or Tunisian origins; in England, young blacks with British citizenship or citizens of Commonwealth countries, either from the Caribbean or other ex-colonies. It follows that the proportion of foreign inmates in France and England would be much higher if we included nationalised citizens; for some national origins, perhaps even higher than that of Afro-Americans in the U.S.. This is also true for some nationalities in European countries with more recent immigration histories: Turks, Ex-Yugoslavs and Romanians in Germany; Turks, Moroccans and Surinamese in the Netherlands; Moroccans



and Turks in Belgium; Moroccans, Albanians, Ex-Yugoslavs, Tunisians and Nigerians in Italy; Moroccans and Tunisians in Spain; Albanians in Greece.

#### **4. A comparison of some significant items**

The results of our study demonstrate that the differences between countries are actually rather small, whereas those between different areas of the same country are more significant, and the most important differences are those between the various nationalities of the immigrants themselves. This might lead one to believe that the various factors that define the frame are more or less similar in all EU countries and that the differences are mostly due to the specific migratory flows, which are increasingly alike (for example, the social and working behaviour of women, adult men and youths often display similar characteristics).

Regarding the sociological characteristics of the immigrant groups most marked by criminalisation and self-criminalisation, we note that the individuals involved often belong to national groups with the following features:

- geographical proximity to the countries of destination and a conflict between “centre” and “suburbs” marked by deprivation, where it is commonly assumed that the privileges denied them are accorded to those living in the “centre”.
- A high percentage of young single males, who emigrated alone (especially Algerians, Tunisians, Moroccans, Albanians, Ex-Yugoslavs and Nigerians, who come from medium-sized and large cities and from rural areas as well);
- People from countries affected by serious economic, social and political crises, who sometimes have an attitude of rebellion because of their exclusion from the privileges bestowed on the dominant countries or are influenced by deviant models, now common the world over (men from Albania, Nigeria, Algeria, Morocco, Tunisia, other African countries, the Balkans and Eastern Europe).
- Immigrants who have received assistance from their migratory chain, in terms of insertion in networks and internal social cohesion, nor assistance from the receiving country, but who have, instead, been seen, from the start, as an undesirable and dangerous presence (replacing local disadvantaged youths in these negative perceptions).
- Immigrants particularly exposed to negative labelling, police repression and hostility, who are thus prevented from taking advantage of the opportunity to integrate themselves informally, but not criminally.
- Youths who have had difficulty in moving from informal insertion to regular participation, or who have unfortunately taken to illegal activities.

- Immigrants who belong to migratory chains dominated by a deviant model of insertion, situated between informality and illegality (for example, black market cigarettes, small-time deals, or the drug trade, related to organised crime in the countries of origin).

Instead, the immigrants least touched by deviance and criminalisation present the following characteristics:

- Women recruited through migratory chains, selected for informal or formal insertion and included in networks with strong internal cohesion and social control. In these cases, illegal immigration is unrelated to criminalisation and self-criminalisation and the crime rates among these groups are lower than those among the native population (this is the case among Filipino, Sri Lankan and Cape Verdean women, in Italy and other countries, as well as Latin American and Eastern European women, while the men from the latter countries are often incarcerated at rates similar to or greater than those of youths from the groups most frequently associated with this phenomenon. However, women in general are rarely marked by deviance and criminalisation, except for young Albanians and Nigerians, often forced to prostitute themselves and sometimes under the illusion that this activity will permit them to attain a better life in the future.

- Men belonging to migratory chains more or less similar to those of the women cited above, selected and inserted either informally or formally, but closely controlled (for example, Indians, Pakistanis, Bangladeshis and others, both in Italy and other countries).

- Men belonging to spontaneous migratory chains marked by considerable cohesion and internal social control, who have managed to achieve an insertion that is partly informal and partly regular, often with the exclusion of youths from the same group who arrived subsequently. These more recent arrived youths are more prone to deviant behaviour, both because these behaviours have become more common in the countries of origin and because they have very little chance of informal insertion or of regularising their position (this is the case of the Senegalese in Italy, which also leads to drug dependency for a number of these youths).

Other aspects are also of considerable importance :

- In many cases, insertion in deviant street activities can be explained by the recruitment of young immigrants by delinquents or criminal organisations in the receiving country. Immigrants thus replace natives in the same way as in informal or semi-legal activities. This gives rise to a process of ethnicisation of some illegal activities in several European countries, particularly street drug dealing.

- Police control and repression and the legal systems have become increasingly discriminatory (mostly due to strong pressure from local inhabitants, the media, those who

exploit these fears and various authorities, who have backed this pressure, justifying it as a necessary reaction to European migratory policies). All this has generated an inevitable process of criminalisation, which has increased the tendency towards self-criminalisation, above all among youths from the most stigmatised groups.

- Faced with the anomalous and deviant behaviour of immigrants, the European countries have almost uniformly adopted repressive and penal measures, rather than attempting to find a balance between police repression and social measures favouring re-insertion and a chance to regularise their position. With respect to this, it should be noted that the increase in repression in all these countries has occurred during the years of increased immigration, instead of responses involving more humane treatment: only a few years ago, many illegal immigrants, despite having been charged with minor crimes or even arrested and given orders of expulsion, were able to obtain their permits of stay through legalisation processes (without having to falsify documents or purchase false work contracts). This is now impossible, because the legalisation processes specifically exclude those who have received orders of expulsion or been accused or convicted, even for minor offences. It should also be noted that, in many cases, irregular status is a consequence of the precarious and temporary nature of legalisation, which is lost because renewal of a permit of stay is impossible if one has worked only informally. The absence of effective social and legal rights for disadvantaged immigrants (in terms of social as well as personal capital) often leads to the loss of legal status, a situation that favours deviance or is often considered deviant in itself. The treatment received by immigrants from the legal and penal system excludes them from any social support of the kind extended to local disadvantaged people (including treatment for drug dependency in prison). This discrimination makes criminalisation appear to be a racist act, which sometimes engenders attitudes of self-criminalisation or true rebellion, meaning the violent exacerbation of what began as simply adolescent delinquency or deviance (an exacerbation clearly exemplified by the case of Afro-Americans in the U.S.A. and young North Africans in France). Moreover, expulsions do not appear to have the deterrent effect they are intended to have; on the contrary, they may facilitate delinquent and criminal behaviour, pushing the immigrants so stigmatised towards organised crime.

- The attitudes and practices of public authorities and local governments towards illegal immigration and the deviant behaviour attributed to immigrants are often deeply influenced by the pressure of public opinion, sometimes increasing the hostility towards immigrants and fomenting racism.

- Criminalisation, self-criminalisation and the ethnicisation of some illegal activities, together with the emphasis on law enforcement and penal measures and the increasingly hostile attitude towards immigrants may lead to the formation of a class of criminals and deviants in Europe who are either immigrants or of foreign roots. Just as the rate of incarceration for blacks in the United States is seven to eight times higher than that of whites, some immigrant groups in Europe have already reached even higher levels (this is the case for

several nationalities, both in countries where immigration is a relatively recent phenomenon, such as Italy, and others where immigration has been going on for some time, such as France, England, Belgium and Germany. The risk posed by incipient racism in Europe could be even greater than that in the United States, because in European countries, it seems to reach greater extremes, with immigrants considered the new public enemy N° 1.

**Carlota Solé**  
University of Barcelona

## THE IMPACT OF IMMIGRATION ON SOUTH EUROPEAN NEW RECEIVING SOCIETIES

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- 2. EU Migratory Policy**
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- 4. Comparative analysis**

The variety of approaches adopted in the different reports makes it extremely difficult to establish a basis for comparison among the four countries. While, for example, the Italian report analysed media discourse in order to construct a symbolic image of the immigrant, the Spanish report studied concrete examples of the interplay between immigrants and the local population as revealed by an ethnographic study carried out in a Barcelona neighbourhood (Ciutat Vella) with a sizeable population of economic migrants from non-EU countries. Nevertheless, the basic aim is to point out the complexity of the variables that condition the impact of immigration on the receiving society inasmuch as immigrants are economic, as well as social, political and cultural, actors.

We will do this by analysing the impact of immigration from the standpoint of the material factors and conditions (position in the occupational structure, immigration legislation in the receiving country) encountered by the immigrant population because it is these factors that determine the collective perception of immigrants as social actors and the very definition of immigrant as culturally different segments of the population. In this respect, our approach differs from those which are focused more on culture and place special emphasis on inter-cultural contact (cultural differences, the desire to integrate, prejudice on the part of the local population, etc.) as a key to interpreting the impact of immigration on the receiving society. Hidden beneath these "cultural" differences are class relations, interest group attitudes and other aspects of the social structure. We contend that the material conditions of the production economy and the job structure are a necessary condition for explaining the reactions of the receiving society.

Our approach leads us to feel that the impact of immigration on receiving societies cannot be understood by studying only the symbolic aspects of society's construction of an image of the immigrant, which is shaped through both political discourse and the communications media. The material conditions of these societies must also be taken into account. In other words, social reactions to immigration are clearly influenced by a series of objective factors, such as the characteristics of the labour market, existence of a shadow economy, the unemployment rate, housing conditions, domestic migratory flow and others. In addition, there is an institutional conditioning factor. As we will see throughout this report, the arrival and settling down of immigrants are governed by laws and rules and regulations which answer to a variety of objectives and circumstances.

We will proceed to analyse social reactions to immigration on the basis of the three key influences: first, the characteristics of migratory flows themselves (size, composition, gender, age....); secondly the immigrants' material conditions in the receiving society (job market, branches of activity in which they are employed, access to housing....), which can create either competition or a situation in which immigrants complement the local population; and thirdly,

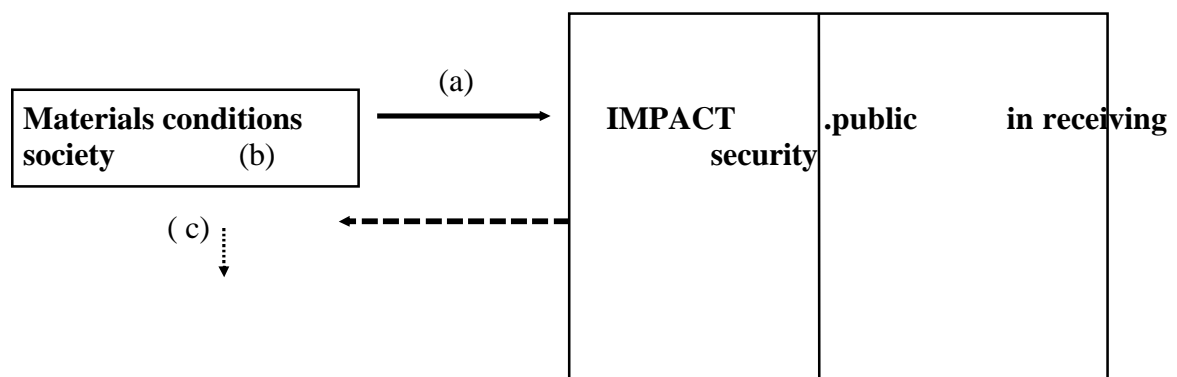
we will examine institutional factors which not only shape public perception of immigrants, but also define the migrants "range of possibilities" in the labour market. The communications media are very important in terms of transmitting information and shaping each one of these key influences. All these factors contribute towards making the impact of immigration on the receiving societies generally negative, which translates to rejection of the immigrant population.

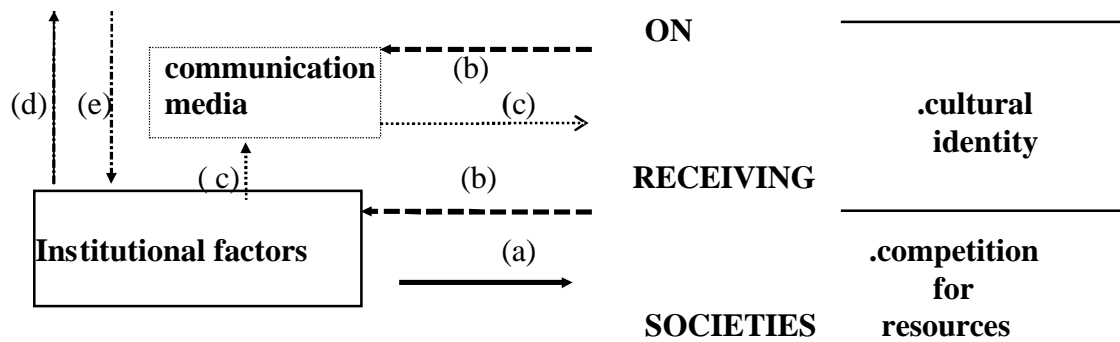
Obviously, the aforementioned factors that influence social reactions to immigration are overly simplified. Here they are used simply in order to carry out a comparative analysis of the various countries so that we can identify the most notable similarities and differences in the factors that influence the various receiving societies. Moreover, they are by no means the only influential factors. Therefore as we discuss each country separately, we will also attempt to take into account other more specific factors (historic, cultural, etc.) which can help us understand immigration's impact on different receiving societies.

Rejection of migrants stems from a logic of exclusion, which is synonymous with social marginalisation and social segregation. We understand exclusion to be forced separation or removal from the mainstream of a society or group, generally in connection with ethnic-related variables. Social marginalisation is based more on cultural aspects while social segregation involves deliberate actions or regulations - including those which are legally sanctioned - that tend to relegate certain ethnic or racial minorities to second class citizenship, depriving them of certain rights, freedoms and opportunities. In some cases, segregation is accompanied by a public display of strong feelings of resentment and rejection that transmit an idea of stigmatisation.

The factors studied have an impact on the local population which then develops a logic whereby immigrants are excluded on three grounds: public security, cultural identity (their cultures are understood as an attack on "our" customs and reflect a fear that the cultural difference is "overwhelming"), and economic grounds or competition for resources (especially jobs). As we will see, the importance of these dimensions differs from one country to the next.

The following is a model of our analysis:





To begin with, the model shows how each of the two key influences (material conditions and institutional factors) contributes towards shaping the impact of immigration on the receiving society. However, this influence takes two different forms which, although distinguishable for analytical purposes, are practically inseparable in practice. On the one hand, members of the local population have a more or less objective perception of each one of these key influences, depending on their particular position in the social structure and their direct dealings with the immigrant population - see (a) in the figure. On the other hand, the local population's perception of these influences is shaped by the information received from the communications media and the reigning political discourse - see (c) in the figure. This information, which is frequently manipulated, directly contributes towards creating rejection.

But the impact of these influences is not simply one-way. It also involves a feedback process. The impact of immigration on the receiving society in turn affects the two key influences, either directly or through the communications media - see (b) in the figure - so that an attitude of rejection can sometimes condition the characteristics of the migratory flows themselves, create ghettos, cause immigrants to be excluded from the job market and the economy, and legitimise the very mechanisms of institutional discrimination. As the exclusion process becomes more pronounced, a vicious circle is formed: the local population increasingly associates immigration with marginal situations which further increase the negative impact or rejection.

Lastly, it should be recalled that institutional factors objectively determine the material opportunities open to immigrants and the make-up of the migratory flows themselves - see (d) in the figure. At the same time job market demands are translated into legislation creating direct and indirect controls which the government uses to channel immigrants towards the branches of activity in which they are really needed - see (e) in the figure.

Before proceeding to apply our model to individual countries, the comparative report first briefly discuss the historical background that has influenced migratory flows in Europe and the EU migratory policy, as it is this which determines the way the individual member countries actually manage migratory flows. Indeed, it is impossible to understand the institutional frameworks in the various countries - and, in consequence, the impact of immigration on receiving societies - without first discussing the Schengen Agreements, which



view migratory policies as a wall for keeping out spontaneous immigration and leave just a few narrow openings for specific, tightly controlled in-flows which will really contribute to the receiving countries' economies.

The report analyses how the model works in each country: Greece, Italy, Portugal and Spain. The abstract is going to omit this section; thus, we are going to present now the comparative results.

We must first point out that it is always hard for sociologists to analyse the impact of immigration on receiving societies because it is so difficult to find indicators through which the reactions in the different societies can be compared.

However, our first conclusion is that the attitudes of rejection encountered in each of the countries studied can only be viewed in the light of *European migratory policy*. In addition to the influence of material conditions and State institutional factors, one other thing was abundantly clear in all four cases: the fact that these countries were pressured by the European Union to adapt state migratory policies because their strategic geographic locations make them “Europe’s gendarmes”. All these countries have therefore enacted restrictive measures which were not necessarily demanded by their local societies but have created an “immigration problem”. Spain is a perfect example of the social indifference to immigration at the time the *Ley de Extranjería* was passed in 1985, a year before Spain entered the EC. This law introduced the figure of the “illegal” immigrant in social imagery. Legislative and political measures, in combination with media discourse, have created symbols that have crystallised in public rejection of immigrants. This rejection has not translated to social conflict, but does legitimise and reinforce the institutional attitude, as can be clearly seen from attitude and opinion surveys.

Once the Southern European countries were placed in the context of the European Union, we proceeded to observe how different types of impact can be explained on the basis of material conditions and institutional factors - see (a) in the model - two key features much influenced by media treatment - see (c) in the model.

As explained in the introduction, our analysis was further complicated by the variety of methodologies used in each country. Both Greece and Portugal applied the model to society as a whole, using the indicators revealed in attitude and opinion surveys on immigration. The Italian team also analysed media discourse in order to explore the mechanisms by which a symbolic figure of the immigrant is created. The Spanish team carried out an ethnographic study in a Barcelona neighborhood (Ciutat Vella) characterised by a heavy concentration of non-EU immigrants. This study enabled us to complete the survey vision of the impact of immigration on Spanish society by analysing the impact produced when immigrants interact at all levels (on the job, socially, culturally) with certain socio-economic segments of local society. This is the only way to study the impact of immigration in a country like Spain which

, generally speaking, has a very low immigrant population. Due to the use of such very different methodologies it was extremely difficult to determine the specific weight of each one of the factors explored. Nevertheless, although we were able to conclude that institutional factors are very important indeed.

Borrowing the terminology used by Portes and Böröck, we can broadly state that when non-EU immigrants arrive and attempt to enter local societies in Southern European countries, they are given an *unfavourable reception*, which is explained by the combination of a series of factors which we have discussed throughout these pages: government policies, the job market and public opinion. But this unreceptive attitude towards immigrants is not expressed the same way all four countries.

Portugal's *colonial ties* with the country's largest groups of immigrants (from the PALOP countries) helps explain the fact that Portuguese society is more tolerant than the other countries studied and why attitudes of rejection continue to be viewed by the public as politically incorrect. As revealed in our analysis of the Portuguese case, resentment towards the immigrants is deeply buried and racist discourse is practically non-existent in either attitudes or surveys. In contrast, Spain, with a recent colonial past (Western Sahara) that has not yet been satisfactorily resolved in terms of striking a balance between mother country and former colonies, harbours attitudes of resentment and veiled racism. Italy and Greece, neither of which have a recent colonial history, tend to openly reject mass immigration from non-EU countries.

The *total volume of immigrants* is not as important an explanatory variable as it might at first appear. In fact, the four countries we are comparing all have a long history of emigration but have as yet receiving few immigrants. This might lead one to believe that so long as the number of immigrants does not reach percentages such as those registered in France, Belgium or the UK, the impact of immigration will scarcely be noticeable. However, as we discovered, this is not the case. Of the four countries studied, Italy is unquestionably the one which has registered the most serious social conflict, especially in 1998, when Albanian immigrants began arriving en masse. The rejection displayed in the leading cities in the north of Italy are justified in people's minds by the threat of public insecurity and fear that they will lose their cultural identity. In Spain, despite the small number of immigrants and State controls over the entry of immigrants and their insertion in society, immigration has had a significant impact, which has been blown up by the mass media. One factor that contributes towards shaping attitudes of rejection is the process whereby individuals tend towards a conformist identity. In Italy, people identify with their neighbourhood or town. This is not the case in Spain, Greece or Portugal where there is a definite national feeling. The historical weakness of the Italian state has a great deal to do with this peculiar features of its society, which is not shared by the other countries studied.

The make-up of migratory flows is another factor to take into account when attempting to explain the impact of immigration. Here, the fact that immigrants in Italy come from a large number of countries which do not necessarily have political or cultural ties with the receiving country may explain why feelings of rejection are more virulent, particularly in terms of public insecurity (urban vigilantes). The fact that immigration from countries like Albania is massive and uncontrolled must also be taken into account. This “expulsion effect” has had a very direct impact on the receiving countries (in this case, particularly Greece and Italy) in terms of both institutional factors (mass deportations, very strict border controls) and a totally alarmist media discourse. All this helps explain the origin of attitudes of rejection in societies that feel threatened by the tremendous potential volume of Albanian immigrants. Because the non-EU immigrants in Spain tend to be far less heterogeneous in origin (the majority are Moroccans), rejection does not seem to affect all types of immigrants to the same extent.

Another key explanatory factor is the *importance of the shadow, or informal, economy* in the receiving society. It is so important in Portugal that it employs both locals and immigrants. As a result, the fact that immigrants work in the informal economy is not an added reason for rejection as it is in other societies. In Spain for example, although the informal economy is still the source of livelihood for many local families, since 1991 the State has been campaigning against shadow operations in particular branches of activity which traditionally employ immigrant labour (agriculture, hotels and restaurants, the textile industry). This has not only made it much more difficult for immigrants to find work, but has also helped reinforce the idea that they work at “undesirable” jobs. In Italy, informal activities have been a feature of the economy for decades. Recent efforts to control the shadow economy have caused people to increasingly look down on immigrants, who tend to fill jobs the local population does not want.

We then analysed the *State's role* in creating rejection. Restrictive policy measures - border controls - and the lack of social rights for irregular immigrants help cause a negative impact in all the countries studied. However, there are clear differences in attitude, depending on the extent of state intervention in the economy and state controls of irregular immigrants.

In countries like Greece and Portugal, institutional discrimination of migrants has less serious repercussions because the State exercises practically no control over the informal economy and illegal immigrants are not pursued once they are inside the country. Border controls are the only actions these countries take to combat illegal immigration. Furthermore, immigrants' legal status has little impact on their position in the job market: regular and irregular immigrants alike find jobs in the informal economy and in the same branches of activity. Employers run practically no risk if they hire illegal immigrants. Although in Italy the State traditionally intervenes very little in regulating the economy and civil society, the effect there is just the opposite: the situation becomes more conflictive. As noted earlier, the Italians' identification mechanisms are in sharp contrast to a weak state that it is incapable of keeping the population's reactions in check.

The Spanish case is quite different because the State plays a more active role in controlling the economy. The State does not simply limit its actions to border controls, but since 1991 has also been cracking down on those branches of the shadow economy which employ the most immigrants. Moreover, the State actively persecutes illegal immigrants throughout the country. Measures like this cause people to involuntarily associate illegal immigrants with a greater propensity to criminal behaviour. Indeed, the State denies them any other chance to survive and moreover its actions help reinforce negative stereotypes about immigration in the minds of the local population.

The immigrants' material conditions are believed to lead them to *compete for jobs* with the local population and this is another reason for rejection. Although there have not yet been serious cases of social conflict in Greece, the local population increasingly tends to associate immigration with increased unemployment - especially in the construction industry - and crime. In the Portuguese case, the existence of "ghettos" and marginal neighbourhoods populated by certain immigrant groups, and competition between immigrants and locals for jobs - particularly in the construction industry and in more skilled occupations - in an increasingly ethnic-based labour market have a negative affect on the local population's perceptions of immigrants, but this has not yet translated to outright rejection. In Spain, competition between locals and immigrants is more vehement, as is revealed by the ethnographic study of Barcelona's Ciutat Vella district.

Lastly, the foregoing pages have also demonstrated the feedback relationship between the impact of immigration on the receiving society on the one hand and material conditions and institutional factors on the other - see **(b)** in the model. Attitudes of rejection are unquestionably a perfect instrument for legitimising restrictive policy measures. Moreover, rejection further aggravates the precarious conditions of the immigrant population, triggering yet stronger feelings of rejection and creating a vicious circle because the local population tends to reify the immigrants' social position in the receiving society, overlooking the fact that it is society itself which has condemned them to this position. This means that the victims are automatically blamed for their inferior position in society and the labour market and for their political subordination.

**Czarina Wilpert**

Institut für Sozialwissenschaften der  
Technischen Universität Berlin

**Smaïin Laacher**

Centre de sociologie de l'éducation  
et de la culture- E.H.E.S.S. Paris

## ***NEW FORMS OF MIGRATION AND THE INFORMAL LABOR MARKET IN OLD RECEIVING COUNTRIES: FRANCE AND GERMANY***

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## **ABSTRACT**

### **„Old“ Countries of Migration: Historical and Political Parameters**

France and Germany have received and sought migrants in different periods over the last century. Today they are both considered older countries of migration. This study focuses on the relationship between new forms of migration and the informal labour market. One of the first questions which arises is to which extent can one speak of a new migration into these two countries. And, if one can identify new forms of migration how do these new migration patterns relate to the informal labour market and black market labour? In a context of high rates of unemployment in both France and Germany, there has been a growth of concern about black market labour. Today the notion is spreading that the growth of unemployment and low waged precarious jobs in an informal or shadow economy is a direct function of the “influx” of new “illegal” migrants. If this is the case, what is the influence of the black labour of migrants on the indigenous labour market? Is there an impact on the older waves of immigrants settled in the country? Is it a process of competition, replacement or complementarity? These are some of the questions which a comparative study of France and Germany will be attempting to answer.

One assumption guiding this research is that France and Germany, besides being countries with an older experience with international migration, have several other points of similarity with respect to the practices regarding black labour and the informal labour market. Both countries have been active developing policies and control mechanisms with respect to the control of migration and black market work.

To answer some of the above questions, this paper addresses three basic lines of comparison:

- the relation between migratory inflows, types of migration and official policies;
- the presence of new migrants in the formal and informal labour market
- and, the connection between the migratory inflows and the informal market

To understand this relationship it is necessary to look at both policies and activities in the area of migration and informal work. Both Germany and France may be considered „old“ migration countries with respect to the Southern

European countries which until now were countries of emigration. Since the mid-1950's both countries began to recruit foreign workers to participate in the reconstruction of their post-war economies. And, both countries officially stopped this recruitment and the possibility of labour migration at the same period. Nonetheless, there are some major differences between France and Germany with respect to migration issues which need to be remembered:

a) France has considered itself a country of immigration. Whereas Germany, despite the high rates of geographic mobility and the legal residency today of over 7 million persons with foreigner status, still refers to itself officially as „*not being a country of immigration*“. This philosophy has also had implications for regulations and policies respecting rights to citizenship.<sup>2</sup>

b) The new unified Germany (86 million) is not only much larger than France, but due to transformations in Eastern Europe along with the unification with the east of Germany it has regained its geo-political position in the centre of Europe. Former ties and obligations have re-emerged. This explains much of what is referred to as the „new“ migration.

c) France has permitted the official legalisation, what is often referred to as the regularisation of undocumented migrants. migrants who have entered the country without documents or who trespass the law by remaining in the country once the conditions of their legal permit to stay have expired. To date Germany has not admitted a systematic legalisation of persons without documentation.<sup>3</sup>

## **The Migratory inflows**

### ***Migratory processes in historical perspective***

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<sup>2</sup> This leads to the question of whether the differences between the two countries can be explained by different citizenship policies? Without going into the implications for policies which will be addressed further on, it is clear that the statistics on the growth of the resident foreign population can be to a large part explained by the citizenship regulations which until recently (1992) discouraged the citizenship of the children of foreigners born to legal residents in Germany.

<sup>3</sup> There does exist, however, a possibility of exceptional recognition through individual consideration as a *härtefälle* (hardship cases) or eventually recognition as an „old case“. These processes are the exceptions and not the rule. They are not policy but an exception to policy. Moreover, there is no systematic documentation of who has received these exceptional possibilities.



Both France and Germany had an initial need for foreign labour at the end of the last century in connection with the first period of industrialisation, France somewhat earlier than Germany. Agriculture, mining, and construction were important sectors of employment. The workers came primarily from neighboring countries: Belgians, Italians, but later also workers from Poland to France, and workers from Poland, Russia and Italy to Germany<sup>4</sup>. In France foreigners contributed to about 1% of the population in 1851, by 1901 over 1 million three hundred thousand foreigners were living in France, representing 2,6% of the population. In 1931 there were almost 4% of the population in France registered as foreigners (over 2,7 million). By 1928 over 236, 870 foreign workers were registered in the German Weimar Republic, primarily in agriculture. At this time the policy in Germany was to permit workers on a temporary status without family members. During the reign of national Socialism the share of foreigners (Fremdarbeiter and prisoners of war) working in Germany increased rapidly from 310,000 in 1939 to about 7 million,110 thousand in 1944. In the latter war years a slight shift took place from the dominant presence of foreigners in agriculture to industry. Germany was characterised throughout this period, since the founding of the German Reich by the restriction of foreign entry to temporary work and never to an official policy of immigration.

The following section surveys the trends in migratory flows into Germany and France. The available data is based on governmental statistics and for that reason can only refer to foreign migrants who are registered in some form. The analysis of trends in legal migration provide the needed background conditions for understanding possible sources for illegal entries and undocumented migrations. The German study clearly demonstrates that the major sources of illegal entries and undocumented migrants are found to be of the same national origins as the legal entries<sup>5</sup>. This means that the nationalities most numerous represented as sources of undocumented workers in Germany come from Poland, Turkey and the states of the former Yugoslavia.

Migration to Germany and France is best known for the foreign worker recruitment in the post World War II period from the mid fifties until about the 1975. Germany and France along with several other European countries stopped the new entry of migrant workers in November 1973. While the number of

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<sup>4</sup> The modern German nation state was still in the process of formation at this time, so that the Polish miners employed in the Ruhr valley were actually citizens of Prussia and not foreigners.

<sup>5</sup> Notwithstanding the fact that there are indicators for increased presence of a greater number of nationalities among persons found to be working without papers, these do not nearly reach the magnitude of the dominant nationalities involved.

foreigners in France grew by 31% in the seven year period between 1968 and 1975, there was only a growth rate of 7% between for the seven years between 1975 and 1982. According to Eurostat data France and Germany had about the same number of foreigners in 1987, over 4 million 489,000 in Germany and 4 million, 493 thousand in France. France had at that time about 8 % of foreigners with a total population of 55 million 500 thousand while the larger Germany had 7.3% foreigners in a total population of 66 million 240 thousand. At this point in time the most important nationalities in Germany were from Turkey, Yugoslavia and Italy and in France from Algeria, Portugal and Morocco.

### ***Inflows and the means of entry.***

As can be seen above the relative size of the legally registered foreign population in Germany and France begin to change around 1989. The magnitude of the inflows of registered foreign migrants grew steadily in Germany in the 1980s, while official data indicates that France, in comparison to Germany, has had a rather low rate of new entries during this time. Germany has been despite the recruitment stop a major recipient of new migrants throughout this period,

Although both France and Germany have had a positive migratory balance throughout the 1980s until 1994, the size of the positive balance is about 5 to 6 times greater for Germany until 1993 when the German rate decreases to 4 to 3 times the size of the French positive migratory balance. Germany has had on the average a positive migratory balance of over 200,000 to 300,000 foreigners yearly since 1988

The French and German studies have identified several known means to enter the two countries. Most common it is concluded in the German case are the legal means of entry: either as tourists, temporary - seasonal, guestworkers or subcontracted workers and asylum seekers. These categories of persons contribute to the largest share of new entries into the country in the 1990's. Other forms of entry which occur in addition to this might be categorised as individual illegal secretive border crossings without papers, entry with falsified papers and/or entry under the auspices of professional smugglers.

### ***Germany in the 1990s: new policies for temporary workers with countries of eastern Europe -***

What explains the size of the entries into Germany since the late 1980s ? What major differences exist between these two countries with respect to the possibility of entering the country legally? One major distinction in policy

between the two countries results from Germany's geo-political position which is characterised by a tradition of relations with the countries of eastern Europe. This was complemented by special asylum legislation which had permitted dissidents from the previous Soviet states to full asylum status in Germany and the special constitutional provision and policy of encouraging the migration of ethnic Germans from their century old enclaves throughout the former Soviet empire with rights to dual citizenship. The fall of the Soviet empire and pre-existing tensions and transitions particularly in Poland rapidly increased the potential for legal migrations from these places to Germany. Nonetheless, migrants from Yugoslavia, Turkey and Romania, have evidently been important sources for new migration via asylum for both France and Germany.

Specific to France is that citizens of China, North Africa and certain French speaking black African countries, such as Mali and Senegal, are more visible as undocumented and in some cases as asylum seekers than in Germany. Thus, there are very specific migration streams entering the two countries. Countries of origin which appear to be common to both France and Germany as important sources for the undocumented are: Turkey, the Republic of Yugoslavia and Romania. Although the magnitude of entries even from these countries is much higher for Germany than France, these appear to be generally more important countries for emigration. In addition to the human rights questions which face emigrants from all three countries, i.e. Kurds and other minorities from Turkey, civil war refugees and Roma from the former Yugoslavia and Roma from Romania, old networks have been established or existing over certain periods of time which make France and Germany likely choices for emigrants from these countries. From the field work in France and Germany additional insights can be gained about the specifics of the migratory process, the conditions at entry - whether legal or undocumented - which has lead to the illegal status of new foreign migrants entering the country to work.

### ***The conditions of entry and the illegal status of new migrants into France and Germany***

In the beginning of this chapter it has been pointed out that both in the German and French cases a great number of persons who are undocumented or come to attention of the police for illegal work may have entered the country legally. The major legal means of entry are as tourists with or without visas, or persons with temporary stays for education, training or work who overstay. The other source are the asylum seekers.

Finally, there is the category of persons who have entered the country illegally, individually or as part of a clandestine operation of professional smugglers. In both France and Germany it would appear that these are the minority of persons who are working as undocumented. The majority would be those who have entered legally and have dropped into illegal status. In France the most important countries of origin for these illegal entries appear to be, based on the qualitative interviews with the undocumented, and the share of these persons of these origins in the applications for regularisation, China and Turkey. At times these persons have entered with falsified papers and the aid of professionals, costing them as much as 10,000 Francs and leaving them obligated to their new employers. The employers are very often fellow countrymen who are legally resident in France.

The German study based on research in Berlin indicates that the highest share of arrests for illegal work, i.e. as an undocumented, are found among citizens from Poland, Yugoslavia, Turkey, Bulgaria and the Ukraine. The following table indicates and compares what might be considered to be the 8 most prominent countries of origin of the undocumented in France and Germany based on the origins of the persons regulated in 1982 and 1987 in France and arrests for undocumented work in Berlin in 1995 and 1996. Police records of the accused arrested for other crimes in Berlin also indicate that citizens from Romania, Vietnam, Poland, Bulgaria, the Ukraine, and Russia, may be considered to be over represented among the foreigners living without legal status in this country .

The data for France and Germany indicates that the number of persons found trying to enter illegally has diminished between 1995 and 1996 since Schengen has come into effect in 1995. At the same time the number of incidents depending on traffickers (professional smugglers) had increased in both countries.

According to the border control offices in France the national origins of persons caught while attempting to enter France illegally are above all: migrants from Yugoslavia (1,842), Turkey (640), Romania (341), Zaire (172), Sri Lanka (100). The case of citizens of Zaire and other black Africans are more specific to France. The first three nationalities are among the major sources of asylum seekers and undocumented in France and Germany, and Sri Lankans appear in important numbers among asylum applicants in both countries.

When the asylum applications are finally decided upon, the applicants are requested to leave the country. They may hold a temporary paper to be tolerated, but may not work. Only persons belonging to certain categories may be actually deported. This is and was the case for numerous Romanians. It is not clear how

many of these deportations were officially registered in the estimation made about over one million one time asylum seekers whose whereabouts are unknown. Lederer estimates on data from the government that about 130,000 asylum seekers were deported between 1987 and 1995. Deportations of asylum seekers were not especially important in size until the new waves of migration in the 1990s. In the late 1980s deportations reached about 2.500 yearly. In 1991 deportations reached over eight thousand foreigners, in 1993 and 1994 some 36 000 asylum seekers were deported. In 1996 the deportations had lowered to about 15 thousand persons.

So far not much has been said about the motivation of the migrants in Germany and France. The following section points to some of the findings of research in the two countries which might give an idea about the types of migration which is taking place.

### **Typologies of old and new forms of migration**

- ***Migration for political, political-economic reasons or chain migration?***

First, a word about the migrants who are categorized as seeking asylum. In the last decade these persons, whether from parts of the developing world or from countries of the former Soviet and communist domain, have been labelled as primarily economic migrants. This is often intended to devalue the motivations of these persons since it is only legitimate to seek asylum in Germany if you are being persecuted by the state for political reasons. An asylum seeker must be able to legitimately prove that it is the state and not another ethnic, religious or political grouping who is persecuting you or denying your rights. Escaping from civil war, religious or ethnic strife is not a sufficient reason. Thus, refugees from Bosnia were only taken in as an exception and in principle are expected to return, exactly for that reason of not setting a precedent for the need to accept persons escaping civil wars. Above we have spoken of the size of entry flows of persons seeking asylum in France and Germany as an indicator of the potential configuration of the pool of the origins of the undocumented in Germany and possibly France. In France we have observed a direct relationship between the origins of persons seeking asylum and the majority of the nationalities among those seeking to achieve a legalised status in the country.

With respect to the expressed motivation to migrate the majority of those migrants seeking legalisation in France claimed to have come for either economic or political reasons. While the persons entering from Turkey to seek asylum all claimed political reasons for coming to France, the migrants from China who also

had attempted to be recognised for political asylum gave a combination of political and economic reasons for emigration to France. The rest gave primarily economic reasons for wanting to come to France. Legal residents who are citizens, originating from the same country as the migrant are often instrumental in organizing the clandestine migratory process. In any case networks and communities from the same country of origin can often prepare and organize the entry of new migrants into the country.

Since there is no official regularisation process in Germany we have had to use other data to attempt to estimate the magnitude of this issue. In the German case there is also some overlap between the national origins of migrants accused of working as undocumented in Berlin and some of the nationalities seeking asylum, especially those from Yugoslavia and Turkey. This is less evident for Romania and Bulgaria. And, it is not at all evident for a number of other nationalities who have been seeking asylum. There are a number of other reasons for seeking asylum, which may not be recognized strictly as persecution by the state.

The dramatic growth rates of asylum seekers throughout the world has very often to do with pressures in the country of origin. But, equally, and because of this, asylum applicants are also seeking an economic base. Rarely can political and economic reasons be strictly separated with respect to these populations. The asylum migration streams we have referred to above are complexities grounded in multiple motivations. Moreover, even when the situations in some of the countries of origin may have become less dramatic than, for instance, during the height of the civil war in Lebanon or Bosnia, a great deal of disorder, poverty and hardship remains. The fact that during state oppression or civil wars it was possible to claim asylum and be recognized as refugees means that migratory networks and settlements of communities, for instance, in Germany has taken place. These networks offer alternatives in times of hardship. Often brothers and sisters of asylum seekers have settled down here and become even citizens. These are good reasons for those left behind in relative poverty and perhaps social isolation and exclusion to seek a way out.

The interviews with the undocumented seeking regularisation in France give some insight into the relationship between being refused asylum and falling into the undocumented status. Among the 19 cases of undocumented interviewed in France, 10 migrants, primarily from Turkey and China, but also from 2 countries in black Africa and the Maghreb had arrived between seven and eleven years previously as asylum seekers. Of the nineteen interviewed, two had entered the

country illegally and one had entered with falsified documents. The rest entered legally with visas.

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The migration of persons from China to France, especially to Paris, is the single most important new migratory type there. The research in France leads us to conclude that this is both a migration motivated by political but also economic reasons. This Chinese migration seems to differ from the above in that in the 1990s these migrants are employing chain migration and organized traffickers to expand into a settlement of a community of documented and undocumented migrants from China in Paris.

The most effective means of entry has been with the help of legal residents from the same country origin, it is believed that it functions for Chinese entering clandestine similarly to the methods which have been employed for clandestine entries from Sri Lanka to Paris, London or Montreal. The migrants have to pay between 40,000 and 70,000 Francs to arrange the trip and enter secretly or with false papers into the country. Often the money for the trip has been advanced and the new arrivals are expected to work off their debts in clandestine sweat shops or restaurants.

- ***The Migration of citizens from Poland to Berlin***

Migrants originating from Poland are by far the largest group of „new“ foreigners working in Berlin and Germany. Germany's closest neighbors to the east. Migrants from Polish territories have had history of finding work in Germany. And, since the early 1980's they have been entering steadily first as asylum seekers, then as ethnic Germans as small craftsmen and for commerce. The German study demonstrates how official policy has solidified this.

- ***Commuters, circular migrants, settlers***

Workers from Poland may be commuting or involved in circular or cyclical migration, living in both societies, or living in Poland and working in Germany. The Polish case demonstrates also quite well the relationship between earlier forms of migration and the new migration. People from Poland working in

Germany reflect many different types of migratory types and patterns of migration. Migrants from Poland may only come for seasonal work to use their earnings for the upkeep of a small shop or business in Poland. Especially those citizens from Poland who have either become citizens<sup>6</sup> or permanent residents of Germany have been active in the establishment of social and business networks between towns and cities in Poland and Berlin.

- ***„temporary and targeted“ migrants***

Workers from Poland have become instigators of new migration streams, finding workers and organising teams of workers. They may have organized the migration of persons from Russia and the Ukraine who have perhaps sought work in Poland to bring them for even lower rates to work in Berlin. Russian and Ukrainian workers arrive as economic migrants, the *„temporary and targeted“*.

- ***Adventurers / Consumers - Life in the big city.-***

Young men seeking a weekend adventure. Others may arrive and find a market for male prostitution in Berlin. Young women from Poland may be lured by the glamour of the big modern city the chance to earn and consume. Some discover they can sell their looks and youth for work in the entertainment field or prostitution earning much more in a short time than their learned professions at home.

- ***Temporary but settling .in***

Other categories of persons also enter from Poland who take advantage of the possibility to enter Germany without a visa. These are often persons who are living in some form of biographical rupture (Divorce, lost of job)

- ***Contract workers become settlers.***

Migrants from Vietnam belong to two major categories:

- - former legal temporary contract workers of the GDR who have an opportunity to stay becoming settlers in Germany,
- and the unknown numbers who entered the country as tourists or clandestine from the East who are considered illegal and have little opportunity to stay in the country as legal residents.

## **New forms of migration despite high unemployment**

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<sup>6</sup> Persons who enter as ethnic Germans (Aussiedler) are permitted to dual citizenship.



Unemployment has been growing in Germany since the second half of the 1980's, it has peaked in 1998. The first results in the late eighties was the change in the activity rates between German and foreign women. the latter had until about 1986 higher rates of activity. In the first throes of economic restructuring unemployment hit foreign women and German men the hardest, while German women joined the labour force in the newly developing services and part-time work. Unification brought further complications. Women in the East and foreigners are over-proportionately unemployed with respect to the numbers who had been previously economically active. In Berlin the official rate for foreigners had reached 34% in 1998. This more than twice as high as among German citizens.

Unemployment rates among the 16-21 year old foreign populations in urban areas are estimated to be as high as 50%. Since they have not earned rights to unemployment insurance many are not officially registered. Not only is there massive unemployment of previous semi-skilled manual workers, as well as a transition to the service sector, but the types of jobs available in the service sector demonstrate a polarisation with respect to the required skills and quality of work opportunities. On the one hand, there is a demand for the highly skilled with academic and technical education. And, on the other hand, there is a large market for the un- and semiskilled, part-time and temporary, in an every man's labour market. The quality of jobs in this market, however, is not comparable to the previous unionised industrial work.

Some, depending on their family situation and legal status, may have the right to public assistance. These young persons are not in competition with migrant workers, because they have not profited from adequate schooling and vocational training to be sought for the more skilled jobs in construction or interior repairs which for instance workers from Poland are in the position to do. They do enter the informal economy and supply unskilled manual labour for jobs in construction, temporary and leasing jobs in factories, help out in the weekly grocery and junk markets, or the Mac jobs in the ethnic and international fast food services.

A similar situation exists as well for this age group (15-24) in France. According to the 1992 census over 20% of all young persons independent of nationality in this age group were unemployed and unemployment reached 50,6% among the young foreigners. Unemployment was also high for the adult women, especially foreign women and naturalized citizens. Generally, unemployment has been growing steadily between 1980 and 1992 among the foreign population. This is especially true for the population from Maghreb which has generally accrued

from 13% in 1980 to 30% in 1992. This is again most aggravated among manual workers. Here the rate of unemployment is highest for foreigners (16,1%), descending for naturalized citizens (13,7%) and French by birth (12,5%). But workers originating from North Africa have a 20% rate of unemployment.

For the German case it is possible to illustrate that the main forces toward economic restructuring and deregulation (the growth of unemployment, the greater use of subcontracting, temporary, and part time work) were put into place in the mid 1980's independent of a large source of undocumented foreigners. Transformations in the economy comprised a number of factors including technological change, growth of the service sector, increase of part time labour, an increase in temporary and precarious jobs and growing unemployment. All of these changes were already in process in 1990-91 when many borders of Eastern Europe were beginning to open.

### ***Migrants in the informal labour market***

Between France and Germany there are slight differences in the usage of terminology with respect to the definition of black market work and illegal work. Although the term „black work“ (travail au noir) is in common usage in France as it is in Germany, the legislative terminology is specifically „illegal work“ in France. Previously the French legislation used to label „clandestine work“ what is now called „dissimulated work“. This is referred to as „black work“ in Germany. This change in the legislation took place to avoid the confounding of terms with respect to unregistered forms of work and the issue of clandestine immigration.

To compare the two countries it is necessary, however, to go beyond the above terminology and framework and look as well at the practices of black market labour as a function of the economy. With few exceptions the use of black labour are to be found in very similar branches of the economy in both countries: construction, restaurants and cafes, industrial cleaning and personal services. A major exception appears to be in garment industry which has been found to date to have a much more important share of undocumented in subcontracted and clandestine ateliers and sweat shops in France than in Germany. The following comparison selects a series of factors which delineate the contours of illegal work and the new migration in both countries

Black market and illegal work can occur in any area of economic activity. For black market labour it is the terms of employment (non-registered for taxes and social insurance) and for illegal work it is the illegal status of the non-citizen

employee which contributes to illegality. According to German law, i.e. the practices of law enforcement, the illegal status of a foreigner is a more serious crime than black market work. All foreigners living and working in Germany without a residence and work permit are considered to be involved in an illegal relationship. The work activity itself need not be illegal.<sup>7</sup> Thus, while the French legislation has distanced itself from the former preoccupation with clandestine operations as specific to the sweat shops employing illegal foreigners, the legislation in Germany has become continuously more directed at controlling the illegal employment of foreigners.

Thus, in France we observe not only a decrease of the number of foreigners involved in non-declared work, but more importantly a decrease of more than 50% of the share of undocumented foreigners among those accused. Needless, to say a great deal of this difference is due to the different systems of reporting employed in France and Germany. The French controls covers the entire repertoire of unregistered illegal work and can demonstrate that in more than 50% of the cases French citizens are charged. If the rate of non-declared employment for employees is compared to the total number of the economically active population or even to the total number of employees for the potential working population, it is very likely that foreigners remain over represented with respect to their presence in the population. This especially makes sense considering the fact of some major differences about the kinds of employment French and foreigners are doing.

Another important aspect to take into consideration when looking at data on France and Germany are the different traditions and procedures with respect to citizenship. One part of the decline in the share of foreigners in the French population has to do with the issue of naturalization. Without being able to make any conclusions about this, a more interesting reflection would be that those sectors of the economy dependent on informal work can find a large share of candidates for non-declared employment among French citizens. Moreover, foreigners and undocumented foreigners are becoming less important.

The German system only reports those illegal accusations and convictions which are against the illegal use of manpower leasing, firms which do not have a permit to lease workers; or the work of foreigners, i.e. without a right to work. Moreover, in France the data on employers can be distinguished according to citizenship. This is not possible for the data available currently in Germany.

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<sup>7</sup> Illegal activities such as dealing in contraband, drugs or any other form of organized crime are also part of the underground economy, but, they will not be the center of focus when referring here to the informal labour market.

The German study has found that informal work is not limited to the undocumented foreigners, but that other foreigners with legal status may find this the only alternative for a job. Young adults of Turkish origins in our study who because of migratory conditions, legal status or lacking the needed educational qualifications are also potential manpower for the informal labour market. Those who have come to Germany as marriage partners have a legal residence permit which places them among the documented, but a four year waiting period before they may have a work permit. The study indicates that this situation certainly makes unregistered work attractive for them. For the marriage migrants black market work is considered a necessity for survival. And, in any case makes more sense than sitting around four years waiting to become eligible for a work permit.

The descendants of guestworkers may, depending on their legal status and the economic situation of their parents, have access to the social welfare system. This is, however, not considered enough income to achieve the objectives they and their families may have had, to get married, set up a business or bring a marriage partner from Turkey. Some of our interview partners have indicated that working in the black job market is a means to supplement their low incomes and to try to collect enough savings to achieve some of these goals. Generally they communicate the feeling that everyone does it. Working black is a self evident alternative, because “everyone does it” - “look at the Germans” - “it would be stupid not to”.

Thus, less qualified resident foreigners have become a flexible labour reserve and may be entering the informal to a certain extent in both countries. In some cases in Germany it is perceived as necessary to work in the informal sector to supplement income from low public assistance. And, also to earn money for work and not be solely a recipient of public assistance. In other cases working without a permit is a result of a precarious legal status, a permit to stay which does not include an accrued right to a work permit. The informal are often the only jobs which low skilled unemployed persons can find.

### **Where do undocumented workers stand with respect to the settled guestworkers and the indigenous? Is it a case of competition, replacement or complementarity**

Thus, there are many candidates for the informal market. Can we talk about a competition between the new migrants were in competition with or replacing the previous guestworker migrants? As a matter of fact the jobs for which the

guestworkers were recruited and the undocumented are assuming are not the same. Unionised factory work is no longer available for the old migrant generations or to similar extent the generations which follow. When the jobs available are in similar professions, such as construction, the working conditions are not the same. Unionized workers are unemployed. Only sub-contracted projects or unregistered black market work is available in construction. This is where undocumented foreigners and legal foreign residents, the descendants of guestworkers may also be found. The undocumented are no direct competition to the indigenous workers or to the more highly qualified foreign residents.

This is one advantage of new migration streams, which has always been attractive. The new migrants bring with them skills which have been produced in their countries of origin. Investment costs were made outside the receiving country. The descendants of immigrants who lack basic educational resources are not prepared for the higher qualified jobs of the new labour market. They are most suited for the lower end of the service sector. The major transformations which have taken place in the educational system in the last twenty years were ignored. The decline of future oriented apprenticeships and the change in the prerequisite school certificates for apprenticeships has disqualified a great number of the descendants of guestworkers for the job market. This lack of investment most likely means that the short term, flexible and better qualified workers may be arriving from the East, which would make them more attractive for certain kinds of work than the labour reserve of the settled descendants of immigrants.

### **What differentiates the two countries?**

Germany is the country in Europe with the largest migration during the last decade. Is France the only country in Europe with a decline in migration in the 1990s? Official entries show striking declines.

France and Germany are both countries with a strong state apparatus. The welfare state is taken for granted and has been made possible through an agreement of the need for employers and employees to fairly pay their share. Both countries have had a strict policy, if not always strictly enforced toward the need to register economic activities with the state.

In both France and Germany it appears that the greatest need for unregistered cheap and flexible foreign labour is in construction, restaurants, cafes and other personal services. When we look at the governmental data informal work exists to about the same extent in both France and Germany. There is a

market for informal work in both countries. There are also signs that public opinion is beginning to be more accepting of the concept of informal work under some circumstances.

Attitudes toward employing black market jobs seems to have changed dramatically in the past 15 years. Schneider (1998) demonstrates for Austria, a country very similar to Germany in the traditional restrictions and attitudes about black market labour, that over two thirds of the citizens of that country find employing someone for black work is not a serious offence. In fact opinions were that only through the use of black work can certain tasks, repairs, redecorations etc. become affordable. Thus, there appear to be a number of factors which might favour the informalisation of the labour market today.

Both Germany and France have had a long history of migratory labour. Although Germany has never considered itself, even today as a country of migration, Germany has continuously viewed migration as a temporary form of participation of foreigners in the labour market under restricted conditions when needed. France in contrast perceived itself as an immigration country. But, has since the second half of the 1970s become more restrictive about permitting the entry of foreigners to work. Moreover, both countries have quite different patterns of inflows of foreigners in the last 9 years. Theoretically, both countries, in connection with Schengen and the harmonisation of policies within the European union, have been in the process of making their migratory policy more restrictive. This has also become a general European issue which focuses on the security of the European countries. Nonetheless, Germany allows certain major exceptions, since 1991 such as the introduction of a new subcontracting, guestworker and seasonal worker treaties with certain countries in the East, as well as the visa-free travel for tourists from certain eastern European countries outside of the EU. This eases entry into the informal labour market

France and Germany have very different geo-political positions. Both countries are guided by the Schengen system and a greater control of asylum entries, but France, in contrast to Germany, is primarily surrounded by European Community neighbours which are obligated to take those persons back who have crossed illegally into the European community. Both countries have old economic interests and obligations to other states external to the EC, but Germany is in the process of taking steps toward integrating some of these former spheres of influence into the EC sphere. For this new policies have been developed, which impinge directly on the presence of new migrants in the German labour market.

The majority of persons living in France and Germany without papers to work entered the country legally either as asylum seekers, tourists, or other exceptional and limited permits. Some groups came with the hope of escape from ethnic and civil conflict, but also to pursue, perhaps targeted socio-economic needs, searching at least temporarily for new opportunities to make life better at home. A number also follow the pioneers who have set chain migration into action and accumulated a rich account of „migration know-how“. But, it is not only a question of migration pressure either being forced to escape for political or economic reasons. Certain interest groups and governments, such as is the case in Germany, have had an interest in certain kinds of migratory processes, such as the new „temporary“ policies. Migrant workers have been recruited as part of one of the new temporary programmes initiated for eastern Europeans in 1991. The „guestworker“ mentality of the state continues: the idea that migration can be limited to temporary work. This practice we observe has also lent itself to permitting more overstay and greater opportunities of slipping into the informal market. Each policy presents a dilemma. Visa free travel as tourists opens opportunities for undocumented work. Closing the borders tightly makes entry more attractive, raises the costs of human trafficking and once within the borders encourages settlement. But, control also leads to the criminalisation of immigrants who may enter legally.

The current system of control of undocumented and black labour in Germany is very clearly more directed at the illegal status of foreign persons working here than at the unregistered work of the indigenous. A higher percentage of foreign persons are being controlled yearly for their legal status. And, gradually even more employers are being held accountable for the employment of the undocumented foreigners. To date Germany has never had a policy of regularisation of undocumented migrants, except through hardship cases. The major means for undocumented to become legalized in Germany is through marriage to a German or another legal resident. Government policies are contradictory. The German policy refuses to recognize itself as a country of immigration, politically supports a temporary labour migration, keeps tight control of borders and in the end makes entering the country more attractive and more costly. This policy creates the greatest refinement of trafficking procedures and fraud. Makes potential undocumented obligated to their traffickers. And, the result is more investment in border controls throughout the eastern borders. As well as the identification of those wanting to come in as a threat to the country. This policy results in the creation of a class of persons without legal status and subject to criminalisation.

What could the apparent lower control about the legal status of foreigners in France mean? Is it related to the republican spirit and a traditional adherence to the concept of citizenship for immigrants? Is it a result of the strength of a political movement among prominent public personalities and intellectuals to sympathize with the „san papier“ movement? Or, does this simply reflect the absolute and relative lower number of new entries from abroad?.

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**MIGRINF**

**MIGRANTS' INSERTION IN THE INFORMAL  
ECONOMY, DEVIANT BEHAVIOUR AND THE IMPACT  
ON RECEIVING SOCIETIES**



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## **Research Team**

**Emilio Reyneri**  
CARLOTA SOLÉ

ordinator  
EMILIO REYNERI  
UNIVERSITY OF PARMA  
UNIVERSITY OF MILAN “BICOCCA”

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**CE/DG XII - SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER - MIGRINF**

*COORDINATOR:* EMILIO REYNERI

UNIVERSITY OF PARMA

**MIGRANT INSERTION IN THE INFORMAL  
ECONOMY, DEVIANT BEHAVIOUR AND THE  
IMPACT IN THE RECEIVING SOCIETIES:  
THE SPANISH CASE. PRELIMINARS**

**BY**

**CARLOTA SOLÉ**

DPT. SOCIOLOGY - AUTONOMOUS UNIVERSITY OF BARCELONA (UAB)

**RESEARCH TEAM:**

Carlota Solé (coordinator)

Natàlia Ribas

Valeria Bergalli

Sònia Parella

Amado Alarcón

Francesc Gibert

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### **History and general features of immigration**

Immigration in Spain started in late 1970s, but became important only by mid-1980s. Most of the foreign people now living in Spain arrived in 1990 or 1991. At the beginning of 1990 there were approximately 400,000 legal foreign residents plus an additional 150,000 whose situation was irregular, so the total foreign population amounted to 1.5% of the Spanish population. After the second regularization in 1991 a total of 550,000 foreign nationals had Spanish residence permits, but in 1994 they decreased slightly over 460,000. The number of illegal aliens is likely to continue growing, either due to the arrival of new migrants (who find employment in the shadow economy or who are relatives of people already settled here) or because the authorities turn down applications for renewals (one of the grounds for refusing to renew work permits is that the holder is currently unemployed).

Until 1991 immigrants to Spain consisted mainly of nationals from the E. C., particularly Great Britain, most of which were retired. After 1991 regularization the largest number of immigrants was from Morocco and the number of married people and women had decreased, while the number of people of working age was higher than before. The share of work permits issued to male foreigners increased steadily between 1989 and 1994, but the government's quota system continues to encourage the female immigration: women account for over 70% of the quota for domestic servants, who are the largest share of the regular inflows.

New immigrants were workers from "Third World" countries, particularly former Spanish colonies (most Latin American countries, Morocco and the Philippines). Three countries account for the greatest increases in immigration between 1979 and 1990: Morocco, the Philippines and Uruguay. Furthermore the 1991 regularization resulted in a considerable increase in Moroccans: the number of Moroccan nationals multiplied by five and now accounts for one-fourth of the entire foreign population in Spain. Moreover, the number of immigrants from Gambia, the Philippines, Peru and Argentina doubled.

In many cases emigration is a traditional family project, essentially aimed at improving the domestic economy. The immigrant plans to remain in the receiving country only until he has succeeded in meeting his/her immediate objectives are met. People who have gradually attained a settled status in terms of

job, accommodation and family are more likely to eventually give up the idea of return. However a new “transnational” type of migrants, many of them Moroccans, is emerging. Although they are settled here they manage to maintain close enough links with their native country, that it continues to be an important point of reference in their lives. And a new project appears: some young migrants aim at adopting a "Western European" life style, which is understood to mean more personal freedom, legal guarantees and the benefits of a welfare society.

Furthermore, many women emigrated no more as part of a family or as dependents, but on their own. That of women who emigrated alone from the Philippines and the Dominican Republic is mainly a family-based project, in which these women are responsible for maintaining the family back home from abroad. They felt "forced" to leave their countries for economic reasons. Nevertheless other women were "attracted" by the image of the receiving country and emigrated for more "personal" reasons, such as becoming more independent and acquiring more experience by learning about life styles in other countries. Some Moroccan single women too were seeking a job abroad as a guarantee of financial independence and an escape from the restrictions of a patriarchal society. This can produce some quite paradoxical situations, because in the receiving country they remain low on the social scale as they work in undervalued women's jobs, such as housekeepers.

Most of the immigrants are located in Madrid, Catalonia, the East coast and the islands. Although there are relatively few foreigners in Spain, they may be fairly highly concentrated in certain places at particular times of the year (the tourist and harvesting season, busy seasons in the construction industry).

### **Migrant insertion in the labour market**

The great majority of immigrants are wage earners: in 1991 only one out of 7 was self-employed (above all sidewalk vendors and craftsmen). Slightly less than 70% of them are employed in the service sector, followed by manufacturing (20%) and construction (10%). Agriculture employs few legal immigrants. Most of migrant workers (all men) have seasonal jobs in agriculture and construction. As regards manufacturing, they mainly work in small, contracting out firms, many of which operate in the shadow economy, and as for services, migrants are employed in domestic service, sidewalk vending, seasonal jobs in hotels and restaurants. Migrants generally work at non-skilled jobs on the lowest levels of the occupational ladder. Their jobs often involve hard labour and little social recognition and their working conditions are marked by insecurity, non-stable

income, no social-health care protection, non-eligibility for unemployment benefits, extremely limited access to occupational training. Some of the immigrants are over-qualified for their jobs while others are under-qualified. The female employment tends to be highly concentrated in one sector of activity: domestic service.

Illegal immigrants are working in sectors, occupations and geographic zones where it is most difficult to find employees. It confirms that jobs not filled by the "normal" labour market are taken by people who find it hard to gain access to legal status, but are readily available as cheap labour for undesirable jobs. So many foreign workers who were at first illegally employed and later attained legal status, work at jobs which go unfilled by the regular system and even afterwards they are not hired through regular channels.

A large share of illegal immigrants are women, while the largest numbers were from Morocco, Portugal, Argentina, the UK, Senegal, Germany, Gambia and the Philippines. Illegal immigrants are quite mobile in both territorial and occupational terms. The majority of them work in seasonal service jobs (waiters), less settled jobs (sidewalk vendors) and in jobs that are the most difficult to control (domestic help). The next largest groups consist of housewives and students, many of whom very likely combine their "non-active" status with some kind of employment (working and study, housekeeping both for themselves and others). In third place come the wage earners, most of whom were employed in agriculture or construction, two sectors where use of illegal immigrants is traditional. The fourth group is smaller in number, consists of skilled wage earners and is significant because it reveals that it is often the more highly skilled who emigrate from their native countries. Several illegal immigrants had higher than average education and were members of the middle class in their countries of origin.

In Catalonia one-fourth of the legal foreign workers are employed in two branches of the service industry: wholesale and retail trade and the hotel and restaurant industry. The branches that ranked next in importance were different, with the machine tools and electronics industries, transportation and construction employing immigrants from the industrialized countries, while those from the developing countries are employed in domestic and personal services, "other activities" that are difficult to describe, as well as the construction industry. "Southern" immigrants were more heavily concentrated in domestic and personal services (particularly the Asians), "other activities", construction and agriculture



(Africans), recreational services, the textile and garment industries and health care-social welfare (Latin Americans). The most settled among the Moroccan migrants in Catalonia tend to be municipal employees (street cleaners), self-employed retailers and wholesalers and people steadily employed in heavily agricultural areas where there the demand for labour is constant, rather than seasonal. The remainder work in sectors where demand is fluctuating, such as construction, or seasonal (harvesting certain crops) and the hotel and restaurant industry.

Concerning illegal immigrants in Catalonia, Moroccans were former industrial employees (ex-foundry workers), who had first lost their jobs and then their legal status. They survived by working in agriculture or as sidewalk vendors. Central Africans worked as agricultural day labourers (picking flowers, fruit, tomatoes), or as unskilled labourers in the building trade or small industries. There were also a few women from the Cape Verde Islands who worked as domestic help and men of a variety of nationalities (but especially Gambians and Senegalese) who worked at such jobs as loading and unloading trucks at the markets, did minor chores in bars and discotheques, worked as sidewalk vendors in Barcelona or did a number of different temporary jobs in agriculture. Most of the Philippine migrants were women with a medium-high level of education. Almost all of them worked as domestic help in Barcelona. The few men in the group worked in "Chinese" restaurants. Most of the Latin Americans had medium-high levels of education and labour skills and were self-employed (craftsmen, sidewalk vendors, etc.). Females were mainly working as domestic servants.

It is by no means unusual to find immigrants employed in clandestine job shops in Barcelona. These job shops generally hire both immigrants and members of the local population and work for legally established companies, which design and market the products they produce. The clandestine job shops are low productivity, high competition, unskilled and harmful work. They want to stay "underground" in order to avoid paying taxes and thereby increase their profit. Illegal migrants, mainly North Africans, are employed in these job shops. Many of them are recent arrivals to Catalonia and the work place also serves as a sort of refuge where they can sleep. Some of these immigrants subsequently set up their own job shops, employing illegal immigrants from their same areas of origin. As sales decline in the traveling markets, the job shops have been forced to produce better quality goods. This explains why the city councils in some towns have received requests for financial aid to organize cooperatives of Moroccan workers

in an attempt to improve both the situation of the workers and the quality of production.

It was estimated that 75% of the immigrants from the Third World countries work in the shadow economy. This amounts to 5% of the total shadow job market. In contrast foreign labour accounts for only 0.3% of the legal job market. Foreigners working illegally are over-represented in agriculture and construction in comparison with their legal counterparts. There are cases in which employers prefer illegal migrants to local workers because they are cheaper, more vulnerable (they are not in a position to officially complain about their situation) and more docile (they do not protest if their working conditions get worse or if they are overexploited). This "positive" discrimination at the time of hiring goes hand in hand with negative discrimination in the job itself, particularly in terms of wages and working hours.

The majority of the immigrants working in the construction industry are Moroccans and, to a lesser extent, Poles. Their working conditions are extremely poor and very dangerous. They have no job contracts, they are paid less than the minimum wage and they can be arbitrarily fired at any time. Some of them live in makeshift housing adjacent to the construction site and "rent" is deducted from their salaries. Immigrants working in agriculture usually work on a seasonal basis, picking fruits and vegetables. The only exceptions are the workers employed in year-round agricultural jobs (for example, in the greenhouses). Cases of foreign workers being exploited in this sector are constant. They have no contracts, no insurance and they live in shacks with neither electricity nor running water. Immigrants are considered as a supply of inferior, but necessary, labour. Many immigrants are therefore over-educated for the jobs they do. Moreover, they are concentrated in non-skilled or semi-skilled jobs in workplaces with local foremen and supervisors.

When their papers were not in order, strategies for entering the job market ranged from passively accepting whatever conditions were available to competing on the labour market, but with no legal recourse and under the continual threat of repatriation. In the case of legal immigrants, their margin for maneuvering depends on the type of work permits they have. Most of the legal Moroccan immigrants have A or B permits (good for up to one year, valid in only one province and for one type of job, with no chances of taking part in job promotion programs, etc.).

The different ways in which the immigrants enter the labour market and the market's increasing stratification by ethnic origin are all explained by the fact that the job market in Catalonia is highly fragmented. There are major pockets of unemployment, a great deal of temporary hiring and a large shadow economy, all of which are on the increase due to the current recession. Moreover, they all have a particularly important impact on certain sectors of the secondary job market where there tend to be a considerable number of Moroccan immigrants (agricultural day labourers, unskilled construction workers, domestic servants). Thus, the immigrants' employment problems coincide with the structural problems of the labour market in Catalonia; and indeed it is these very problems which causes the market to absorb the immigrant labour force.

The situation of legal immigrants from the developing countries varies considerably. Some of them are legally employed in working conditions similar to those of Spanish citizens. But their very "legality" is contingent upon their work permits being renewed every five years. Many legal immigrants in Spain work in conditions similar to those of illegal ones: they do not have job contracts or social protection; they are paid less and/or work longer hours than permitted by the labour organizations. Nevertheless they are not as vulnerable as the illegal migrants because they can take legal action or file formal complaints, although in practice this is not always so easy to do.

The regularisations of 1986 and 1991 actually caused a number of migrants to be judged as illegal, also people who had been living in Spain long before, while simultaneously attracting new illegal aliens. This was particularly true in agriculture, where it was impossible to prove the existence of a labour contract. Illegal migrants were forced to remain semi-hidden in a particular place where there are fewer chances of being arrested. This resulted in a permanent "reserve army" which, on the one hand, makes it easier for employers to ignore the demands for better wages voiced by some of the immigrants and, on the other, provides a source of labour that can be used during peak production periods without the need for any formal labour relation. The legalizations mean that the great majority of foreign agricultural labourers have no legal protection: 4 out of 5 are illegal.

Numerous difficulties are involved in assessing the positive effects of controlling shadow economy operations that employ both local and migrant labour and do not comply with all the legal regulations. A strict and punitive control would have a negative effect as it would leave numerous foreign and local

workers jobless and not entitled to social benefits. It would also have a negative effect in that it would increase competition in the segments of population whose existence is already the most insecure, people who are working on the lowest levels of the job structure, whether they are locals or immigrants, the latter of whom are clearly obliged to work illegally.

In a city like Barcelona where the possibilities of employment and increasing salaries have materialized in some sectors of the economy and in others constant restructuration has assured a notable increase in the level of illegal employment, Moroccan, Algerian, Gambian, Senegalese, Pakistani and Philippine migrants have been clearly discriminated against on the job market, subjected to abusive terms when searching for a place to live, and rejected in their attempts to co-exist with the local population. The situation is of latent conflict derived from the advent of these immigrants on a job market that is controlled by local businessmen and unions.

Foreign immigrants began to become noticeable in the Catalan job market around mid-1980s, when unemployment was generally high, a considerable number of salaried workers were employed in unsteady jobs and many people were working in non-regulated activities or the shadow. The Moroccan migrants are concentrated in the secondary job market, i.e. unskilled jobs, which are either temporary and/or in the shadow economy. There is a certain "ethnicization" in terms of salaries in the agricultural and service sectors, which are less "formal" in character.

The concentration of immigrant workers in certain jobs assures the viability of certain branches of the economy and social subsectors which would otherwise be in critical condition. This is the case of a considerable number of small farmers and building contractors who survive by employing immigrants who work in conditions that would not be accepted by their local counterparts. In addition, broad sectors of the urban population now satisfy their needs for domestic help in their principal residences and country homes by hiring immigrant workers as maids, gardeners, caretakers, etc..

### **The social construction of deviant behaviour and criminality among immigrants**

Arrests of foreign immigrants account for 14% of all arrests and 16% of imprisonments in Spain, although foreign nationals amount to only between 1.5 and 2% of the total population, but one-fourth were immigrants from the

industrialized world (generally speaking, more organized, professional criminals). Most of the foreign nationals imprisoned come from North Africa, but citizens of the European Union rank second in the number of prisoners, although many of them prefer to serve their terms in their own countries.

However the measurement of criminality involves two problems at least: the inconsistency between actual and reported criminality, and the racial discrimination as a variable in decisions to make arrests. Police, court and prison statistics reflect how society controls certain segments of society rather than how it controls the criminal population in general. Moreover, classifying prisoners by types of crime can have a clearly ideological bias.

Statistics indicate that more North Africans than Europeans are arrested, but many North Africans are arrested for minor offenses, such as violations of the *Ley de Extranjería*, minor robberies, small-scale drug dealing and other infractions that are not punishable by imprisonment, but by house arrest or light sentences. Moreover, the police categories frequently fail to specify the seriousness of the offense, as in the case of the offenses included in the general category of theft.

Any foreign resident whose situation is irregular, either because he does not have the required permits or because he has committed a criminal offense is liable to deportation. In the majority of cases people are expelled because their papers are not in order. It is only exceptionally that foreigners are extradited for having committed a criminal offense. Any foreign national who commits an infraction or offense is liable to arrest. This might at first give the impression that anyone who has been arrested has been engaged in some illicit activity. However, many people are arrested simply because they do not have the necessary papers, in other words, they are in an irregular situation.

Another form of irregularity involves situations in which foreign nationals have become illegal aliens, either because they have committed offenses punishable by Spanish law or because they were arrested for being in an irregular situation. It is important to make this distinction in order to avoid considering criminal behaviour and irregular immigration as synonyms. Nevertheless, they are included in the same category as it is government and court intervention that renders them illegal. According to this criterion, illegal aliens include: foreign nationals in liberty pending deportation, interns in special alien detention centres pending expulsion, prisoners serving sentences, fugitives from justice and habitual offenders not pending trial.

Hence, it is important to make a distinction between criminality and irregular immigration, taking special note of strictly administrative infractions, which cause police statistics for arrests for "other offenses" to be tremendously inflated. It would appear advisable then to make an effort to determine how extradition affects official statistics and how it affects implementation of the migratory policy.

Foreign prisoners are not eligible for leave or to serve their sentences in open prison facilities. Because they do not have families in Spain their applications for these privileges are systematically rejected. The chance to work off their sentences and apply for parole are not recognized. Any Spanish prisoner serving a sentence of less than six years will be given regular leaves, providing he has a family and a record of good behaviour in prison. These almost automatic leaves are systematically denied to foreign nationals, because they do not have families in Spain. The chance to serve sentences in open facilities is often contingent on the opportunity to work. But foreign nationals would never be eligible for the open system because they are not legally entitled to work permits.

Moreover, over half the foreign nationals jailed in Spain are in preventive custody (i.e. waiting to be judged) as opposed to 35% of Spanish prisoners. Foreign nationals are remanded into temporary custody more frequently than Spaniards because they have no permanent residence or family connections in the country. Finally police and court statistics on crimes committed by foreign immigrants are not accurate, because they include all offenses committed by foreign nationals, regardless of whether or not they are Spanish residents. In fact, the majority of foreign nationals serving prison terms were not living in Spain either at the time they committed their crime or at the time of their arrest. The number of foreign nationals who committed crimes while residing in Spain is negligible. According to a case study, among the prison population there are few migrants from developing countries and living in Spain either legally or illegally, while most foreign prisoners were not living in Spain at the time they committed their crimes or at the time of arrest.

A good number of both foreigners, particularly Moroccans, and Spaniards are engaged in sale of smuggled cigarettes. This is an administrative infraction and not a crime: first a complaint is filed, then the cash and cigarettes are confiscated. The vendors are never arrested unless they are in possession of over one million pesetas' worth of tobacco. Although this is an administrative

infraction and not a crime, it is by no means unusual to encounter people with legal work permits who are selling cigarettes on the streets.

The foreign prison population largely consists of people sentenced for drug-related offenses. Spain's drug policy is unquestionably related to the increase in the prison population. Most prisoners did not deal drugs on a large scale (indeed, the major dealers usually don't get caught). This was especially true in the case of African nationals. People from Latin America and Central Asia were more likely to be "runners" for major rings. Many of the runners are women. This is particularly true in the case of Latin Americans. Korean and Vietnamese nationals account for the largest number of Asian prisoners. There has recently been an increase in the number of Polish, Rumanian and Albanian, most of whom are drug runners.

The reason so many foreigners are arrested is because the police keep closer tabs on this segment of the population. First of all, foreigners tend to be detained not only for criminal offenses but also, and more frequently, for violating the *Ley de extranjería*. Moreover, the majority of crimes committed by the foreign population are related to transnational drug dealing. In other words, foreigners cross the border into Spain in order to commit their crime but they have no intention of remaining in the country. This inflates the figures for arrests, which are erroneously interpreted as being attributable to the permanent foreign population, legal or otherwise.

Available statistics do not justify the xenophobic attitude that identifies "all crime with all immigration", first because almost one-third of the foreign nationals under arrest are transients and secondly, because many of the people arrested are not sentenced to prison because they were guilty only of administrative infractions, in other words their offense was not having their papers in order. Furthermore often Spaniards are also involved as organizers in criminal activities made by migrants.

Although studies indicate a certain ethnification of criminal behaviour, this should be viewed in the light of the current immigration policy and the fact that police controls are not impartial. There are few grounds for assuming that immigrants from non-EU countries are more prone to criminal behaviour, on the contrary a significant percentage of crimes committed in Spain are committed by citizens of the European Union. Crime is relatively rare among resident immigrants and is usually not serious. Being an immigrant has no bearing on criminal behaviour except as regards the status of immigrants in society.

The increase in the prison population is not only the result of the immigration policy, but also due to drug policies. Another factor is that there is no deep-rooted informal social control among foreign immigrants. Many foreign nationals have no roots in Spain. Family ties, friendships, relations with neighbours all constitute informal controls. Because many foreign nationals have no such ties in Spain, these informal controls are not effective. However, this does not necessarily mean that the absence of informal social control leads to criminal behaviour, but rather that lack of such control produces fear among the local population and this fear translates to public pressure on the agents responsible for controlling social behaviour. Stricter control is thus exercised on these people and formal control takes the place of the informal controls that are lacking. Hence attention should be focused on the relations that give rise to the marginalization process, on the mechanisms underlying relations with authority and not so much on the marginalized groups themselves.

Only a very small number of immigrants are involved in dealing heroin. The first to get involved were usually locals, followed by gypsies and finally some foreign "immigrants" with no visible means of support. There is a difference between a North African who enters Spain on his own, dealing in hashish on a small scale as part of his survival strategy and then going on to other things, someone who enters the country as part of a more organized gang, and an African from the sub-Sahara who is only sporadically involved. The social alarm is also noteworthy because it underscores the role of media and their insistence on emphasizing the involvement of ethnic minorities.

No research has ever analyzed the link between deviant/criminal behaviour and insertion in the underground economy in Spain. Witnesses quote "white slavery", i.e. organizations dedicated to pandering, that are, however, controlled by Spaniards. On the contrary, illegal immigration is organized by Chinese gangs, which supply labour to their economic activities.

### **The reactions of the receiving society**

Summarizing the results of many surveys from 1991 to 1995, we can say that Spaniards consider themselves as not racists, although almost one out of every three people think that there are as many or more immigrants in Spain as in Germany, France or Italy, and one out of every five people felt that immigration is a threat to the Spanish national identity. Gypsies are the most stigmatized, but Moroccans and Western Africans as well as Philipinos and Pakistanis are kept aside from social and cultural life.



In abstract terms, attitudes towards immigration are fairly positive. The majority of the people surveyed are in favour of integration and only one in every three felt the immigrants should go back to their own countries. But Spanish people are less tolerant towards illegal immigrants concerning the entitlement of public services (schools, housing, health care). Even less positive are Spaniards' attitudes as regards employment: foreigners coming from undeveloped countries are viewed as potential competitors in the labour market. Although the majority of Spaniards believe that the immigrants do jobs that Spaniards don't want to do, they also believe that they steal jobs from the local population. The great majority felt that immigrant workers should only be employed when there are no Spaniards available for the jobs. Nevertheless the belief that immigrants cause a significant increase in crime is on the decline. Half the population now believes that immigrants do not cause an increase in crime while the other half believes the opposite.

Always according the surveys, Spaniards continue to have little social contact with the immigrants. Spaniards mostly come in contact with migrant street vendors. Simply passing them in the street, encountering them begging or doing nothing in particular were less frequently cited by Spaniards as occasions when they came in contact with foreign immigrants. To conclude, use of a xenophobia/racism index reveals that only 6% of Spaniards aged 18 and over can be considered xenophobic or racist, while 57% of the people surveyed rated very low in terms of xenophobic or racist attitudes.

Surveys were used also to examine Spaniards' opinions on migration policy. The analyze concludes that in Spain a broad segment of society prefers immigration to be on a temporary basis, supports restrictions on permanent immigration of foreign workers and strongly opposes the presence of illegal immigrants. These three points are precisely the basis of the Socialist government's immigration policy still 1996.

Group discussion technique was used as well, that should have provided access to collective images and value-laden signs that shape attitudes, condition behaviour and give rise to more or less lasting opinions. When it comes to studying the role and characteristics of foreigners as perceived by each of the different groups, the authors warn that the classification of something as 'foreign' is not usually governed by the same logic as is used to classify different groups from the same country. The logic of identification/differentiation operates in a specific way when "they" are presented as "foreigners". However, this specific

way is not the same for all groups of Spaniards, nor does it even involve the same elements. The discourses of the native Spanish population vis-à-vis foreigners are based on three main forms of logic: national difference, cultural discrimination and equalitarianism. Although for purposes of analysis it is possible to distinguish between the three different types of logic, in practice ideological positions tend to combine a variety of elements.

The mass media are a basic source of information. The majority of the people surveyed felt that media treatment of immigrants is impartial. Nevertheless, the percentage of people who felt that the media projected a negative image of migrants far outweighed those who felt the image was positive. As a matter of fact the analysis of the daily press put in evidence that only a small portion of the news items involving immigrants show them in a positive light. One-third of the items analyzed linked immigrants to criminal activities; more than one-fourth reported cases of attacks on immigrants or racial discrimination in Spain and Europe, while only 16% of the news items reported matters which could help the immigrants become better integrated.

The media themselves are becoming aware of the importance of the language used in reports involving immigrants. It has long been common practice to quote the nationality or ethnic origin of people involved in criminal acts. In 1995 agreements were reached whereby professional associations linked to the communications industry will undertake to safeguard the image of the ethnic minorities.

In spite of that, press treatment "non-EC or non-Community immigration" is unfair. Reporting is sensationalistic, negatively slanted and plays up the exoticism of the immigrants' countries of origin. Newspaper reports on immigrants themselves largely consist of stories about arrests, deportations, crimes, corruption in the police forces and consular services, illegal landings under cover of darkness, drug traffic, employment in the shadow economy, "outbreaks" of racism, fights, "Peruvian gangs", the "Chinese Mafia", etc. The sources most used by the press are the Ministry of the Interior. The press publicizes certain definitions of "immigrants" which portray them either as a dangerous segment of society or else as dependent on charity. The newspapers also underscore the idea that "the host society" is determined to put a stop to "illegal immigration", while simultaneously preaching the need for solidarity. The immigrant population is thus characterized as at once dangerous and needy while the "host society" is portrayed both as taking a firm stance against illegal aliens

and at the same time being humanitarian, tolerant and expressing solidarity with the immigrants. Moreover, the idea that racism and xenophobia are contagious "pathologies" (as witness the use of expressions such as "racist plague" and "racist virus") embraces two complementary biases. First of all, the press associates "outbreaks" of racism with the number of foreigners - understood to be excessive - and their violation of an imaginary "threshold of tolerance". Thus the immigrants themselves are blamed for negative reactions to their presence and the local population is absolved of responsibility. Secondly, the negative reactions are portrayed as a social phenomenon produced by contagion: in other words, they are reduced to isolated actions that only graze the surface of society but are by no means a structural part of it.

As regards the labour unions, both UGT and CCOO have expressed their concern about immigrants' problems. Indeed, they recognize that defending the rights of foreign workers is one of their basic tasks. They have created special departments to handle immigrants' problems and they have organized occupational training programs. Both unions have also run numerous campaigns informing the general public about immigrants' needs and rights and have come out in favour of equal rights for foreign and local workers. Both UGT and CCOO have actively campaigned to recruit more members from among immigrants. An important indicator of immigrant participation in labour organizations would be the number of immigrants elected as union representatives. This would give an idea of how well immigrants are integrated in those union actions aimed at defending workers' rights in general and not just the rights of immigrants. Indications are that few immigrants have been elected union representatives.

Spanish unions are also concerned with the issue of discrimination. Unions are most concerned with the deliberate exploitation of immigrants in highly undesirable or illegal jobs. Likewise, they rate their campaigns in favour of granting legal status to currently illegal workers as a step towards ending official discrimination of these workers: so long as their status continues to be irregular they will be subjected to discrimination on the job market. Nevertheless their positions are not always accepted by local members, which might then translate to discrepancies between local actions and the principles professed by the unions in general.

The proposals presented in 1992 by the Commission of Non-Governmental Associations and Organizations of the Counties of Girona have played an important role in developing immigration policy. They soon became

grounds for discussion, a basic document to be found on the desks of councilors, general directors, NGO representatives, Parliamentary Commissions, bishops and scholars. The report is based on the idea that immigration is not a misfortune, but a necessity because the evolution of society is causing rapid changes in the job market and specialization is becoming increasingly widespread, which means that there is no local labour available for certain jobs. At the same time, Catalonia's demographic growth is insufficient to meet the needs of the coming decades. The report points out that there are problems of integration and co-existence, among them legislation on foreign immigrants, social issues such as housing, employment and health, and thirdly, the attitudes towards migrants expressed by society, social agents, governments, etc. The report maintains that more than racism and xenophobia, there exists a problem of false stereotypes which are detrimental to foreigners, provoking widespread attitudes of distrust and rejection by society.

As regards the hypotheses that might explain negative reactions to immigration, a study identifies three forms of logic (national difference, cultural discrimination, equalitarianism) which pervade discourses about everything "foreign". Then nine different positions can be identified. Three of them adopt the logic of nationalist exclusion (progressive, protectionist and ambivalent nationalism), three are based on the concept of cultural inferiority (ethnocentrist cosmopolitanism, working class "racism" and localist ethnocentrism) and the remaining three are the result of a variety of combinations and mutations which depend on the speaker's social status but which also reflect his/her stance in reference to an 'illusory object'. In search for a common denominator for the different concepts of "foreign", the study indicates that this denominator appears to be "lower class" people. "Outsiders" who are attributed with similar identities (in terms of class, ethnic or cultural background) are not labeled as "foreigners". Therefore the reasons for rejection are not racist (non-whites such as Arab sheiks and Japanese investors are accepted) or strictly xenophobic (only certain foreigners are rejected). National and ethnic arguments instead combine with class arguments to produce a field of rejection that is "geometrically variable". In conclusion, the study states that discourses rejecting and discriminating against "everything foreign" cannot be considered as pre- or anti-modern (with the exception of local ethnocentrism). The feeling of national superiority has its roots in the legal concept of the nation State, a modern institution par excellence, while discrimination against what is considered as "inferior" culture is based on the idea of ethnocentrism as a modernizing force.

Another study states that in Spain should certain processes and tendencies endure and become entrenched they may cause new ethnic minorities to emerge. This development will go hand in hand with serious cases of social marginalization, conflict and racism. The processes are the following ones:

- the continued existent of a segment of illegal aliens,
- job market segmentation that relegates a good number of immigrants to jobs in the shadow economy.
- the fact that these immigrants have little access to social recourses;
- the limited involvement of immigrants in such institutions as labour unions, neighborhood associations, etc.
- the gradual tendency for immigrants to concentrate in certain zones can lead to the creation of ghettos;
- the predominance of negative, stereotyped images of migrants in the media;

Finally a survey points out that in the case of non-European individuals from Africa and Asia it can be said that rather than social barriers, there is a caste barrier which is closely linked to the existence of prejudices. These negative attitudes imply a social distance between certain individuals or groups and others. This distance is marked by a lack of contact which frequently excludes or discriminates against the others on the grounds of religion, "race", occupation or gender. Attitudes can also take the form of "irrational behaviour" and play an important part in the social relations between groups and individuals. There is no such thing as a prejudice-free society. However, in some cases, prejudices underlie decisions which affect the behaviour of the members of society and they are so deeply ingrained that they can lead to a consensus on a conflictive or discriminatory situation.

Unlike in most receiving countries, in Spain institutional measures (legislation and police action) aimed at restricting immigration in the 1980s clearly preceded the social rejection evidenced in the 1990s. According to a study, in Spain, the most flagrant examples of discrimination against immigrants either involved the State and society as direct accomplices or else are directly undertaken by the State itself. The process whereby institutions and society shape negative perceptions of immigrants is more complicated in Spain than in other European countries because there is no history of immigrants being scapegoats or targets for exclusion and rejection (this role was traditionally filled by the gypsy population) and it was therefore necessary to create this figure. There were two

moments in this process: first, when border control policies are legislated into existence and directed against immigrants and, second, when attitudes of rejection spread throughout society. It was necessary to produce a certain amount of racism in order to somehow justify applying these policies inasmuch as there had previously been no justification due to the limited size of the immigrant population and the low incidence of social rejection. Thus we could say that in Spain, racism directed at immigrants from the Southern countries was not only not an undesired consequence of immigration control policies but that it was instead necessary if these policies were to be applied.

**CE/DG XII -SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER – MIGRINF**

*COORDINATOR:* EMILIO REYNERI

UNIVERSITY OF PARMA

## **THE SPANISH CASE: THE FIELDWORK**

**BY**

**CARLOTA SOLÉ**

DPT. SOCIOLOGY - AUTONOMOUS UNIVERSITY OF BARCELONA (UAB)

**RESEARCH TEAM:**

Carlota Solé (coordinator)

Natàlia Ribas

Valeria Bergalli

Sònia Parella

Amado Alarcón

Francesc Gibert

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## **ABSTRACT**

### **Migrants' insertion in the underground economy**

In general, jobs held by our interviewees show that immigrants occupy lower strata of the employment structure than their local counterparts. With few exceptions, jobs are open to foreign immigrants only when the local work force is not available to fill the vacancies or when employing immigrants enables employers to save on labour costs. Employers prefer to employ immigrants for certain jobs because they are docile and prepared to accept poorer working conditions. They are docile both because their legal status is irregular and because they are legal being work permit renewal contingent on having a job.

The labour inspectors we interviewed did not agree about the branches of activity where immigrants are employed. There are two different opinions. Firstly, some inspectors say that regardless of whether jobs were in the formal or shadow economy, immigrants only had access to jobs requiring little skill, jobs rejected by the local population, mainly in hotels and restaurants, agriculture and the textile and construction industries. On the other hand, some inspectors make a distinction between the two types of economies. Although they admitted that in the shadow economy immigrants are hired only for totally non-skilled jobs -frequently not accepted by Spaniards-, it was solely the immigrants' educational level that determined the branches of activity and specific jobs for which they would be considered in the formal economy. Jobs in the shadow economy now held by immigrants have long been a part of the Spanish labour market structure and were not created ad hoc when immigrants began to arrive. This is confirmed by the labour inspectors we interviewed, although they did point out that this is not true in the case of Chinese restaurants, where jobs were specifically created when Chinese nationals arrived in Spain as irregular immigrants.

In spite of their own experiences, almost all immigrants interviewed agreed that immigrants are only eligible for badly paid jobs that the local population refuses them. They also agree these jobs are usually in the informal economy.

Many of our interviewees stated that it has been much harder to find work in Spain since 1990, both because unemployment has increased and because there are more immigrants than some years ago.

We are going to examine the kinds of jobs held by our interviewees during their working lives in Spain, as far as formal/informal economy is concerned.

First of all, *agriculture* is a highly informal branch of activity. Jobs are precarious and the work is extremely hard and dangerous. The availability of immigrant workers who are resigned to exploitation is with no doubt what keeps many agricultural holdings alive. Nevertheless, several of our interviewees reported that since 1990, job contracts for agricultural work have begun to be more frequent and attribute this to an increase in government inspections.

*Construction* is another typical branch of activity where we find immigrants. Most of them were irregularly employed by small builders. In some cases the interviewees were given work contracts, but they were always temporary and the working conditions were frequently abusive. When their temporary contracts can no longer be renewed, they lose their jobs. According to the labour inspectors interviewed, since 1990 there are scarcely any informal jobs in the construction industry.

As far as *industry* is concerned, immigrants were employed in textile factories, tanneries or metalworking factories. The interviewees' experiences demonstrate that in recent years the transition to the formal economy has been greatest in industry. The shadow economy is now limited to small garment manufacturers and tanneries with few employees. One of the labour inspectors shared this opinion and concluded that nowadays it is almost impossible for companies registered in the Social Security system to contract immigrants on an irregular basis, because they are likely to be heavily fined. This explains why it is increasingly difficult for immigrants to find a job in industry, other than in unsteady jobs in the shadow economy the local population refuses. Working conditions in industry are also attractive to locals and there is tremendous competition for jobs. Moreover, there is a great deal of discrimination against immigrants who apply for factory jobs.

Most of the interviewed women worked as *domestic servants*. The women who worked exclusively as cleaners did not have job contracts. If they not only cleaned but also looked after the family's children, the ill or the aged, they had a better chance of eventually becoming formally employed. The quota system offers every year some working permits as domestic servants. The interviews revealed no significant differences in the working conditions (salary and working hours) between servants working without contract and servants working with contract. In

general, immigrants are not satisfied with working conditions and report that the regulations on domestic service are not always observed. Live-in employees have worse working conditions: they work virtually 24 hours a day and earn more or less the same as outside help. Besides, they earn more or less the same as outside help. Spaniards women who work as servants don't want to be live-in employees, so immigrant women find preferently this kind of job.

Lastly, employment in the hotel and restaurant industry can be on a formal or informal basis, since this branch includes so many different types of businesses, ranging from small snack bars and restaurants -in general, with no work contracts-, to huge hotels -easy to get a work contract-. Nevertheless, exploitation was a common experience for all our interviewees, which basically meant low pay and excessively long working hours.

In general, the interviewees' employment situation is very precarious, not only because many of them are currently working with no contracts or have worked without contracts in the past. Therefore, they have many problems while breaking into the formal economy as well as for those who manage to get jobs in the formal economy, also those who manage to get jobs in the formal economy only get temporary contracts, not renewed easily able, or contracts as domestic servants, that can be rescinded by their employers at any time. This explains why most of the interviewees shift back and forth between the formal and informal economies. Jobs in the shadow economy are always viewed as stopgap measures and immigrants long to break out of the shadow economy and acquire valid job contracts.

We have explored the legal status of our interviewees in relation to the employment experiences. Legal and labour status are closely linked: people working in the shadow economy are not eligible for work permits and therefore cannot legally reside in Spain (unless they can acquire residence permits as dependent family members or student permits). Immigrants who lose their jobs in the formal economy cannot renew their work permits while they are officially unemployed. This means they suffer not only the financial setbacks of unemployment but also lose their status and rights as legal immigrants. In other words, unemployment almost immediately leads to irregular status and risk of deportation. However, and with only a few exceptions, the interviewees who managed to regularize their status tend to maintain that status even though they were subsequently forced to take employment in the shadow economy. This leads us to deduce that job loss is not always synonymous to loss of legal status.

Immigrants who are not a permanent part of the formal economy use a variety of strategies that enable them to renew and maintain their working permits: looking for job contracts or registering as self-employed when their permits are about to expire, presenting false job contracts.

Our interviewees are therefore fighting on two fronts: on the one hand, they try to legalize their status in order to avoid the problems involved in being an illegal immigrant; on the other, they are striving to break into the formal economy in order to obtain valid work permits, achieve economic stability and be eligible for a series of rights which are denied to people working in the shadow economy. People who are formally employed are automatically granted the status of legal immigrants, but obtaining a work permit on the basis of a pre-employment contract is a long drawn-out process. To conclude, it is very difficult for immigrants to break into and remain in the formal economy in Spain. This gives rise to a vicious circle which tends to keep the immigrants' status irregular, making it yet harder for them to integrate and less likely that prospective employers will offer them formal work contracts.

### **The processes of the social construction of deviant migrants**

The danger that immigrants will resort to crime is particularly great when the receiving society erects obstacles to their legal, social and economic integration and when there is a breakdown in social discipline. The fact that many of our interviewees have only been able to find work in the shadow economy and some of them have resided in Spain as illegal immigrants for long periods of time, provided a good opportunity to discover whether people whose situation is precarious and socially marginalized are more likely to become involved in deviant or criminal activities.

Our findings did not reveal any connection between the shadow economy and deviant or criminal behaviour, according to the statistical data we showed in our first report. Indeed, the interviewees all openly rejected the idea of getting involved in criminal activities. Only four of our interviewees reported having been approached with offers to work in illegal or criminal activities -selling contraband cigarettes, prostitution to female immigrants, selling drugs to jobless young immigrants...-. It's logical that there is no link between criminal behaviour and the shadow economy in a country like Spain, where no big effort is made in order to combat the shadow economy and it continues to be the source of income for a good part of the population, locals and immigrants alike.

This finding contrasts sharply with society's perception of immigrants as criminals. This is more than just an automatic by-product of racist attitudes. Media are responsible for taking prejudices, feelings of insecurity and hostility and blowing up into truly stereotyped perceptions of immigrants. The majority of interviewees protested that the media place too much emphasis on immigrants' nationalities or over-use the label "immigrants" when reporting crimes. They complained that this contributes towards giving them a bad reputation among the local population.

Lastly, Chinese restaurants are an important source of illegal employment for immigrants and, on some occasions, have proven to be clearly linked to criminal activities. The owners of some of these restaurants have connections with international gangs that smuggle Chinese citizens into Spain on false passports. Because the immigrants cannot afford to pay the price of the passport, the gangs advance the money for their trips, forcing them to work illegally in Chinese restaurants in Europe for two or three years in conditions of virtual slavery.

Lately, few immigrant children (mostly Moroccan) are living on their own in the streets of few Spanish towns. The police is not able to keep them in jail, because of the present law regarding child's rights, or send them back home, since they are undocumented persons. A new law will pass next December 1998 through the Catalan Parliament.

## **The different aspects of the societal reactions to immigration**

### ***ETHNOGRAPHIC STUDY***

The findings described are the results of field work carried out during Spring 1997. The study covered three neighbourhoods in Barcelona's district I (area I, Ciutat Vella): Raval, Casc Antic (Parc) and Barceloneta. Twenty representative figures in the district were interviewed in order to analyze local reactions and opinions, in order to see which segments of society accepted or rejected immigration and which kind of attitudes were explicit. Interviewees were essentially shopkeepers' associations, NGOs, social workers and other experts. At the same time, researchers engaged in participant observation in public places, particularly where people tended to congregate: not only certain streets and squares in the neighbourhood but also businesses (all sorts of shops, cafés and restaurants). Lastly, researchers collected samples of printed matter (magazines, brochures, reports, etc.) and other secondary sources of information of various

neighbourhood associations in relation to district's immigrant population. This material was important to understand the reactions against foreign immigrants in Ciutat Vella.

Ciutat Vella is a district (area) of a tremendous complexity in terms of societal, cultural and urban development. It is placed in the heart of town, but has periphery characteristics. Perceptions of foreign immigrants should be viewed in the light of the changes taking place in the district. The majority of non-EC immigrants in Barcelona live in this district. By March 31, 1996, 29.354 foreign nationals were listed in the local census. The majority of Africans, Indians, Pakistanis, Filipinos and Chinese live in Ciutat Vella.

The results of our ethnographic study show that neighbourhood and shopkeepers' associations explain the neighbourhood rejection of the immigrants as follows:

- There is a perception that the streets are not safe in the area
- There is a feeling that the neighbourhood's identity is threatened.
- There is competition for social resources and jobs.

These three points, particularly the first two, are linked to the effect of the urban renewal process: as far as the change of the neighbourhood image is concerned. Generally speaking, the neighbourhood and shopkeepers' associations are afraid that the presence of immigrants might prevent the neighbourhood to have a good reputation, but as an unsafe, poor and alienated place or will induce an even worse reputation. A considerable amount of the activity of NGOs that work with immigrants not only involves providing information and advisory services, but also keeping an eye out for situations that allow people to identify immigration with security, poverty and marginalization in order to counterbalance it.

As regards local population's perception of immigrants in the district (area I), foreign nationals tend to be classified as "foreigners" or "immigrants" and as "settled" or "transient". "Transients" are perceived as having attitudes which makes them even more strongly rejected by the local population. Nevertheless, there are certain attitudes towards the "settled" immigrants which in the long term could have a negative effect on their acceptance in the neighbourhood. Moreover, it should be noted that the classification: "legal" / "illegal" is mostly used as referring to the activities -licit or illicit- in which immigrants supposedly engage.

Then, actual situation in terms of the legislation on immigration makes little difference to people classifying them. As regards examples of vigilantism, we discovered one episode of this type, which had been fostered by one of the neighbourhood shopkeepers's associations.

### **Analysis of the media**

Besides, we have tried to describe the self-reinforcing mechanisms which have created the recurrent immigration emergencies. Materials regarding the central topic of the research are drawn from the newspapers. From September 1996 and February 1998 major national newspapers (ABC, Ya, Diario16, El Mundo, El País and La Vanguardia) and some regional and local newspapers (El 9 Nou, El Punt, Regió7, El Punt, Segre, La Mañana, Diari de Terrassa, Diari de Girona and Diari de Tarragona) were daily examined. We applied a quantitative content analysis. The results are that most Spanish news (state) referred to the illegal immigration and to the police action. In contrast, most of regional and local news referred to the rights of immigrants and their social integration.



**CE/DG XII -SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER – MIGRINF**

**COORDINATOR: EMILIO REYNERI**

**UNIVERSITY OF PARMA**

**THE IMMIGRATION TO ITALY:  
CHARACTERISTICS AND THE INSERTION IN  
THE LABOUR MARKET**

**Italian Country Report On Migrants' Insertion In The Informal  
Economy**

By

EMILIO REYNERI  
UNIVERSITY OF PARMA

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## ABSTRACT

The first immigrants started to arrive in Italy by mid-Seventies, but the inflow became important only from mid-Eighties. After Germany, Italy is the European country where the migrant's inflow during the Eighties was greater. In the first half of the Nineties the number of migrants as a whole grew much slower and its level remains still relatively low compared with population: about one million people, less than 2%.

Migratory inflows to Italy come from many African, South-American, Asian and Eastern-Europe countries, many of which are very far and never had economic and cultural relationships with Italy. The fragmentation prevented the formation of a few leading groups and undoubtedly contributed in slowing the settlement of national or ethnic based communities. Therefore we can identify three ideal types of social organisation, different in cohesion degree and extension of relations: national community, familiar or local clan, individualistic isolation. The typology is not able to tell anything about opening versus closure orientations towards the receiving society, but it is important concerning the social control among migrants themselves.

- a. The migrants' community.* When there is a strong solidarity among migrants, which allows them to face both everyday difficulties and emergency situations. This solidarity goes much further the ambit of familiar acquaintance or recognition on a local scale, and embraces the whole country of origin or at least a large area of it. This form of social organisation does not consist, however, in simply transferring an already existent community in the receiving country, as it often assembles people that in the country of origin would have never frequented each other, because deeply different for social, ethnic or cultural belonging.
- b. The family or local clan.* When the self-identification of migrants refers only to groups of friends or relatives, or to local clans, and the communication's networks are only within the group of migrants coming from the same village.
- c. The individualistic isolation.* When among migrants of the same group connections are very scarce, and in their relations a reciprocal distrust prevails. Isolation is often coupled by absence of solidarity towards the weak elements, who thus cannot count on any support from their compatriot, but can only apply to the fragile Italian welfare institutions.

Eritreans, Chileans, Iranians, Tunisians and Egyptians are the oldest

immigrant wave in Italy. Then Filipino Sinhalese and Capo-Verdian women started to arrive consistently. The second half of the Eighties is the period of massive arrivals of Moroccans, Senegalese, Ghanaians and Sinhalese. In 1990 the Moroccans were the most important immigrant group in Italy: together with other North-Africans they were estimated more than one quarter of migrants, while migrants from Eastern Europe and Asians do not reach 20%, those from Central Africa countries 15% and South-Americans exceed a bit 10% only. Then the situation changes dramatically. Migrants from North and Centre Africa and from Philippines remain steady or even decrease. On the other hand, migrants increase a lot from some South-American countries (Brazil and Peru) and above all from Eastern Europe (ex-Yugoslavia, Albania, Romania). Therefore in 1995 citizens from Eastern Europe become the most important and migrants from ex-Yugoslavia countries reached the record which Moroccans held. Now the composition of immigration is quite different from that was until the early Nineties, but either research and political debate do not yet change their focus.

Very few migrants entered Italy holding a permit to work and to stay. The short story of Italy as a receiving country is marked by three legalisations: in 1986, 1990 and 1996. Every regularisation increased a lot the number of permits to stay issued to migrants from undeveloped countries: from one third to 40%. However not a few migrants (about 10-20%) have been either not willing or not able to avail themselves of the regularisations and they have remained illegal.

Most of migrants (and almost all North-Africans, Albanians and Senegalese) have experienced a period of illegal stay in Italy. But not many illegal migrants are really clandestine. People stopped on Puglia or Sicily beaches and in the woods between Trieste and Slovenia are just a few thousands in a year and we can suppose that quite as many, but not more, may have managed to enter. Most illegal migrants are “overstayers”, i.e. people whose permits were not renewed, expired or were annulled. A lot of migrants entered Italy holding short-time permits (for tourism, study or religion), then they started to work in underground economy. The number of this visa to people coming from undeveloped countries is important and not decreasing, but visa for study reasons.

Furthermore a great contribution for the renewal of illegal stay was internal. To renew permits to stay issued during the 1990 regularisation the immigrants were asked to prove to have a minimum revenue; a difficult test for those employed in irregular jobs. The illegal area is fed by the heavy increase of expulsion orders too. Since only little more than 10% of these expulsions were

actually performed by the police, and since we can suppose that very few of the others obeyed to the order, most of them remained in their irregular position. So illegal migrants increase again mainly because most migrants employed in submerged economy are unable to get their permits renewed and others are sentenced to be expelled or cannot renew their permit. On the contrary clandestine entries, although sensational, are not as many.

What occurs in Italy is well known by migrants even before immigrating. The positive image most migrants have of Italy as a non-racist, free, well-living and easy-to-enter, to stay and to earn country, is based on the fact that it is a society without rules, where everything is in practice allowed in a general social and administrative confusion. So, if easiness of entering and staying depends on bad organisation and administrative laissez-faire, possibilities of earning even for a migrant not holding a regular permission to stay depend on the great diffusion of the "hidden economy". And scarce racism is in practice generated from the general disuse in applying rules and regulations. We can argue that seeing Italy as an "irregular country" favours a self-selection of an immigration in its own image and likeness, that is to say, as anomic and irregular as the country is seen. Given its economic and social characteristics and the contradictions of its access policy, Italy could have exerted a particular attraction on those emigrants that were more prone to irregular behaviour in economic, and not only economic, matters.

The insertion of migrants in the Italian labour market is different both by time and regions. Moving from Rome and the South towards Northern and Central regions after the 1990 regularisation coupled both with a consistent employment of migrants in manufacturing industry and construction on one side and on the other with a decrease of typical jobs for migrants, such as street selling, housekeeping and seasonal agricultural work. Only low level services (catering, portaging, cleaning, etc.) remain important, above all in the metropolitan areas of Milan and Rome. The redistribution of migrants all over Italy made them model their employment on the different local economic structures. Nevertheless their jobs are always at the lowest levels of the occupational ladder, both in regular and submerged economy.

In Italy the irregular employment is important for domestic workers too: not registered work, including moonlighting, is estimated over 20% in Southern regions and about 10% in Northern ones. As it is for Italian workers, we find higher irregular work shares in Southern Italy and, as for branches, in agriculture, small manufacturing or handicraft firms, construction and low skill services

(restaurants, hotels and cleaning firms). In the South many migrants are employed in clandestine firms, where everything is irregular and illegal. In agriculture they are often hired day by day, below any work guarantee standard and often managed by a so called *caporali*, an intermediary (often migrant himself) recruiting workers and “renting” them to the firm. In the North-Centre a new kind of irregular work for migrants has appeared: fake co-operatives illegally renting labour. Lastly there is irregular work in firms managed by compatriot: mainly Chinese restaurants and leather goods sweatshops.

Before the last regularisation about half of not registered wage earner migrants hold a permit to stay for work reasons and they could have a regular employment, whereas the other half did not and they were not able to have a registered job, although it happens that some migrants not holding a permit to stay are nevertheless registered at labour offices or in v.a.t. lists. This distinction does not actually lead to a different level of discrimination; on the contrary the most excluded may be the most “useful” for firms employing irregular workers. Until a 1995 law by decree (now expired), paradoxically a firm risked less employing irregularly a migrant not holding permit to stay rather than a migrant holding a valid permit. Once this irregularity was discovered, in the first case the criminal lawsuit would charge a not high fine and it actually ignores evasion in taxes and social contributions connected to the irregular employment; in the second case, on the contrary, the civil and administrative lawsuit would concentrate right on these aspects that are more expensive for the irregular employers.

Taking into account self-employed migrants too, we can estimate that, before the last regularisation, out of three migrants in employment only one is regularly employed against two working not holding a contract or a licence. The percentage of regulars grows till 60% if we just consider migrants holding a permit to stay for work reasons. Lastly little less than half of employed migrants do not have a valid permit to stay. The share of illegal migrants grows till 70% considering irregularly employed only, although it is possible that many of these have a permit to stay for other than work reasons (family, tourism, etc.).

Most of the migrants are employed in occupations where, because of high labour intensity, low technological innovation and low productivity growth, labour cost grows till it spoils the economic profit. Many of these sectors (personal services, retail trade, building industry, transport, agriculture, tourism) cannot be transferred to countries having higher labour supply and lower labour force reproduction costs. On the contrary that of small manufacturing firms is an



internationally competitive branch and it has high productivity growth. Inside all of these branches, together with skilled and pleasant working positions, we find many that are unskilled, heavy, harmful, painful or even slavish and which would need higher wages to be accepted by domestic youth whose occupational demands are a lot increasing.

Availability of migrant workers reduced the pressures from the labour demand in Northern-Central regions to pull work-force from the South, and it consolidated some traditional working activities. The most well known case is that of full time housekeeping, an occupation which for reasons both economic and social seemed destined to an unstoppable decline. Migrant housekeepers allow not to change both Italian families' lifestyle (the male does not help with housework), and their standard of living. Immigrants allow the survival of other traditional agricultural, industrial, handicraft and tertiary jobs: from stables workers to shepherds, from bakers to street vendors, from welder operators to building hodmen. Yet it is foreseen that in North-Centre will soon begin to lack labour supply for traditionally skilled blue collar jobs, where heavy physical work and low social prestige are combined with a good level of professional abilities. It'll be much more difficult to solve this situation employing migrants, which as for personal characteristics and migratory projects hardly aim becoming high skilled craftsmen and therefore are not very willing to support the training costs required.

In Northern and Central regions, whose labour markets are next to full employment, we can talk of complementarity and replacement concerning migrant labour. Even more so such a substitutive and complementary role is carried out by immigrants in the North-Centre inside the lower zone of submerged economy, since the higher and more profitable one is controlled by moonlighters, unemployed getting public subsidies or young people living with employed parents, who thus can seek for a longer time a "lifelong" job as they like. In the South the situation is quite different: the unemployment rate is much higher, also many prime-aged men are job seekers, and underground economy is by far more common. For housekeeping only migrants play a replacement function as in North and Centre, since female labour, although largely unemployed, refuses this job for social and cultural reasons. Concerning the other activities, mostly irregulars, which migrants are employed in, inside the Italian scientific debate we find two different readings, reminding of the old polemics on the "half full or half empty glass".

The common answer to those speaking of “job refusal”, usually with blaming attitude towards Italian youth, is that working conditions are very barbarous, below minimum wage and guarantee thresholds and no more acceptable at the present stage of Italian social development. In fact the problem is the acceptance level of working conditions. The whole ladder, according to education and social class, climbs with the growing of the society’s standard of living. In the South some activities are even below the level normally accepted by Southern workers, usually prone to be employed in irregular economy. Thus working spaces for immigrants can be found in the South as well, although in underground economy only. Even in Southern submerged economy we can find two zones as for as wages and working conditions: a lower zone is for immigrants, while a higher zone is for local workers. It’s not easy, nevertheless, to tell if this situation is a consequence of a competition between local and migrant workers or of a fragmentation of irregular labour supply. Anyway a consequence is clear: in the South more than in the North-Central Italy, the availability of immigrant labour contributes in slowing down the modernisation of the production system. Nevertheless should never be overlooked the opposite: a large area of services, basic for a society’s reproduction, is fulfilled at a low cost thanks to the immigrants. One of the many contradictions between economic and social dimensions ailing modern societies.

If migrants are mainly working in underground economy, does it mean that there is no pull effect on migrants by Italian labour market? In Northern regions near to full employment there is an irregular labour demand that is not fulfilled locally and even in the South the problem whether there is competition or fragmentation inside submerged economy is still open. The underground economy was not caused by an invasion of immigrants from undeveloped countries, but it is a well-rooted domestic phenomenon. Furthermore the migrants’ personal characteristics exclude that most of immigrants are just desperate people having no chances for survival. But there is something more. A large submerged economy exercises a particular pull effect in an international situation where borders are officially closed and a country is able to be only entered an illegal way. Those who do not hold a permit to stay for work reasons are obviously cut out from regular employment, and, if they did not find shelter in irregular labour market, they would not survive and soon be forced to go back to their home country. Thus the possibility of easily finding employment in submerged economy, where no documents are asked, promotes illegal immigration. Far from being an effect of irregular immigration, submerged economy in receiving countries looks rather like its cause.

**CE/DG XII -SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER – MIGRINF**

**COORDINATOR: EMILIO REYNERI**

**UNIVERSITY OF PARMA**

# **PERMANENT OR TEMPORARY EMERGENCE FROM THE UNDERGROUND ECONOMY?**

***THE IMPACT OF THE 1996 LEGALIZATION ON THE  
INSERTION OF IMMIGRANTS IN THE ITALIAN LABOUR  
MARKET***

**Italian field work report on migrants' insertion in the informal  
economy**

By

**EMILIO REYNERI  
UNIVERSITY OF PARMA**

**JANUARY 1998**

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## **ABSTRACT**

In the 1996 legalisation quite rigid requisites were settled to force an emergence both from illegal stay and underground economy. Immigrants had either to have been irregularly employed in the last six months, or to have an ongoing irregular labour position or a written job offer by an Italian employer. In any case an important amount of money had to be paid to Social security (up to two or three months' wages for an immigrant). Payments were supposed to have been charged mostly to employers, but were in fact often paid by immigrants in their entirety. Nevertheless it was a great success: more than 256 thousand applications were filed, of which almost 93% were approved. Moreover, the legalisation did cause an enormous increase in the regular hires of immigrant workers. It might appear that its second goal was achieved, too. The analysis, however, let us show that both the legalisation's aims were only partially and transitorily achieved.

The research design was twofold. First, the administrative data of the legalisation were analysed and compared with other data about migrants' insertion in the Italian labour market. Besides taking into account differences by broad socio-economic regions, a special focus was on the Milan metropolitan area. Second, 85 open interviews were conducted in Milan with immigrants from six countries (Morocco, Egypt, Tunisia, Senegal, Albania and China). They were chosen in order both to present the widest possible range of immigrant responses to the legalisation and to give a more detailed "close-up" of marginal subjects, who are most prone to remain "trapped" in the underground labour market.

### **Reducing as well as reproducing illegal stay**

About one million people from underdeveloped countries or Eastern Europe were estimated were living in 1995, slightly over 40% of which (about 430,000) did not have permits of stay. Legalisation applications numbered 256,000, so those "excluded" should have numbered "only" 175,000, or little more than 40% of those who could have applied. The proportion of immigrants who did not avail themselves of the legalisation was even less in Northern Italy, where immigrants have more opportunities of finding regular jobs and at the same time they are submitted to a more strict control by police. According to interviewed immigrants and key persons in Milan for two of the most closely-knit groups, the Chinese and the Senegalese, practically everyone applied. The groups with the highest number of exclusions seemed to be those with the lowest solidarity: Albanians, Moroccans, Tunisians and Egyptians. Co-operation within

groups was essential in finding an employer who was willing to offer a labour contract and, above all, the funds needed to pay social contributions.

But every legalisation exerts an important attraction on people still living in sending countries when the legalisation was approved. In the city of Milan immigrants without stay permits decrease only by 20% during 1996, in contrast with data on the impact of the legalisation in the Northwest (which includes Milan), as estimates of illegal immigrants include those who entered after the deadline and were not entitled to apply for the legalisation. Furthermore, according to the Ministry of Labour's inspections, the share of not registered immigrant wage-earners drops in almost every region from 1995 to 1996, but not by very much, and paradoxically, the percentage of immigrants without a permit of stay does increase from 1995 to 1996. These figures can be explained only by new arrivals of immigrants.

Finally, becoming illegal again is easy in Italy: not obtaining a document in time, forgetting a date, losing a job at the wrong time, leaving for one's home country without waiting for permission to re-enter, etc. In 1992 over 200,000 permits of stay issued during the 1990 legalisation should have been renewed. The first renewal is conditional upon a regular labour contract or a minimum income, but these conditions are difficult to satisfy for someone who works occasionally or in the underground economy. Therefore, on the one hand, there was a sudden increase in new labour contracts, in an attempt to satisfy the requirements for renewal, but, on the other, over 100,000 permits of stay expired. Many of these people left Italy, but several remained illegally and would have had to re-apply for legalisation. The same lot is likely to concern many immigrants legalised in 1996, many of which either got only short-term permits of stay or declared fictitious jobs.

### **The pull effect of the underground economy and the self-feeding migratory chain**

The great majority of interviewed immigrants chose Italy, because they had friends or relatives who had come here before them. However, many knew other receiving countries; so they were able to make comparison. In any case, the expectations the immigrants had regarding Italy fit exactly with its stereotype: a country where it is easy to live and to gain even not having a stay permit so that it is worth the hardships, expenses and risks to get around border checks.

Few immigrants chose Italy because it was the easiest and/or cheapest country to enter. Several legalised immigrants were overstayers, as they entered Italy legally having a short-term visa and became illegal subsequently. To get such visa for Italy was as much easy and expensive as for other countries. Furthermore, large clandestine entry into Italy cannot be entirely ascribed to its extensive coastline frontiers. There are only two routes crossing narrow channels of water, which concern mainly Albanians and Tunisians. The other principal routes used by illegal immigrants cross at least one country that is generally considered to closely watch its frontiers: France, Switzerland and Germany.

Instead, the opinion is widely held that remaining in Italy was relatively easy even without a permit of stay, because inspections were few and even if caught, immigrants were rarely deported. Many also mention the possibility of availing themselves of legalisation. The picture that emerges is of a country where, sooner or later, you become legal, so it is against your interests to respect the orders of expulsion. In fact those who had ignored expulsion orders motivated by a lack of permit of stay were not excluded by the legalisation. Official records confirm that very few of those issued expulsion orders are actually deported: one or two in ten.

Although only a few of the immigrants knew the difference between “regular” and “irregular” jobs, the prevailing view was that work was easy to come by in Italy, so you could make money even without a permit of stay. Many of the Albanians knew of Greece, however they liked more the Italian underground economy because of the higher earnings to be had here. The opportunity for irregular jobs was cited as a reason for coming to Italy by many Moroccans, who should be familiar with Spain and who often travelled through that country illegally to reach Italy. The general consensus among immigrants from the Mediterranean Basin is that Italy’s underground economy offers the most job opportunities and the highest earnings.

In all the countries of origin, Italy is perceived as a country, where anything can be arranged, anything is possible despite the apparent obstacles. On the one hand it is obliging, on the other unreliable. Italy is a country that rewards transgressors, that attracts immigrants looking to “scam” their way around the laws. Some immigrants are struck by the tolerance that is actually shown in Italy for unlawful behaviour in general. Tolerance and laxity has another aspect, which works against immigrants, because their rights are often not respected and their attempts to establish themselves in Italy are frustrated by their uncertain standing.



This explains the desire, on the part of more established legal immigrants, for clear laws that will be rigorously enforced.

Irregular and odd jobs let immigrant workers survive, but deceive their hopes. Nevertheless, the impact on migratory flows is almost nil, as the self-feeding effect of the migratory chain is prevailing. Among immigrants declaring themselves to be in difficult situations, not one even vaguely hints at the possibility of returning, and they all say that their negative opinion would never suffice to prevent their friends and relatives who remain at home from emigrating too. Emigration is a kind of bet between those who leave and those who stay. Whether it is a family investment or an escape, those who emigrate feel obligated to show those who stayed behind that the hardships they have suffered were worth it, and the best proof of this is money. The immigrant will try to avoid coming home without money at all costs. He is thus forced to prolong his stay, even if life becomes increasingly difficult.

For the same reasons, the immigrant tends to paint a rosy picture of his situation to those who have remained home. Therefore, if many of the interviewed immigrants say that they wouldn't advise anyone to come to Italy as they did, it means that they are really in dire straits. However, everyone adds that their advice wouldn't be heeded and would not at all serve as a deterrent. Apart the frequent contradiction between verbal and non-verbal communication in the messages given by the immigrants when they return home, their negative comments wouldn't be heeded anyway, because it would be interpreted as a sign of hostility or rivalry. This is a case in which the content of a message has little weight compared to the relationship between the sender and the receiver. The migratory chain, connecting emigrants and people staying at home, has, thus, the effect not only of prolonging the stays in receiving countries, but also of augmenting the desire to follow the emigrants in those who remained at home, even in the face of serious difficulties for people who emigrated, as it is occurring for the present migrants to Italy.

### **How so many immigrants succeeded in availing themselves of legalisation**

The legalisation intended to "regularise" existing underground jobs, but in order to understand its real impact on the integration of immigrants into the labour market, we have to ask ourselves a few questions. Does the work position declared in the applications correspond to a real job? If so, what was the significance of this job in the occupational story of the immigrant worker? Once

legalised, with the option of working as a regular wage earner, did the immigrant return to the underground economy or not? Interviews revealed three different situations.

- a. In most cases, the immigrant declared either a past real job or a real job offer, i.e. not obtained with the sole purpose of getting a permit of stay. Nevertheless, even these cases don't always fit the model that the legalisation was intended to rectify. First, the actual working conditions and wages may be different from those declared to the benefit of the employer: for instance a part time job was declared whereas the real job is full time. Second, the employer may make the immigrant entirely pay his social security.
- b. Some immigrants had a very difficult time finding a job that would qualify them for legalisation, as they usually worked as street vendors, black-market cigarette sellers or were engaged in other marginal, or even criminal activities. Thus, they looked for a labour contract drawn up solely for the purpose of obtaining the permit of stay. In order to "create" these relationships, they had to rely on friends or find an Italian disposed to help them get hired, mostly for domestic work or for part time jobs (which required the lowest social security payments).
- c. Others "arranged" to "buy" labour contracts for the legalisation. Immigrants who are referring to a completely fraudulent situation, without any real job behind it and sometimes without even a real employer, were mostly those who were able to earn money in self-employed jobs, or those who were engaging in illegal activities and who intended to continue. In fact, they didn't have the time to try to actually find a real job offer. On the other hand, they did have the necessary funds to pay more, because in addition to the social security payments, they also had to pay the employer for making a false declaration, and usually a middle man, too.

### **Which jobs were legalised and how many might be supposed to be false**

11% of legalised immigrants were officially unemployed, whereas only slightly more than 3% were definitely hired. As to the great majority of job offers (almost 86%), we do not know how many reflect actual hires, although a not small sum in social security payments had to be made at the time of application. The not inconsequential differences in the regional distribution of these three categories confirm the different work situations of immigrants. In North-eastern and Central

Italy, those regions characterised by industrial development based on small firms, there is a greater percentage of hires and a lower percentage of immigrants registered on the unemployment rolls. These are the areas that present the best opportunities for regular jobs. The opposite is true in the Northwest regions, suffering from the manufacturing crisis, and in the South, where chances of finding regular employment are fewer.

The share both of fixed term jobs and of part time jobs could emphasise how much steady as well as real the employment declared in the applications was. However, the first is not a good indicator. One in four jobs was for a fixed term contract about it occurs to normal hirings of both immigrant and Italian workers. So, it would be unjustified to say that the legalised jobs immigrants hold were not very stable. However this is the outcome of two contrasting forces at work in the context of the legalisation. Although a fixed term job reduced the amount of social security contributions to be paid, usually by the immigrant, it resulted in a permit of stay for a shorter period of time, while a permanent labour contracts qualified immigrants for two-year permits of stay. Therefore, the immigrants' interest to pay less was balanced by the interest to get permits for a longer stay.

In contrast, part time work offered a more profitable way to reduce social security payments and it was largely implemented. In Milan metropolitan area over 85 of 100 labour contracts declared in the applications were for part-time work. The percentage of part-time work was over 94% in housekeeping, but levels between 60% and 80% were registered in the industrial and service sectors, where men (most immigrants in these sectors are male) usually work full time. A comparison with the normal hiring trends for immigrants confirms the very unusual nature of these figures. If these data also hold true for the rest of Italy, as is very likely, they would reveal an impressive phenomenon. There are two possible interpretations and they both do not shed favourable light on the success of the legalisation in integrating immigrants into the regular labour market. One is that these are false labour contracts, or at least contracts designed specifically to fulfil the requirements of the legalisation. In this case, the part-time contract would have represented a savings for the immigrant, who almost always had to pay all of social security contributions. The other possibility is that these are actually full-time jobs, which were only partially legalised, so that the employer did not have to give up entirely the great advantage of not paying the social security contributions. In the latter case, the emergence from the underground economy would have been only partial, whereas in the former, the emergence is illusory. In any case, the combination of contract length and working hours

confirms a more stable integration of immigrant workers in manufacturing, construction and hotels/catering, as well as domestic work. On the contrary, some urban service sectors (from transport to cleaning firms) are the ones in which immigrants work with the least job security.

A further indicator seriously questions the actuality of many jobs declared in the applications: the highest proportion of housekeepers. Housekeeping accounts for fully 40% of the occupations, whereas industrial jobs (including construction) total slightly more than 21% and agricultural jobs less than 14%. There are, too, a sizeable number (over 7%) of immigrants hired as cooks, waiters and barmen in hotels, bars and restaurants, and still more (almost 18%) were hired in the service sector, as porters, janitors, watchmen, sales clerks and quite a few as office workers. The territorial differences are fairly consistent with what we know of the various occupational niches filled by immigrants and is also reflected in the distribution of regular employment.

Compared with the regular jobs held by immigrants, as they are registered by the Social Security, the occupations declared for the legalisation showed an over-abundance of housekeepers and a relative scarcity of manufacturing-construction and agricultural jobs. The hypothesis that illegal migrants were more working in housekeeping than in manufacturing and construction is supported by a 1993-1994 survey, but it is not at all enough to explain the huge mismatch between the regular employment and the jobs declared in the applications for the legalisation. The suspicion that the applications did not correspond to the real state of affairs, because housekeeping was the "cheapest" and the "easiest" category to apply for without having a real job is confirmed by the unusually highest proportion of housekeepers in some immigrant groups (Albanians, Moroccans, Senegalese and Tunisians).

According to a 1993-1994 survey, over a third of illegal immigrants were peddlers and sidewalk vendors. All of these people, as well as the almost 20% of immigrants who were unemployed, were forced to look for a job as employees in order to avail themselves of the legalisation. This leads us to believe that more than half of the immigrants lacking permits of stay were obliged to search for a job offer, rather than having a job as an employee that could be legalised. Because it is estimated that only 40% of immigrants were excluded from the legalisation, it is reasonable to think that at least 15% of the applications approved were actually based on false labour contracts or jobs specifically created for the purpose of legalisation. The rough estimate of at least 15% of applications not reflecting true labour contracts, is basically confirmed by the results of the inspections by Labour

officials. In fact, of the 23,000 applications checked (almost 10% of all applications), slightly more than 20% were false. These controls, though, almost never led to actual interventions as an amendment to the legalisation was approved which allowed to grant a permit of stay for registration in the unemployment rolls, even if the job offer reported was not confirmed or implemented by the employer.

### **The different occupational paths after the legalisation**

Immigrants' behaviours after they had obtained their permit of stay, which gave them access to regular jobs, were as much different. The stories related by immigrants interviewed in Milan metropolitan area, let us outline the types of occupational paths and, in particular, emphasise that there was a close correlation between the way in which immigrants became legal and their subsequent work situation.

Those who filed a false labour contract was usually involved in either odd jobs or borderline street vending and often continued doing this after obtaining their permits. The very fact of not having looked for a real job to obtain a permit of stay indicates that they either didn't want to enter the regular labour market or were unable to. For these people, it didn't make much difference if they "bought" their labour contract or if they were helped by a friend, who agreed to hire them as domestics.

Some were forced to return to their jobs as street vendors after working at a regular job with a fixed term contract. These immigrants have attempted to enter the regular job market, thanks to their permit of stay, but were unable to do it. These do not include immigrants who worked as street vendors or cigarette sellers for an extended period. Instead, they are usually immigrants who worked at odd or casual jobs, who are trying to find better jobs after having got their permit of stay. Finally, there were the few who, after having declared a false job, looked for and found a regular job. None of these has ever been a street vendor, too. Among immigrants who had declared a real job, a peculiar situation is held by those who "arranged" a work contract specifically for the legalisation, because this was a sign of their desire to leave the world of street vending and odd jobs. In fact, none of those, for a few months at least, "backslid" into street vending, although some have gone back to working "irregularly" and others are looking for a better and/or higher-paying job.

The way in which social security contributions were paid is a key to understanding what happened after the legalisation to immigrants who declared a real, not expressly sought, job in their own applications. When the employer paid the social security contributions, the immigrant almost always stayed at the same job. In these cases, the employer and the immigrant have established a mutually rewarding relationship. The employer was willing to pay the social security due, because he needed the immigrant worker. In other words, he was employing him irregularly because he had no permit of stay, not to save on labour costs. When the legalisation made it possible, he legalised the worker's status, although it involved a sharp rise in the labour cost. On the other hand, by remaining with the same firm, the immigrant shows that he views his situation as acceptable in terms of both wage and working conditions, even if they often involve heavy work and/or long hours, and he is often qualified for much better positions.

If, instead, he was forced by his employer to make his own social security payments, the immigrant is very likely to abandon the job that helped him get his permit of stay and look for a better paying one and/or one with better working conditions. In these cases, the employer had hired the illegal immigrant in order to cut down on labour costs and is not interested in keeping him on if it must pay the full cost. The willingness to sign the job offer without charge is presented to the immigrant as a favour, a sign of good faith. At the same time, the "irregular" employer, who exploits non-registered workers, makes it clear to the immigrant that he will not want to keep him on if he is going to have to sustain the full labour cost. The immigrant worker, of course, knows the restrictions his former situation placed on his bargaining position: now that he has a permit of stay, he will look for a better job.

The legalisation did cause, of course, a huge and sudden increase in the regular hires of immigrant workers: we can estimate that the amount more than doubled. However, several Labour Offices have found that few months and sometimes even few weeks following the legalisation's deadline many of the labour contracts declared had been terminated. This information is consistent with the increase in immigrants registered on the unemployment rolls. Given that labour contracts for immigrants also increased substantially, driven by the economic recovery, the increase of 67,000 registered unemployed from December 1995 to March 1997 can be attributed entirely to the legalisation. Of these, 18,000 were already registered as unemployed at the time of the legalisation and the remaining 50,000 account for about one third of the almost 150,000 who were either hired or declared a job offer by an employer. Therefore we can estimate that

a third of the immigrants who had obtained a regular job for the legalisation lost it within a few months, re-joining the ranks of the unemployed or, more likely, returning to the “underground” economy, despite their new status which would qualify them for a regular labour contract.

The increase in the number of unemployed immigrants is, though, minimal in the North-eastern regions, where more immigrants have been able to find regular work in the small and medium-sized factories. Once more we find confirmation that these are the regions where there is a demand for a regularly-hired immigrants, whereas in all other regions, once there is no longer a pressing need to find or “buy” a regular labour position, in order to obtain a permit of stay, many return to their usual irregular jobs. An important demand for regularly-hired immigrants comes from households, too. Among immigrant groups less prone to return to the underground economy after the legalisation, we find the groups typically involved in housekeeping and in helping elderly people (Filipinos and Peruvians), those most “sustained” by their communities (Chinese) and those who have achieved a highest degree of integration (Egyptians, Somalis, Poles and Romanians).

### **Which benefits for immigrants from the legalisation**

Many immigrants did not benefit from the legalisation in terms of work, as they went back to the irregular work they had before. Moreover, the risk of being expelled was scarce, because controls were few and punishment not severe. It is true that during the period of application for legalisation, there was a Law Decree in effect that provided for true deportations, but immigrants had become used to the Italian habit of “making a lot of noise, but doing very little”. How can we then explain the fact that most immigrants who qualified applied for an “expensive” legalisation?

The main advantage has both an emotional and an economic side. The permit of stay made it possible to return to one’s country of origin for a visit. This appears to be contrary to the idea that the propensity to legalise one’s standing is motivated by the desire to remain in Italy. The possibility of periodic returns to their country of origin also gives immigrants having seasonal or odd jobs economic advantages. Being able to stay in their home country during the slack periods guarantees considerable savings on living expenses. Few of interviewed immigrants cite access to social services as an advantage of having the permit of stay. This is explained by both the low level of welfare provisions and by the fact

that even illegal immigrants can often accede to main social services, thanks to the assistance offered by Catholic and other volunteer groups.

Few, too, refer to the chance of getting a regular job, although this should have been the primary motivation for legalisation. Although the choice of Italy as a destination can be explained to a large extent by the possibility of finding work without a permit of stay, this does not mean, however, that most immigrants want to work irregularly, even there is a sizeable minority that chooses to continue working at marginal or irregular jobs. The fact is, it's not easy for an immigrant to find a regular job. The great majority believe that there are very few opportunities for immigrants outside the underground economy. The few who say that there are regular jobs available talk about jobs that Italians are reluctant to take: from assisting the elderly to heavy factory work, construction jobs and cleaning or restaurant jobs. Some immigrants emphasise the growing difficulty of finding work, even in the underground economy.

Nevertheless, many immigrants say that they feel less insecure in their daily lives after getting a stay permit. Almost everyone was aware that he/she would have an illegal status, before entering Italy; but this does not mean that he/she lived comfortably in this situation. The many hardships and discomforts faced by immigrants are made even worse by the constant feeling of living outside the law. Many immigrants are well-educated young people, perhaps middle class, and they are acutely aware of the rules that should be followed, even if they are forced to disregard them. Often, after years, the stay permit has finally reduced this source of emotional tension. Of course, in a very different situation are those who, through necessity or by choice, follow a more opportunistic path. For them, the permit of stay is mostly useful because it allows them to be less visible, enabling them to pursue activities that are borderline illegal or even in outright violation of the criminal law.

### **A partial success from a labour market point of view**

Because of how it was designed, the 1996 legalisation clearly led to a strong increase in registered jobs. In fact, all applicants, for whom social security payments were made, were numbered as regular wage earners. To give a rough idea of the change, we could update the estimate we made for 1994, i.e. before the legalisation.

In 1994, only one of three immigrants who were working had a registered job, with the others working either without a contract or without a proper permit.



The percentage of those registered reached 60% if we consider only those with a valid permit of stay for work reasons. Finally, little less than half of those working did not have a valid permit of stay allowing them to work. The percentage of illegal immigrants among those working irregularly was 70%, although many probably had a permit of stay that was still valid, but granted for other reasons (family, tourism, etc.). In 1996, the post-legalisation scenario was quite different, though still critical. “Only” one of two immigrants were working either without a contract or without a valid permit to do so. The percentage of registered workers among immigrants with a valid permit of stay for work reasons is over 70%. Finally, just one quarter of those actually working do not have a permit of stay for work reasons. The percentage of illegal immigrants among unregistered workers drops to little more than half, although it is likely that many have permits of stay that are valid, but for other reasons (family, tourism, etc.).

**MIGRINF**

**Immigrant insertion in the underground economy,  
deviant behaviour and the impact on receiving societies**

**TSER-DGXII, CE, contrat SOE2-CT95-3005**

**Deviant behaviour and criminalisation of  
immigrants in Italy**

(Déviance et criminalisation des immigrés en Italie)

by

**SALVATORE PALIDDA**

With contributions of

**DANIELE COLOGNA**

**FABIO QUASSOLI**

**1998**

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### **CONCLUSIONS**

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## **ABSTRACT**

### **1. The increasing weight of immigrants in a context of growing repression by the law enforcement agencies**

#### **1.1 Principal results of the statistical analysis**

An analysis of the data regarding police activities from 1990 to 1996 shows that, first of all, the increase in criminal activity among immigrants, both proportionately and in absolute value, is the result of increased repression-prosecution against those most marginalized by society in general.

The current socio-economic situation in Italy, similarly to that of the other European countries, appears to be characterised by an inclusion-exclusion mechanism. This reminds us of past situations, when what was at stake was exactly the redefinition of the social order, the imposition of social behaviour suited to the new context and the consequent repression of those individuals considered to pose a threat to the new (social) order. Obviously, the situation referred to involves the transition to a post-industrial society and the problems created by the creation of the European Union, which has caused both old and new social problems to come to a head in Italy. The progressive decrease in social spending has delegated the resolution of these problems to the law enforcement agencies and the judicial system. Spending on law enforcement and prosecution has either increased or remained stable, leading to a sizeable increase in the numbers of police forces, which are more numerous in Italy than in any other industrialised, democratic country. The repressive capability of the police forces have grown considerably, thanks also to the increased proportion of personnel on duty in the field. In various periods and in different local contexts, the police forces have been the subjects to strong pressure from citizens who believe that immigrants and gypsies are responsible for urban crime, along with other “deviant” groups (drug addicts, the homeless and even the mentally disturbed).

During the period 1990-1996, crimes registered by the police forces declined by 3.1%, a considerable reduction in serious crimes, or the most feared (robberies, muggings, etc.). Instead, minor infractions such as breaking the peace, disorderly conduct and vandalism have increased. This increase is due to the increased tendency to report these behaviours to the police. The general public appears to be exasperated by the various social problems, and often these produce a feeling of insecurity, which is not always proportionate to the real risks presented by the actual crime rate. At times, it seems to derive from a desire to

criminalise the excluded group and demonstrate that they have no right to a place in society, which is reserved only for those who meet increasingly rigid criteria of social decorum.

Despite the decline in crimes, especially the most serious and most feared by a majority of the population, during the same period there was a 52.2% increase in complaints to the police, a 73% rise in arrests and an 85-90% increase in the prison population. It should be noted that the great majority of those accused, arrested and sent to jail are accused of minor crimes, and 30% are drug addicts.

Along with a 108% increase in the total number of arrests, a 120% increase in those accused and a 137% in the number of people in prison, the proportion of immigrants among those arrested rose from 18% to more than 22%, among those accused of a crime it rose from 7% to 11% and in the prison population, from 15% to 20%. These data indicate that in the criminalised categories, foreigners are replacing Italians, a process confirmed by the decline in the numbers of Italians arrested and in prison in the past two years. Foreigners account for 27% of the increase in arrests, 17.2% of the increase in those accused of a crime and 25% of the increase in the prison population. As far as indices of criminalisation are concerned, the Table below shows that the percentages of those arrested, accused or sent to jail as compared to total number of permits of stay, which are distinctly higher than those for Italians (restricted to those between the ages of 15 and 65) and have increased more than among Italians, widening the gap between the two groups.

It should be noted that this trend developed despite the 1990 and 1995-96 legalisations. The ratio between those accused and those arrested also show that, compared to an Italian, a foreigner is more than twice as likely to be arrested rather than accused.

# Indices of criminalisation of Italians and foreigners 1990-96

	1990		1991		1992		1993		1994		1995		1996	
	ita.	foreign	ita.	foreign	ita.	foreign	ita.	foreign	ita.	foreign	ita.	foreign	ita.	foreign
Arrests as a % of those with a permit of stay*	0.1	1.5	0.2	1.7	0.2	1.9	0.2	2.3	0.2	2.5	0.2	2.2	0.2	2.2
			=	+	=	+	=	+	=	+	=	-	=	=
Accused as a % of those with a permit of stay*	1.1	4.2	1.2	4.0	1.4	5.0	1.3	6.1	1.4	6.2	1.4	5.8	1.4	6.5
			+	-	+	+	+	+	+	+	=	-	=	+
Prisoners as a % of those with a permit of stay.*	0.06	0.51	0.08	0.62	0.11	0.79	0.10	0.83	0.10	0.94	0.09	0.87	0.09	0.87
			=	+	=	+	=	+	=	+	=	-	=	=
Arrests / accused	13.2	35.8	15.1	42.9	16.4	37.7	16.4	37.1	16.9	40.4	15.1	38.9	14.9	33.9
			+	+	+	-	=	-	+	+	-	-	-	-

\* For Italians, arrests, accused and prisoners as a percentage of the population between 15-65

Regarding the crimes ascribed to accused or arrested foreigners people, we see that they increased from 2.5% of the total in 1990 to 6% in 1996. In real numbers, the crimes ascribed to foreigners people increased by 134%. However, we also see that the increase is due mostly to crimes that could be grouped in a category entitled “crimes of immigration” (not observing immigration statutes, counterfeiting documents or declaring false information, non-observance of police statutes, including the order of expulsion, etc.). In 1996, this group of crimes accounted for about 43% of the total, while the same group accounted for only 13.4% in 1990. Specifically, in 1990, the cases of “breaking the immigration regulations” were 1,232, but in 1996 they were 27,605. Declaring false information or false documents went from 4,308 in 1990 to 9,880 in 1996, with false ID documents going from 1,329 in 1990 to 7,661 in 1996. If we add the various types of fines or tickets (from street peddling without a license to driving without a license and traffic tickets in general, which account for 14.5% of the 1996 total, we can say that the police have actually cracked down on immigrants, particularly those whose status is illegal or half-illegal.

Among other crimes, the most common are the various types of theft (including attempted robbery and robbery) and drug-related crimes, including possession of drugs and drugs selling. Although the proportion of these crimes decreased from 1990 to 1996, because of the increases in the crimes reported above, the actual number of these types of crimes has doubled. In the cities of Northern Italy, the majority of those caught in the act of stealing or selling drugs are foreigners, particularly Moroccans, Tunisians, Algerians, Slavs and Albanians. In some prisons in the North, the majority of prisoners in the drug-addicted sections are foreigners, while foreign drug addicts were still a rarity as recently as 1994.

The cases of accused prostitution in 1996 accounted for only 0.7% of the total, and in 1990 they were 0.2%. Foreigners accused of homicide (though not yet convicted) numbered 29 (out of 1,696) in 1990 and 106 (out of 943) in 1996. Those accused of rape or sexual assault numbered 110 in 1990 and 242 in 1996.

Principal types of crimes attributed to foreigners in 1990 and 1996 (% of the total)

	1990arrested	1990accused	1996 arrested	1996 accused
total crimes attributed to foreigners	16,644	46,611	36,521	111,764
1. Robberies (crimes involving immediate arrest)	6760 (40.6%)	14,962 (32%)	12,393 (33.94 %)	22,515 (20.1)
2. Drug-related offenses (crimes involving immediate arrest)	5,285 (31.7%)	rare among those accused	9,989 (27.3 %)	rare among those accused
3. " Immigration crimes" (crimes that do not always require immediate arrest)	360 (2.1)	7,760 (16.6%)	4,812 (13.1%)	46,728 (42.36%)
4. Resisting arrest, insulting an officer, assaulting an officer, etc. (crimes involving immediate arrest)	1,121 (6.7)	rare among those accused	2,169 (6. 1%)	2,817 (2.5)
5. Assault & battery, attempted homicide (crimes involving immediate arrest)	593 (3.5%)	rare among those accused	1,718 (4.7%)	2,019 (1.8)
6. Various tickets and misdemeanors (violations not involving arrest)	rare among those arrested	6,657 (14.3)	rare among those arrested	16,264 (14.5)
Serious crimes attributed to immigrants	1990	1996		
Homicides	13	66		

source : CED- Min. de l'Intérieur

A detailed analysis of these percentages, broken down by region and, above all, by province, reveals distinct differences between the Northern and Central regions and the South and Islands. The following is a summary of these differences :

- a. regions and cities characterised by industrial decline, with scarce prospects for recovery (particularly Piedmont - especially Turin - and Liguria - especially Genoa-); in these contexts, the increasing social marginalisation and the resulting criminalisation of some immigrants is quite widespread in correspondence with the social effects of industrial decline and the consequent concerns regarding personal safety. In both Turin and Genoa, the majority of red-handed arrests involve foreigners. Foreigners represent also the majority of the prison population.
- b. regions and cities of the North and Center, partly marked by industrial decline but also touched by new economic development (Lombardy, the Veneto and the Northeast, Emilia-Romagna and Tuscany, as well as the

Marche and other small Italian regions in Central Italy). Here the criminalisation of those excluded from society and some of the immigrants seems due to the same reasons as in the areas mentioned in point (a), but above all because of more rigid criteria for social acceptance and marginalisation. Here too, the majority of those in prisons housing the newly-arrested (awaiting trial) are foreigners (Milan, Bologna jails, etc.). However, there are some significant differences: in some provinces where economic recovery is proceeding more rapidly - for example, Vicenza - the levels of criminalisation are far lower than in other Northern or Central cities, which appears to reflect a greater social and economic integration of immigrants in productive activities and an efficient yet “calm” imposition of the social order by repressive system.

In the large and mid-sized urban areas of the regions in both group (a) and (b), immigrants have replaced Italians in deviant and criminal behaviour, and some illegal activities have become associated with specific ethnic groups or linked together. Immigrants tend to account for the majority of street crimes, including some types of theft, drug dealing, street prostitution, illegal peddling, selling of smuggled tobaccos and selling counterfeit name-brand goods (knock-offs and pirated items). In some cities, such as Bologna, Florence, Venice, etc., systematic action against the “unusual” presence of immigrants in the city center has successfully eliminated petty crimes such as the selling of contraband cigarettes, windshield-washing at stoplights, insistent panhandling, etc., but not drug dealing, in a situation where drug addiction appears to be on the rise.

- c. In the Southern regions, however, the local population continues to dominate criminal activities, and immigrants find little room for criminal activities of their own. Wherever some immigrant drug dealers have attempted to “set up shop”, they have been forced out by the local organised crime structure. In some cities in the South there appears to be a trend towards greater criminalisation of immigrants, as compared to the local inhabitants, but the rates of immigrant criminalisation are still lower than the national averages.

An analysis of the rates broken down by nationality indicates that the groups most affected by criminalisation are: Algerians, Moroccans, Tunisians, Albanians, Ex-Yugoslavs, Nigerians, Chileans and Colombians. In 1996, the first five nationalities accounted for 71% of all those arrested, 63% of those accused



and 71% of the immigrants in prison. These percentages are almost identical to those in 1990, except for those in prison, which was then 56% of the total. There was a significant drop in the number of Tunisians arrested, although their numbers remained the same among the accused and the prison population. In the past few years there has also been a drop in the number of Moroccans arrested, though their numbers have grown among both those accused and those in prison. This decrease is partly due to the partial replacement of Tunisians and Moroccans by Albanians and Ex-Yugoslavs, both of which, and especially the former, have increased considerably among those arrested, accused and in prison. The increased numbers of Tunisians and Moroccans in prison is the result of both the police crackdown and of their “graduation” to more serious crimes.

In 1996, EU citizens accounted for 2.9% of all foreigners arrested, a number that rises to 3.5% if we add citizens of wealthy nations outside the EU (USA, Switzerland, Israel, etc.).

85% of the non-EU citizens arrested are men. Men hold 42.4% of all permits of stay for non-EU citizens and 44.7% of all permits of stay for foreigners, but this percentage varies greatly according to nationality: in some groups, women account for over 60%, or even 70% (Colombia, Peru, Brazil, Philippines, Somalia, Poland, Ethiopia, Argentina, Rumania, Nigeria and Chile), in others they range from 5% (Senegal) to between 10% and 20% (Tunisia, Morocco, Algeria, etc.). This only partly explains the difference in degree of criminalisation (despite the high percentage of women, Nigerians, Colombians and others have a higher than average degree of criminalisation).

EU citizens account for 3.7% of foreigners accused, which rises to about 4.5% if we add in citizens from “rich” countries. 77.8% of the non-EU citizens accused of a crime are men. Women are more likely than men to be accused but not to be arrested.

In order to explain the differences between the rates of criminalisation for the 25 nationalities, we analysed data for the most numerous groups and those which have integrated themselves in particular ways. We considered the following sources of information:

- a. the results of the qualitative study, involving case studies of immigrants interviewed because they were being prosecuted (both in prison and not)
- b. interviews with individuals familiar with the situation (law enforcement

officers, prosecutors, judges, lawyers, social service and volunteer workers)

- c. the results of a study on the Tribunal of Milan (cfr.infra)
- d. data regarding the dynamics of various immigrant groups with respect to socialisation, community meetings and contacts and internal social structures,
- e. information about the countries of origin.

As will be clearer when analysing the types of cases studied, a higher rate of criminalisation appears to be due to:

- a. the presence of delinquents among the immigrants, meaning delinquents who view the emigration-immigration process as part of a model of delinquency that is common to almost all the countries of origin, particularly the poorest ones, the most violent and those where societal and cultural roots have been destroyed (as in some African countries, like Nigeria);
- b. conflict between the center and the outlying areas: a perverse effect of the relationship existing between Italy and Europe on the one hand, and the countries just beyond its borders on the other. This conflict resembles that which exists between young people in the outlying urban areas and those in the city centers ( partly explained by Merton's theory). In these areas, near to but not in Europe, the models of delinquent or deviant behaviour most common among marginalised European youths are often imitated, aided by socio-economic decay and the spread of violence. A model that seems increasingly improbable is that of traditional emancipation, through illegal or half-illegal emigration-immigration, leading eventually to the opportunity to obtain legal status.
- c. the stigmatisation of these national groups (with some substitutions or variance from city to city - for example, in the North, besides Italians from the South, the groups considered most delinquent were the Gypsies (often lumped together with Slavs), Tunisians, Moroccans and Algerians, but at times also Colombians, Peruvians, Chileans, Brazilians, Argentines, Rumanians and Nigerians, with Albanians in first position among the remaining groups.
- d. One of the effects of this stigmatisation is a negative self-image, which, acting in combination with mechanisms of replacement and complementarity, has led to the ethnic dominance of certain deviant

activities. Most of the young street dealers selling both soft and heavy drugs are Tunisian or Moroccan (it is more unusual to find this activity pursued by the other nationalities cited as most deviant); muggings and robberies are often committed by Algerians, Gypsies and some Latin Americans, whereas the street sale of contraband cigarettes is often controlled by a particular network of Moroccans. Street peddlers and hawkers of knock-offs and counterfeit goods are mostly Senegalese, although some are Chinese or from other countries, while street prostitutes are often Albanians, Nigerians and women from Eastern Europe, with pimps from the same countries or Italian.

This ethnic division of deviant behaviours has emerged only in recent years, partly because of the acceleration of socio-economic mechanisms. It almost appears that foreigners tend to orient themselves in the Italian and European social structure in much the same way as Afro-Americans do in the United States.

## 1.2. Types of deviance attributed to immigrants

Apart from foreign criminals, who are not a rarity in a country such as Italy, where organised crime groups like the Mafia constantly draw manpower from their international networks, the deviant category also includes :

- people who achieve and maintain legal status (with permits of stay and, at times, even Italian citizenship - through marriage - with a steady, legal source of income, etc.). These are usually immigrants who have been in Italy for some time and who are over thirty years old. In other words, there is a hierarchy of seniority among immigrants who engage in deviant behaviours as well; those who have been in Italy the longest attain a “softer” place in the organisation, just as they do in informal and legal activities;
- immigrants without legal status, either because they were unable to renew their permit of stay or because they never had one, whether they entered Italy illegally or simply overstayed, without a permit. In this category we find mostly recent immigrants, often quite young. These characteristics of delinquents without a permit of stay are partly due to the crackdown on illegal immigrants and delinquency in general. Another datum is that the duration of such illegal activities is becoming increasingly brief, not because the immigrants who engage in them move on to other, legal activities, but because the forces of law enforcement often put an end to such “careers” shortly after they are

begun. This is a new state of affairs for Italy, where until the early '90s, illegal immigrants who engaged in illegal activities could rely on lax enforcement.

#### Types of principal deviant behaviours, offences and their perpetrators

immigration crimes	a) organisation of illegal immigration b) illegal immigration, non-compliance with immigration statutes, immigration fraud, etc.	a) Albanians, Italians, international organisations. b) all nationalities, but especially Albanians, Chinese, North Africans and Africans
fraud and counterfeiting	c) sellers of fraudulent documents d) for legalisation purposes or to acquire documents otherwise unavailable (licenses, permits, etc.)	c) (Italians) Egyptians, Moroccans d) all nationalities
street peddling without a license	e) knockoffs and pirated items f) cigarettes	a) Senegalese, Moroccans, Chinese b) Moroccans and sometimes others - in the south, Italians
theft	a) attempted theft or simple theft b) auto thefts c) specialised shoplifting d) car theft on order e) theft of objects on order f) pick-pocketing g) robbery	a) Albanians, Moroccans b) Algerians, Albanians, Moroccans c) Algerians d) Moroccans, Tunisians e) Algerians, Moroccans f) Algerians, Colombians, Moroccans, Tunisians, Peruvians note: in the South, also Italians
drug-related crimes	a) suppliers of street dealers b) sale of hashish c) drug addiction	a) (Italians) Egyptians, Moroccans, Tunisians b) Tunisians, Moroccans, Gambians, Ghanaians c) Italians, Tunisians, Moroccans
abetting prostitution		a) Italians, Albanians, Nigerians
assault and battery, brawling		Moroccans, Albanians
prostitution (women)	a) in apartments b) in the street	a) Italians, Eastern Europeans b) Nigerians, Albanians, Eastern Europe
prostitution (men)		Italians, Brazilians, Moroccans, Tunisians, Eastern Europeans

#### *Types of deviant patterns and behaviours*

- a. the immigrant who “falls into the trap” of social exclusion (few skills and resources; “bad luck”). Probable prospects: poverty, even less opportunity of integration, homeless. This is the case for a minority of Moroccans, Tunisians, Algerians and Eastern Europeans.
- b. the immigrant who falls back on illegal activities after having found it too difficult to integrate himself legally, was given a chance to try illegal activities and then continued. These people rarely become career criminals; often the duration of their deviance is brief (easy prey for the police) or else he manages to survive as a petty criminal, developing a long police record for crimes such as petty theft or selling drugs on the

street.

- c. the immigrant who has become a drug addict: he lives by stealing and dealing. He is destined to become a repeat offender and is at high risk of contracting AIDS.
- d. the immigrant who has been criminalised (arrested and convicted although initially innocent); his “vendetta” against this criminalisation is one of his central motivations, initially; in some cases, he may develop into a professional criminal.
- e. the immigrant who immediately takes up a criminal activity, immediately after arriving in Italy; some develop into career criminals.
- f. the emigrant-immigrant who intends to engage in criminal activities from his departure, adopting one of the widespread deviant patterns; some may become career criminals, but this “category” includes many people lacking even the skills needed for these activities.

We can thus say that the “variables” or “factors” to take into consideration are :

- The context or specific sector that the immigrant initially attempts to enter (whether it provides access to legal status or not); in fact, in some sectors there is a greater demand for irregular or illegal workers. Some irregular but not deviant activities are more criminalised, however (for example, the sale of pirated videocassettes or knockoffs in an area where the police and the prosecutor’s office are conducting a campaign against this form of commerce, charging them with more serious crimes, such as receiving stolen merchandise - this has become common recently in several cities, Milan among them, where a special unit has been created at the public prosecutor’s office; the immigrant convicted of these charges has no chance to get a legal job, and will probably only become more entrenched in illegal activities).
- The opportunity to access illegal activities when the immigrant has difficulty integrating himself legally, or has lost his legal status, with the illusion that the illegal activity will only be a “stopgap” needed to survive.
- The “misfortune” of being involved in instances of criminalisation, being charged with various crimes, whether in prison or not.
- Their origin: immigrants who come from a culture in marked decay, where economic, social and political structures have broken down, are at times (in a minority of cases) more prone to adopt deviant

behaviours, especially if they are controlled by other immigrants from the same place of origin, so that the point of departure for Italy and the immigrant community here are closely connected (this is the case in Albania and North Africa, in particular).

- The immigration “chain” and the selection of emigrant-immigrants: the interactions produced along the entire migratory route often determine the “destiny” of an individual, because they make integration more or less likely. The migratory undercurrents of women more or less channelled into housekeeping, often grouped together in Catholic “communities”, create networks of social supervision that do not leave space for deviant patterns. Young people left on their own, who are often influenced by deviant models or the subject of deviant proposals, are at a far greater risk of engaging in illegal activities or of falling into the “deviant trap”, not counteracting it in time and without anyone to guide them (this is the case for some Albanians, Moroccans and Tunisians).

Finally, we put together a collage of opinions held by legalised immigrants concerning deviants, as well as opinions by the deviants themselves regarding the causes behind the phenomenon. These opinions are very revealing with respect to how the mechanisms of inclusion/exclusion are perceived. Beyond the clichés, often moralistic and reactionary, these opinions recall the classical theories of deviant behaviour. At the same time, they range from severe condemnation to humane compassion or pity. Some of the opinions tend towards social surgery (“eliminate the bad to appreciate the good”), demonstrating the willingness of those who feel themselves to be part of the “working classes” to participate in the criminalisation of the “dangerous classes”). Among the opinions regarding the causes of deviant behaviour, we note the following:

- "it's a matter of keeping bad company, which leads you to behave in a deviant way and do criminal things "
- "the problem is that people want money, that's the only thing they care about "
- "people are no longer as attached to their jobs, as a basic value "
- "it's a lack of humility, of submission and rigorous respect for the law, to which an immigrant must submit ".
- "it's a question of “weak character”, or of a lack of education or a poor education
- “poverty leads to deviance "

- "they aren't used to freedom, so they abuse it " (opinion of "political" immigrants)
- "there should be more authority: this happens because there isn't enough discipline in Italy" (Moslems with fundamentalist leanings)
- "they should severely punish and expel those who are convicted of a crime "
- "each person pays for his wrongs "
- "if people are afraid of the police, they don't commit crimes "
- "there is deviant behaviour where the police aren't harsh enough "

### 1.3. The increase of victimisation

Scarcely studied and almost ignored from the statistical point of view and by public opinion, the victimisation of immigrants is constantly increasing, in all regions of Italy.. The Ministry of the Interior has declared that over 100 immigrants died, either as homicide victims or on the job, in a single year, but this does not include the cases of illegal immigrants, whose disappearance often goes unnoticed. The Ministry of Justice declared that there was a significant increase in the number of foreigners who died in prison, either as suicides or due to other causes. However, legal documentation concerning the victimisation of immigrants is rare in Italy, in part because there are few structures that assist victims of discrimination, racism and various persecutions or acts of violence. The types of victimisation of immigrants are: poor working conditions, Italians who defraud and prey on immigrants, or other immigrants, who exploit their fellows knowing that the victims will not dare to contact the police, either because they have no permit of stay or because they have little access to law enforcement structures, which are unfamiliar with this type of complaint. Victims of violence, rackets or threats received from Italians or other immigrants; prostitutes exploited by Italians or by their compatriots; prostitutes (male and female) who are the victims of torture and assault by Italian "clients"; drug addicts; AIDS victims; victims of racist assaults; suicides and those who drowned at sea or during the voyage to enter Italy illegally.

The victimisation of immigrants appears to correspond to their relegation to inferior status and alienation, including their access to what are considered universal, or basic rights, such as their right to enjoy the protection of the law enforcement authorities and the legal system. In fact, immigrant victims often lack both the courage and the necessary means, because the police have few interpreters and competent social workers, despite the considerable efforts made by volunteer groups.

#### 1. 4. General remarks

Some of the public, and some local and national authorities as well, believe that the rise in deviance attributed to immigrants is due both to a lack of sufficiently severe repression (stiffer penalties are called for, in addition to immediate expulsion) and the so-called “Albanian emergency”, which could suddenly drop out of the daily media eye. In other words, this position insists in attributing deviant behaviour to immigrants who can be expelled, particularly the Albanians and other newly-arrived immigrants. The “solution” would thus consist of some kind of revision of the immigration laws.

However, the results of this study indicate that this type of solution is illusory and that, as we shall attempt to explain in the following points, the actual situation is far more complex.

- a. Although most legal immigrants in Italy were legalised in one of the three major legalisations, new immigrants have continued to arrive, partly due to a continuing demand for unskilled workers, including those destined for jobs at the border between legal and illegal activities. Italy continues to be the industrialised country with the largest underground economy, with the highest rate of tax evasion and of illicit behaviour in general, despite an official policy of security and law enforcement that is based on a punitive and severely repressive system. The majority of immigrants see Italy as a country with a large police force, where legal status is nevertheless obtained through indirect channels, thanks to “knowing the right people” and, above all, only if one has the money to “buy” it. In fact, immigrants note that it is increasingly rare to attain socio-economic security through regular channels, with the majority ending up relegated to the lowest levels, sometimes in conditions of near slavery (which also include some local inhabitants, for example children who work for next to nothing in illegal sweatshops). They also see a minority that appears to be “getting rich” through illegal activities.
- b. The tendency of immigration policies towards a military-law enforcement approach and the almost total blockage of other immigration, even on humanitarian grounds, give impetus to illegal immigration, putting would-be immigrants in the position of having to make use of the services provided by the bands of delinquents who handle illegal entry. The illegal immigrants who, in the past, were



eventually able to achieve legal status, will probably no longer have the chance. Meanwhile, just outside Europe's borders (and particularly among the young), the hope of emigrating to the EU seems a legitimate ambition, in a context that pays lip service to human rights and basic freedoms.

- c. The decay of the countries of origin has worsened. Against this backdrop, deviant patterns spread more easily, swaying many of the younger generation and sustaining the illusion of emigrating and engaging in deviant behaviour. The areas of economic and social exclusion and deviance in the countries of destination share the characteristics of a single territory, extending into the very heart of urban areas in Italy and in Europe.
- d. The social, economic and political exclusion of those living on the outskirts of urban areas combines with the ethnicisation of the lowest categories in the labor market and in production, as well as the ethnicisation of certain illegal activities. Replacement, complementarity and competition exist both in deviant activities and in their "professions". The links between legal, non-contract and illegal activities range from the large metropolitan areas to the suburbs and all the way back to the countries of origin, a kind of "exurbia", thanks to the "export" of some illegal activities there, carried out by criminals from the "wealthy" countries that are active in the illegal immigration racket and also as a result of the globalisation of the criminal labour market. The rate of replacement of deviant social figures seems to be accelerating: within two or three years, street pushers become mostly drug-addicted Tunisians and Moroccans.
- e. The imbalance between purely repressive reactions and reactions favouring legal integration in normal society seems to be tilting even further towards the former. As a consequence, only a minority of immigrants becomes integrated into the ranks of the "new poor", or even in the deviant world.
- f. The absence or inadequacy of effective answers to the social issues and malaise linked to the transition to a global, post-industrial society have contributed to the heightening of the hostility towards immigration. This hostility is often mixed with attitudes of enmity towards those excluded (marginal people and deviants, foreign or Italian) from participation in a sort of "Italo-European civilisation": they are the enemy. This leads to concerns about safety and security, which puts

pressure on law enforcement and the legal system to re-define the economic, social and political order, basing it on the criminalisation of those excluded and the hierarchical exclusion of some of the native population and all of the immigrants, legalised or not. All this leads to a considerable growth in accusations by the “vocal” minority of citizens, who use the hostility generated by the immigrants’ deviant behaviour to create support for mobilisations in favour of greater urban protection against crime.

- g. In addition to improving their effectiveness against illegal immigration, the police have developed close control over the immigrants and the excluded (road checks, systematic record-keeping of minor offenders, informers and more sophisticated forms of surveillance of suspected groups). This efficiency is aided by an increased tendency to accuse on the part of the public. The collaboration of certain immigrants with the police has also led to the successful outcome of many operations and the subsequent conviction of those arrested. Despite several episodes of abuse of authority by the police with regard to immigrants, there has so far not been a single trial of those accused. In any case, we can say that there is less negative prejudice against immigrants or racism within the police forces than in the general public.

In absence of suitable and effective efforts to re-insert deviants (Italian and foreign) and the excluded in the social context, or at least to avoid an increase in their numbers, the emphasis on the repressive-penal response has increased deviance and has not diminished the criminalising claims nor satisfied their call for more severe controls. The costs of increased policing are rising and there is a risk of an authoritarian-racist drift, already visible in the current Italo-European situation, because repression can never replace the actions necessary to reassure the citizenry, alarmed because of quite different phenomena.

## **2. The relation between migrants and the judicial system**

The analysis of the relationship between the judicial organisation and foreign people accused and tried for criminal activities allowed us to focus on an aspect of the interaction between migrants and the receiving country that has been rarely considered. The most interesting elements that emerge from our analysis can be divided into two sub-sets. First, we used the judicial sources to get information about migrants’ involvement into illegal activities. Second, we analysed one element of the complex mechanism of interaction between migrants

and the receiving society. This element actively participates to the definition of the borders between formal and informal and to the social construction and production of migrants' crime, i.e. to the criminalisation of migrants. Together with the individual and collective migrants' strategies of insertion (both regular and irregular), with the characteristics of the local labour market and with the migration policy, the law-enforcement and judicial systems play a relevant role in the definition of the informal sector, through different level of discretionary power.

## 2. 1. Empirical evidences from summarily trial

As far as crime cases in the province of Pretura are concerned, we can note a sharp distinction between the typical crime cases involving Italian defendants and those involving foreign defendants. The trial activities of the Pretura of Milan focus on two subjects: work and environment. Crime linked to labour contracts and violations of environmental laws represent the bulk of the trial activities of the Pretura Penale. There are also crime cases that very seldom regard foreign defendants, even as victim (to hire undocumented workers, culpable work-accidents, violation of the environmental regulations, etc). About the Tribunal, white collars crime represent another category that only concern Italian people.

Crime cases involving foreign defendants can be classified in the following way. First, we have predatory crimes reviewed by the Pretura—such as pick pocketing, shoplifting, aggravated thieves, burglaries, but also receiving of stolen goods. Second, crimes against the economy—such as illegal trade activities, violations of trade mark and copyrights law, selling smuggled cigarettes and selling drugs. Then we have the so-called immigration crimes, such as false name and address' declarations, falsification of documents (permits to stay, driving licences, identity cards, passports, etc.) and crimes deriving from being illegally present within the Italian borders. Finally, some minor offences, such as brawl, and some crimes against the state, such as resistance and offences to public officers.

A basic distinction we have to trace in analysing crime cases against migrants regards, on the one hand, counts of indictment that allow the police to arrest the accused person and, on the other hand, crime cases that do not. It is a divide highlighted by every prosecutor and judges we interviewed and that generates completely different judicial stories and criminal or deviant careers. The formers are usually brawls, minor personal injuries, thieves, resistance to public officers, robbery, drug selling and exploitation of prostitution. They are reviewed

through summarily trials (see further). All the interviewees said that they represent the only opportunity to prosecute people in the flesh. In all the other cases they used to speak of crime cases against ghosts—people who can be identified only by the name and address they gave to the police when they was controlled and that subsequently disappear to escape the trial.

Drug-selling charges represent the majority of the summarily trials in the Tribunale Penale. From our analysis of the criminal records of the first semester of 1996, turned out that:

- two out of three summarily trials concerned foreign defendants,
- two out of three concerned drugs selling ,
- three out of four of the drugs selling crimes concerned foreign defendants.

The typical characteristics of the defendants accused of drugs selling are the following: They are young males (two out of three are below 29 years old) from Maghreb (almost 60%), in many cases they declare to have a job. A relevant minority of them comes from Senegal, Gambia and Nigeria. They got a low-medium educational degree; they did not marry and have no property in Italy or in Morocco. Domicile is in most cases unknown. However, their social condition, recidivism and legal status cannot be inferred from the crime files. This is a very interesting thing, insofar as the picture drawn by prosecutors and judges interviewed is pretty different. Illegal status—either clandestine or irregular—marginality and recidivism are proposed as common characteristics of the accused person. There is here a interesting divide between the information contained in the files—the same information used by judges to decide about validation of the arrest, precautionary measures and sentence—and the information judges and prosecutors use to assume when they evaluate this kind of crime activities and criminals.

Even less sure is the information about recidivism. The Judicial Register shows the previous sentences and provides a basis to identify generic or specific recidivism only in a minority of cases. The most probable explanation of the discrepancy between information that are contained in crime files and information provided by prosecutors and judges is that when the latter evaluate a crime case, they use to fill the gap using some extra-judicial common sense knowledge. The standard image of illegal migrants, economically marginal and systematically involved into criminal activities represent in this sense a strategic cognitive categorisation device.

## **2.2 Typology of crimes and defendants drawn by the prosecutors and by the judges: Pretura and Tribunale.**

As far as crime cases in the province of the Pretura are concerned, the main bulk of accusations regards thieves. First, some national peculiarities are reported. One of the most common concerns the rom (gypsies)—without distinction between Italian and non-Italian rom—who are thought to do almost every burglary in Milan. Almost all the people we interviewed highlighted some other “national” peculiarities: people from South America are described as specialised in pick pocketing. They were more active during the second half of the 1980s than now. They are very smart e professional. However, people from North Africa, who often also use to steal on cars, have recently substituted them. Then, we have people from Morocco that control the street selling of smuggled cigarettes. People from Senegal, China and less frequently Morocco, are “specialised” in illegal trade activities and in the violations of trade mark and copyright laws. Finally, all the nationalities are characterised by a strong presence of irregular and clandestine migrants. Many of them are accused of violation of the migration laws and other crime resulting from their illegal status.

About the Tribunale, we have people from North Africa, Senegal, Nigeria, Gambia and more recently from Albania, that use to sell soft and hard drugs. These people are generally not involved in drug trafficking at the international level. They just substituted the Italian drug-addicts that in the past used to sell drug in the streets. The only exception concerns Albanians who are supposed to reinvest into drug-trafficking activities the money they earned through the exploitation of street prostitution and migrants smuggling. The second most important crime in the province of the Tribunale regards the exploitation of prostitution. In this field, people from Albania and Nigeria, and in the past people from South America, are very active. In this case the criminalisation involves both men or women who are accused to exploit, sometimes by violent means, female prostitute and the prostitutes themselves who are accused of obscene acts, resistance to public authority or soliciting. Again, Albanians and Chinese are thought to be strongly involved and active in the organisation of illegal migrations of their co-nationals.

The description of Albanians criminals and crime activities that prosecutors and judges gave us closely resembles the standard images that press circulates. This is not the only case in which we found a sort of cognitive

overlapping between the two sources. This element, together with some others which we will talk about later, illustrates the close interaction—practical or cognitive—that involves almost all the institutions and social actors working on, and talking about, migrants' crime. It is a classical case of social construction of ethnicised crime.

As far as street crime is concerned, statements by prosecutors and judges do not usually rely on statistical evidences—which in many cases are not even available. What they say is based on their experience of the everyday life of the courts and sometimes on reported knowledge coming from the police or, regarding the judges, from the prosecutors. In fact, the Italian judicial system is not characterised by an organisational division between judges and prosecutors. Many judges used to work as prosecutors in the past and the other way round. The connection between the prosecutors' office and the judges' office is closed. In this case, it is not necessary to hypothesise a common participation to informal networks in order to understand the spreading of knowledge and cognitive and evaluation schemata between the two actors.

It is interesting to note that the everyday judicial activities are characterised by a sort of anarchism—by anarchism we intend a high level of discretionary power and a low level of co-ordination—if compared to what happens in other countries like UK or US. There are neither guidelines nor attempts to make the evaluation criteria converge along the same paths. Nevertheless, there is a strong convergence and overlapping in the evaluation of each crime case. Prosecutors, lawyers, judges and police officers that permanently work in the court show a very similar perception of the seriousness of the crime, of the characteristic of the defendant and of the right amount of punishment he/she deserves. An informal tissue of practices comes out of our ethnographic observations. They substitute formal organisation arrangements, keep the judicial machine working and allow it to bear the enormous amount of work that has to be done everyday.

### **2.3. Everyday life in courts: the summarily trials**

The vulnerability of migrants as foreigners prosecuted is a key element in assessing the fairness of the due process. First, we have to take into consideration the lack of residence permits and, in general, the fragile legal position with regard to the rights of migrants' facing crime allegations. Second, we need to take into account migrants' precarious socio-economic conditions in terms of housing, job, family and social networks. Both elements play a role in the standard treatment of criminal cases involving migrants. This social type can be described as the 'irregular, marginal and socially excluded' migrant criminal.

Information about migrants' crime and cognitive schemata of interpretation are embedded in the different offices of the Courts. Social actors involved in the administration of justice—police officers, prosecutors, judges and lawyers—both differ in their evaluation of most common situations and come to share common understanding. For instance, while the prosecutors generally, but not always, seem to know very well the tactics followed by police in repressing street drug selling, the judges do not seem to be informed and when asked for describing the typical law enforcement procedures they usually produce a very divergent account. The standard accounts provided by the judge are less careful than the accounts provided by prosecutors. They shift to stereotyped and less articulated reconstructions of the typical procedures and decisions adopted by police officers in repressing deviant behaviours and in maintaining the social order in the neighbourhoods.

The knowledge by the court of justice's actors, their social typifications and their common sense theories, on one hand, are much closed to those that circulate through the mass media and, on the other hand, they reproduce themselves in a self-referential way during the working practices of the Tribunal. Only in a minorities of the case, the interviewees highlight that the share of foreign defendants and convicted, as well as the "specialisation" by nationality and ethnicity, could be the result of some selection procedures used, both intentionally and unintentionally, by the police. As far as the police officers are concerned, everyday contacts with the reality of micro-criminality in the patrolled neighbourhoods and a stronger exposition to the pressure exercise by other social actors give the police a deeper awareness and knowledge of what is at stake in the police control and in the repression of migrants' crime. Public prosecutors are in a different position. On the one hand, they are too close both to the law enforcement practices not to know how police officers organise their standard and special interventions. On the other hand, they make part of the judicial systems.

Therefore, in interpreting migrants' they use crime both the grass-root knowledge provided by police—they are for instance able to give a fine-grained description of the standard practice police follow in arresting drug-dealer—and the more general social images, representations and theories, used by the judges and circulating in the larger society. The same for the lawyers that are exposed to multiple sources of direct and mediated information.

Social actors working in the court of justice generally used the most typical images of migrants' deviance and crime as a cognitive, as well as a moral device, to evaluate the law enforcement activities by police. As we go from a layer to the next of the process we see that the perceptions interpretations of the migrants' crime is increasingly mediated by the actors that play a role in the previous steps of the repressive chain. Knowledge and awareness of the forms of social organisation as well as of the police control and law enforcement procedures get increasingly abstract and general, matching the common sense representation and discourses that media circulate. Common sense is not simply "conveyed" from one actor to an other one. It is actually reproduced and recreated at any step within the judicial system. Each actor knows that he is involved in the production of official accounts that are going to be used by other actors—specially by the judges—to take legitimate judicial decisions, such as to validate or not the arrest, to set precautionary measures, to convict or acquit, to put on probation or send to jail. The leading character of the process—the judge—seems to be the "less informed" about the everyday practices of law enforcement and the more oriented by general common sense interpretative frameworks. Consequently, any other actor—police officers and prosecutors—will tend to organise his accounts to match and confirm the cognitive and moral expectation of the judge. In this sense we can say that common sense knowledge informs the institutionalised structure of expectations of every actor who plays a role in the reviewing of the crime cases..

#### **2.4. The role of the judicial system in the actual definition of the borders between informal and criminal activities**

Regarding the role of the judicial systems in the definition of the borders between informal and illegal activities, the following elements come to the fore:

- 1) There is a direct connection between the decisions taken by the judicial systems in order to implement different laws and the amount of "immigration crime". Between 1995 and 1996, for example, many people was accused to violate the immigration laws by the prosecutors.



As Prosecutors decide to prosecute this transgression they had to face unpredictable reactions by the judges. As a matter of fact, about half of the judges decided to enforce the law—actually it was a decree, not a law. The remaining half decided they could not order the expulsion of anybody on the basis of a decree. After a while, the prosecutors were pushed to gradually dismiss this kind of request because of the chance that the judges could reject it. Consequently, the police ceased to enforce this law too. A sort of chain reaction and counter-reaction that linked all the institutional actors involved—the police officers, the prosecutors, the judges—was triggered. It is a very simple, although clear, example that sharply demonstrates the discretionary power held by the judicial system in defining the borders between informal and illegal conditions.

- 2) A second example concerns the street sellers and the decision, strongly stimulated by the prosecutors' office, to enforce this kind of violation using a new strategy of investigation. A special team supposed to organise law-enforcement actions and prosecution of illegal street selling has been created within the prosecutors' office. A traditional channel of economic integration in the underground economy suddenly has become the target of special attention by special teams of people coming from all the law-enforcement agencies—municipal police, state police and customs officers. This special investigation team has been trained and organised by some prosecutors. It is supposed to carry on special investigations about street selling economic illegal organisation. Part of the prosecutors would like a change of the penal code that allow police to catch red-handed people selling illegal goods. Such a decision would further generate a criminalisation of a set of activities traditionally done by migrants. It would transform informal arrangements into criminal behaviour systematically strongly prosecuted and very dangerous to keep on. The prosecutor's office was pushed to increase its attention toward this criminal activities both by some big trademark enterprises that are very upset by the economic loss coming from the violations of trade mark and copyrights laws and by the small shop owners of the centre of Milan who accused migrants of unfair competition.

3) The crime cases regarding people that use to sell smuggled tobacco are another example of the active definition of the borders between informal and illegal. As in the previous example, police cannot arrest red-handed the accused people. Consequently, the crime cases are considered a dead-end. They are evaluated as not important by the judge's office and therefore they are usually delayed. The Pretura, basing on a sentence pronounced by a judge, proposed to substantially decriminalise this crime. The prosecutor's office shared the position held by Pretura. However, the general prosecutor office decided to oppose this proposal and the Court of Cassation agreed with the Procura Generale and rejected the request of decriminalisation. The decision created many organisational problems to the Pretura and prevented an illegal but generally tolerated activity (informal) be transformed into an informal one.

**CE/DG XII -SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER – MIGRINF**

*COORDINATOR:* EMILIO REYNERI

UNIVERSITY OF PARMA

## **The Impact of Migrants on Italian Society**

Final Report 1998

By

ALESSANDRO DAL LAGO

UNIVERSITY OF GENOA

Dipartimento di scienze dei processi cognitivi, del comportamento e della comunicazione

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## ABSTRACT

### Methods

Most studies on migrations involve separate levels of analysis (demographic, economic, social, political, etc.) and they result in a fragmented picture of the phenomenon. The qualitative approach that we have adopted in this research tries to account for both the complexity and the unity of the subject under study, taking into account the fact that the immigrant is an economic actor when is looking for a job in the receiving society, he is subject to the legal system as criminal, deviant or just illegal immigrant, he is a social actor with a quite different status from the one he enjoyed as citizen of his home country, he is a cultural actor when adapting to the new social and cultural environment, and a political actor when he fights for his citizenship rights.

However, in public discourse the complex and different identities of immigrants disappear to leave room only to the analysis of the “problem” of immigration. What the research tries to describe and to account for is the transformation of immigrants in “enemies of Italian society” (at least in symbolical terms and independently from the so called positive reaction, that will be separately studied) , and the transformation of the flux of objectively small numbers (if compared to other European countries) of immigrants towards Italy into a national problem, into an “emergency”. As a matter of fact, after a long period in the 80’s during which the issue of immigration had been overlooked and ignored by both public opinion and the political system, in the 90’s the phenomenon in collective perception has become a social problem of primary importance. For the Italian public opinion, migrants have become (thanks mostly to the media) the scapegoats called to account for the social and economic crises and for the collective fears which have marked the end of the so-called First Republic. At the beginning of the Nineties, the substantial indifference of the Italian society turned into a strong symbolic and practical hostility - a reaction reinforced by repressive legislation and massive police initiatives which have legitimised a culture of emergency and closure towards foreigners.

The research tries to describe the self-reinforcing mechanisms which have created the recurrent immigration emergencies. Materials regarding the central topic of the research are drawn a) from the media (with special attention to newspapers and TV programs) and from in depth interviews with major actors and witnesses of the impact of migration on Italian society:

## **Materials**

### **Media and government papers and documents**

In the period January 1996-December 1997 the major national papers ("Corriere della sera", "Repubblica", "Giornale") etc. were daily examined). Instead of a quantitative content analysis, on which there exists an important amount of research ( quoted in the report) we decided to recur to a qualitative analysis of the most significant rhetorical mechanism active in the coverage of migration events (e.g. treatment of "emergencies", "migrants criminality", "urban riots", "Albanian invasion and so on). We devoted a special attention to articles by influential opinion-makers, like well-known writers and political commentators (see Goffman books and titles on agenda-setting quoted in the final bibliography for the methodology we adopted). As to special events a transcript of TV programs devoted to these phenomena was provided. On the other end the asymmetrical coverage of migrants as victims was analysed as well. We tried also to offer a qualitative analysis of legislative texts which were produced from February 1997 until now. A short presentation of reports to the Minister of Interiors regarding the role of migrants for Italian security is provided..

### **In depth Interviews.**

- 21 police officials in Genoa (criminal career of migrants, impact of migrants criminality on local public opinion, police procedures)
- 22 police officials in Milan (public order and immigration)
- 16 judges, prosecutors and lawyers in Milan and Genoa(discrimination of foreigners, cultural problems, normal crimes, bargaining justice, etc.).
- 12 social workers in northern Italy (main problems in the migrants integration).
- 9 local committees leaders in Genoa (their activities regarding migrants and cultural attitudes toward foreigners).
- 2 special witnesses: Adriano Sansa( former Genoa Mayor) and a director of "Caritas" (Catholic association for assistance to migrants,).
- 18 immigrants (their life experiences, racism, relations with Italians).

## **Main findings of the empirical research**

An overview of the empirical material shows two main features in the reaction of Italian society to migrants during the 90s. First, institutional reactions have to be differentiated from symbolical ones; the former can be positive or negative. Among positive reactions we find the important role of non governative

agencies, both Catholic and lay, in receiving and assisting migrants (see the “Caritas” activities in Genoa Area as shown from several interviews). Negative institutional reactions cannot be located in particular strategies but are rather the result of daily activities by police forces, court operations and so on (see the interviews with judges and so on). Police operators and magistrates recognise the unintentional character of a certain discrimination of foreigners, that depends mainly on the incapacity of the legal system to match in its complexity a comparatively new social phenomenon. On the other end the increasing role of non governmental organisations shows an institutional and political weakness of the Italian State and society in facing the new migrations.

However, we found that the impact of migrations on Italy is mainly symbolical, for its capacity to shape the general attitudes of the Italian society toward immigrants. In fact, the small number of foreigners living in Italy and their minimal practical social impact (in terms of economical importance, real size of their criminality and so on) cannot explain by itself the social panic that we have documented in the report. According to us, a perverse mechanism of fabrication of social evils was responsible for the overvaluation of the migrants’ impact. In the conclusions we suggest the main causes of the operating of this mechanism.

- The insertion of foreigners in the black labour market has produced a general image of migrants as people living on the borders of legal society. For this reason, for example, peddlers or people washing windscreens at the cross-roads synthesise the social condition of all foreigners.
- The negative attitude by the press, not only right-wing oriented but also independent and forming the public opinion. As shown by several researches Italian press constructed a sort of consensual negative image of foreigners in daily reports on immigration, In the same way several influential intellectuals took for granted the negative image of foreign people and reinforced it.
- Political and moral entrepreneurship in the vacuum created by the collapse of the old political system. During the 90s new forms of political representation stress the role of local government and initiatives against national representation. Issues of the daily life (like urban safety, lack of social services and also “aesthetical concerns” like streets cleaning) take the place of traditional issues. In the political agenda. In this contexts migrants can appear as a factor of disorder and menace to the daily life of citizen.
- The role of the political system in legitimating this social construction. Despite the effort to match the phenomenon of immigration with new legislative tools, a relevant part of the political system has contributed to reinforce the image of

migrants as criminals. We try to explain this tendency in the light of the rise of the so called legal code (see Luhmann quoted in the bibliography) in the Italian political life, after the crisis of the "First Republic".

The cumulative interaction of these main factors has contributed to generate a negative symbolic image of migrants as enemies. Given the crisis of the Nation- state, due to the present globalisation phenomena, the negative image of foreigners that dominates the public opinion, has gained a wider political dimension, according to the following logic:

- 1- Since the migrant is a non-national person, therefore he is not one of "us", even if at present he occupies our (geographical, economical, urban or social) space.
- 2- If he is not one of us, his occupation of our space makes him an unauthorised person (or clandestine, or illegal - the three words being actually equivalent).
- 3- If he is illegal, he is violating our right to legitimately occupy our space.
- 4- If the previous features are correct, he's against us in different ways: he's menacing our (political, linguistic, cultural, social) identity; he's menacing our employment's chances (he's stealing our jobs), he's menacing our style of life (he doesn't live according to our habits), and so on.
- 5- If he remains among us in spite of all this, this means he is implicitly or explicitly violating the law (the "clandestine immigration" as a crime). If our political system does not enforce the law, it means that our society or our government are not aware of the dangers deriving from it (controversies about tolerance in relation to immigration and so on).

Of course, these common-sense accounts, like any other, are submitted both to the "etcetera" clause (they can be varied, almost with no limits) and to the "exception" clause. Here are the main exceptions, logically derived from the above mentioned five peculiarities or "common-sense features":

- 1- The migrant is not one of us, but he can be tolerated here (in our space) under certain conditions: if he legitimately stays among us for a determined period of time when he is "regularised", and exceptionally, for an undetermined period of time when he is "naturalised".
- 2- If he's not an unauthorised person he can occupy our space, under the condition that he doesn't limit our right to occupy the same space.
- 3- This can occur if he occupies the space we leave free (for instance, if his



work is something we won't do, and/or if he makes himself invisible).

4- He is not against us if he doesn't claim our (economical, political) resources: *he is not against us only if he is under us*.

5- Anyhow, our society and government should be well aware of the exceptionality of this presence among us, and should adopt responsible policies that take into account the different economical and political bonds, without violating the assumption of the radical difference between "national" and "non-national" people.

In sum, these two logical chains represent the negative reaction to immigration and the room for political and legislative actions in a country of new immigration like Italy.

**MIGRANT INSERTION IN THE INFORMAL ECONOMY, DEVIANT  
BEHAVIOUR AND THE IMPACT ON RECEIVING SOCIETIES**

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**MIGRINF**

**Migrants Insertion in the Informal Economy,  
Deviant Behaviour and the Impact upon the  
Receiving Society**

**State of the Art Report**

**The German Case**

By

**DR. CZARINA WILPERT**  
Institut für Sozialwissenschaften der  
Technischen Universität Berlin  
Hardenbergstr. 4-5  
10625 Berlin

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## **ABSTRACT**

### **The immigration to Germany**

Germany is the European country with the largest inflow of migrants. Migratory labor has been a tradition in Germany. In the last decades of the 19th century there were concerns about the over-foreignization of the labor market (Poles in agriculture and coal mining, Italian construction workers). Nonetheless, Germany has never had an immigration policy. The “guestworker” policy was the post-war definition of the temporality.

Migration flows to Germany have been primarily determined by three sets of policies:

- a) the great German Reich of national socialism which caused the affiliation of ethnic Germans throughout eastern Europe with the Reich and which after the war guaranteed them the right to return to the “home country” as a retribution
- b) Germany’s asylum policy which guaranteed persons being persecuted for their political beliefs the right to asylum from totalitarian regimes
- c) Guestworkers and their families who joined after the 1973 recruitment stop. Since the transformation within eastern Europe, new policies concerned with the economic stability of the East and the integration of Germany’s eastern neighbors in the European community can be added to these

Equally important for Germany’s policies is its geo-political position. Germany is surrounded by a number of countries cooperation with neighbors is essential. The border with Poland is one of the largest borders to the East. It was essential in connection with Germany’s new asylum law in 1992 that Poland prove that it is a secure third country. The agreement was reached that Poland as a country who has signed the Geneva convention must give refuge to those justified on grounds for asylum and to accept the responsibility for all asylum seekers returned who entered Germany via Poland. A number of agreements had to be worked out with Germany’s neighbors in connection with the new asylum law, including economic aid to Poland to secure its eastern borders. In 1991 Germany organized new forms of contract labor, subcontracting, seasonal labor and guestworker training schemes for its closest central and East European neighbors. Shortly thereafter Germany was instrumental in the agreement to give three month visa-free travel in the EU to their neighbors in Hungary, the Czech and Slovak Republics and Poland. These are all sources of limited legal and potentially illegal

working relations. As a result twenty years after the 1973 stop to guestworker recruitment and entry, Germany has at least 16 categories of entry for persons migrating in with foreign citizenship. The category of entry determines as well the alternatives available to have a legally registered employment.

### **The German labour market**

Until the late 1980's Germany had very low rates of unemployment. This was already changing with economic restructuring in the mid-1980's, but increased greatly with unification. First, over one million East Germans migrated to the West. East Germans would work for lower wages and were often motivated migrant workers with a new work morale. This has been counteracted to some extent through the agreements between industrial associations and trade unions to slowly raise the wages in the East to 85% of the wages in the West. Money has been invested in the East and investments receive more tax advantages there than in the West. Investments have been made in automation. Labor intensive industries are replaced by robotization and other new labor saving forms of technological production which requires a more highly skilled workforce.

Black labor has gained a new significance in this post unification era. Germany has been previously one of the European countries considered to have the lowest share of black labor. The first campaigns against black labor in the 1980's estimated that between 5 and 6% of the actual labor force was were not registered for social security and paying their taxes. Today the estimations are between 11 and 14% of the labor force are employed in these kind of undocumented jobs. Legislation to control black labor has multiplied as well as the diversification and cooperation of state enforcement agencies to control clandestine and undocumented employment.

Thus, two processes occur simultaneously. The restructuring of heavy industry .with the subsequent decline of manual labor and the employment of subcontracted, foreign, seasonal or undocumented foreign workers , in other sectors such as construction. Here the state has also taken an active part in creating exceptions institutionalizing subcontracting policies which provide loopholes to the social contracts which exist between the industries and unions. Undocumented foreigners work within the informalised black labour market. Unemployment rates are based upon what is recorded within the socially insured labour market. Indications that the informalisation of labour was in process before major entries of new migrants. The MIGRINF study does not find that these

factors of themselves create a causal relationship. Thus, it is difficult to argue that the new migrants are responsible for the growth of black labour or whether they have become competitors with the indigenous.

### **The new migrants**

Asylum seekers have become the most important source of new migrants in the 1990's -Since the 1991 possibility for tourists to enter visa free from countries such as Poland, the Czech Republic and Hungary, tourists have also become a potential source of undocumented black labor. There is little research published on the variety of new migration streams and networks related to these two forms of migration.

Persons from Poland who entered either through asylum or recognized as ethnic Germans were beginning in the late 1980's to enter the construction industry. It is also clear that there are certain fields of work which have always been subject to competition for black labor in addition to construction: hotels and restaurants, cleaning firms, transportation and agriculture to name the most well known. The reasons for this are generally well known. In those areas where working conditions are hard and the unions have achieved better wages and social security benefits, black or clandestine work is basically much cheaper and flexible. Flexibility and the low wages which the services such as cleaning hotels, restaurants etc. offer, can be best met by a migratory population.. The new foreign arrivals may often be more highly qualified in some cases than the German workers or resident foreigners of the guestworker nationalities. There is no proof, however, that they can compete with the indigenous for the more attractive stable and registered work of the regular labor force. But, as has always been the case, the presence of labor willing to work for less supports already existing pressure for the revision of the German system of social benefits.

The new migration from Poland has been studied more than the others and has been classified as a circular, temporary and repetitive migration encouraged by the vast difference in wages between the eastern European countries and Germany. The migrants are motivated to work in Germany and to invest and live, for example, in Poland. Generally the circular migratory process from East to West must be seen as part of the economic interdependence between two economic systems: Opportunities in the West, economic development of the East and the establishment of new markets in the East for the West.

Exceptions to this type of migration will be

- a) the ethnic Germans (still the largest number of entries yearly);
- b) the contingent refugees from the states of the former Soviet Union, who have yearly quotas and once permitted entry receive government assistance and have the right to work;
- c) also return will be difficult for a number of the war refugees from the former Yugoslavia especially Bosnia, (but also deserters from Serbia and Croatian armies). These because of the economic disaster in the former homeland, fear of the misgivings of their neighbors who could not leave, and the adaptation of children who have been over four to five years in German schools. As a whole the refugees from civil war in former Yugoslavia face the most difficulty since as part of the Dayton agreements there is political and legal pressure upon them to return. They do not easily obtain work permits unless it can be proven there is no German or legal resident foreigner with a right to work who is available for the job, because their legal status, "Aufenthaltsbefugnis "(grace period) justifying only limited work permits.

The number of asylum seekers from Eastern Europe has decreased. The largest group, the Romanians has been declining. It is generally considered due to the effective policy of turning them back to Poland at the borders, or returning them after their asylum has been denied. However, as long as certain eastern European nationals may enter as tourists visa free and restrictions to work permits are placed on the legally resident asylum seekers and temporary refugees, unemployment will continue to grow while black labor continues to expand.

The other new sources of migrants, such as women who enter as tourists or friends and relatives of Germans or fellow country persons. There is very little research on these women migrants who may be considered overstayers, and are primarily candidates for domestic work, other informal unregistered work such as in restaurants or the cleaning profession. Some may enter into entertainment trade or prostitution from eastern Europe, Asia, Africa and Latin America. Here very few studies exist. Those that have been done focus on commerce with women for prostitution in Germany.

Nonetheless, there do remain a number of issues not studied. The first question is *what happens to illegal entries? Or tourists who work illegally?* How many are returned? There is no way to legalize if once having entered illegally except by returning to the country of origin and re-applying for a legal entry. This



would normally only be possible if highly skilled for a particular job and sponsored by a German firm, or through marriage to a legal resident.

The second question is *how do unrecognized asylum seekers survive?* What sources of employment do they have? Is there such a construct as an ideal typical career of asylum seekers, i.e. those who do not receive regular status? When and how is it possible to turn the status of “Duldung” into a more regular status? How do they when refused asylum regulate themselves? How many leave the country? What share manage to stay and find work?

The third issue raises questions with respect to which social groups may be in competition for jobs. It was decided to study the economic survival strategies of the circa one-third of the descendants of the guestworkers who do not have access to either skilled apprenticeships nor to secure manual labor jobs. These young persons are the most likely candidates for drifting, instable odd jobs, and are often noted for being accused of an over proportional share of delinquent acts.

Traditionally, there are also other loopholes the exception which is made to the registration of jobs called „*geringfügigen Beschäftigung*“. This covers jobs which are less than fifteen hours weekly, which until January 1996 did not need to be documented (under DM 590 per month). Some workers may be employed under these conditions in several places. This law provides cheap labour, entry into the informal sector and the black labor market via those jobs. Since this law has been changed, employers are obligated to register workers for social insurance. These jobs are typically either part time work in cleaning firms, or other forms of part time work in areas of work which has irregular or prime time work loads, restaurants, hotels and in private households etc. There is practically no empirical work or published studies in this area.

## **Criminality and the foreign population**

The connection between the foreigner, immigrants, and crime is the common representation in the media, but also one of the classic interests of criminologists whether in the new or old countries of immigration. It has been already one of the main findings in the early 1970's and 1980's of the few media analyses, that the press highlights foreigners, most frequently in connection with criminality. The earliest studies of criminal statistics tended to verify these trends. Two-fifths of the reports on foreigners in the newspaper focus on the topic of crimes committed by foreigners, most specifically, drug trafficking and organised criminality.

Clearly, the rate of suspects and actual criminality rates of the foreign population has increased in the last two decades. Simply between 1984 and 1992 (8 years) the share of foreigners on the total number of criminal suspects has doubled.. Analyses of the police criminal statistics are based on the number of suspects. In 1993 foreigners contributed to 33,5% of the criminal suspects and in 1994 30% . In order to understand this development it is necessary to differentiate not only between suspects and convicted criminals, but also between the types of migrants and the types of crimes suspected. An analysis concludes, using data from 1992 which can be related to the structure of the population, that: one fourth of the foreigners suspected are for crimes against the Alien act, which only foreigners are subjected; approximately 14% are suspected for crimes which tourists have committed about one quarter (25%) of crimes committed by asylum seekers. The majority of foreigners convicted were either tourists, asylum seekers, or other legal/ illegal transient foreigners.

Foreign residents are not more likely to have committed crimes than Germans of a comparable social class/ context. In fact once all of these factors are controlled foreigners are less likely to be criminal than Germans. (For instance in 1989 64% of the foreigners but only 16% of the German employed population could be considered to belong to the lower social class.) Evidence is put forth, which is actually quite well known from classical immigration countries, that the longer the residence in the country of immigration the more likely that the foreign population resembles the indigenous in criminality rate and types of crimes. Findings indicate that when in a similar social class and milieu foreigners are less likely to commit crimes than Germans.

The over representation of foreigners in the lower class of the population means that foreigners have not only assumed the “dirty work of society“ but also have giving the lower classes of the indigenous population the opportunity for upwards mobility, but they have also assumed the burden of the stigma of criminality. Another study raises the methodological problem of how the weakness of suspect data can be ameliorated by other approaches such as self-reporting in surveys among young persons. Nonetheless, such a study finds a significantly higher percentage of foreign juveniles reporting violent behaviour than German. It concludes that the police recorded crime data available on suspects indicates in any case that the immigrant population is deeply involved with the criminal justice system. Longitudinal studies on police contacts with children and juveniles has shown that 14% of the male foreigners under 15 years

of age had had at least one contact with the police and 29% of those under 18 had been arrested at least once.

On the basis of this and the foregoing analysis the following categories of deviant behaviour were identified.

- a) Participation in organized crime: Dealing in contraband, smuggling, drug trafficking, commerce in women, organising illegal entries, dealing in falsified papers or in the production and provision of documents and means to enter the country, etc. are primarily related to organised crime networks. These are often international networks which may use either new migrants in difficult situations (unemployed Vietnamese/ cigarettes; Algerians/ drugs) or they may be working specifically with networks in their countries of origin and arrive in Germany as tourists, (i.e. Poles or Russian gangs involved as car thieves). Organised crime will not be the object of our study.
- b) The largest share of suspects are found among the asylum seekers. Asylum seeking and tourism are the only legal means to enter the country, but these means only provide a limited chance for a minority to have access to documented, legal work. The process of seeking asylum and the origins and objectives of asylum seekers has changed in the 1990's. Public attitudes, administrative controls, living conditions and social benefits for asylum seekers have hardened in this period. Since the change in the asylum law it is more and more difficult for those persons politically oppressed to enter the country. If they enter by land they will be sent back to Germany's neighbours who have agreed to their responsibility to offer political asylum. For a large number of persons asylum was thought to be a means to enter the country with the hope of finding work or the hope of other lucrative possibilities. The petty thievery of asylum seekers may be considered as symptomatic of the hardship of life as an asylum seeker, forced to live in certain locations, no right to move to others. In the East often placed in isolated rural areas, living under continual observation of the locals often in rural areas where there are little economic opportunities. The possibility to work is limited by the competition with natives. The availability of unknown variety of consumer goods in the shops is hard to withstand. Chances of obtaining asylum practically null. Or,
- c) asylum seeking becomes a strategy to better one's economical conditions: a limited opportunity to find short term work, earn a little bit of money, gather some goods from the market place.
- d) the criminality of the long-time resident descendants of the foreign workers

may also be associated with organised crime, for instance as drug dealers, prostitution, but also the small time crime of adolescent gangs - petty thievery and group violence.. It was felt that there would be room for a more detailed analysis of accused data for the city-state of Berlin as well as expert interviews with key experts in the field.

### **The response of the receiving society**

This research poses the question about the significance of the relationship between common sense assumptions concerning the extent of illegal, black labour of foreign migrants, the perceived and real criminality related to the immigration of foreigners and the responses of the receiving society. Moreover, in countries which have had older migrations, such as Germany with the guestworker migration of the late 1950's and 1960's the question is raised as to whether there is a difference in response to the "guestworker" migration and the new migration of the 1990's. Behind this seemingly empirical question rests a vast amount of empirical and theoretical work. Based on the research conducted in Germany during the first phase of foreign labour migration it could be assumed that until unification the main issues which this migratory process presented for Germany was the ability of the foreigners to assimilate, adapt or integrate into German society. The first major studies were funded by the government. The dominant approach in research in Germany was to assume a similarity with societies of immigration and to study the values and adaptation patterns of the foreign workers and their families. Most theoreticians did not take into consideration the peculiarities of the German institutional procedures and the semantics of migration for the responses of the "receiving society" and for the migrants and their families.

Inter-ethnic relations, xenophobia, and racism did not enter the theoretical discussion on international migration in Germany until the advent of unification. Nor did the concept of racism enter official discourse. The German terms were "Ausländerfeindlichkeit" (hostility toward foreigners) or xenophobia.

The Federal Ministry of Labour commissioned the first government study on Ausländerfeindlichkeit in the former East German Democratic Republic in 1990. According to this survey xenophobia was found to be higher in the East than in the West, public aggression toward foreigners was considered to be much greater in the East than in the West (although the latter had never been systematically studied): Over two thirds of foreigners interviewed were insulted

by Germans, forty percent have been discriminated in shops, twenty percent have been frequently physically attacked.

Racism, it would be interpreted, might be applied to behaviour in the East. Although public manifestations of racist behaviour began to become more violent in the West in the early 1980's, no official records were kept and no systematic studies had been conducted about the experience of racist violence among foreigners in the West. Ignored at this time were a number of studies of the German press and public opinion polls about guestworkers in Germany which had been conducted over the years.

### **Studies of foreign workers in the German press**

A number of studies of the German press were conducted before unification and the new migration (1990's). The most comprehensive was carried out in the early 1980's. These findings provide a good idea of the image of foreigners presented in the West German press almost a decade before unification and the new migration. The authors of this study conclude that the reports on foreigners in this press can be characterised in the following manner:

- special attention to the criminality of foreigners
- the emphasis placed on the danger of the presence of foreigners for German resources
- a redefinition of foreigners into a problem of Turks
- the potential incompetence or passivity of foreigners in making decisions or negotiating in the context of the political discourse about foreigners.

The authors find that reports are concerned with the refusal to grant foreigners the same rights, the same status as the indigenous (Germans) until they assimilate the reigning indigenous identity (the German culture, language, morals, etc.).

Since that period several other studies have been conducted. Comparing findings from studies in East and West, the first indications were that East Germans were more willing to openly express their fears and animosities toward foreigners and ethnic minorities than West Germans, who perceive themselves as more tolerant. A study conducted by members of the Youth Institute in Leipzig in 1990 found that 30% of the young adults supported the call for the expulsion of foreigners, although less than 1% of foreigners reside in the Eastern states today

and over the half of the interviewees had never had contact with foreigners. Another study, which compared the attitudes of youth in East and West found that 40% of all young adults in the East could be considered to be xenophobic, while only one fourth of young persons in the West could be considered anti-foreign. In the East one fourth of the respondents even went so far as to give vocal support to racist activities against foreigners.

### **Violent forms of racism**

Shortly after unification hardly a day would pass without the reporting of some violence by Germans toward foreigners, such as attacks on Poles by Neo-nazis, rowdies and skinheads at the initiation of visa-free entry. Brutal racial violence has led to death or near death of black Africans, Vietnamese, Pakistani and Turks in the East and the West. The first asylum candidates to arrive in the East were met with violence and vandalism. Moreover, foreigners and black Germans born in the East experience an unleashing of aggression that many despite latently experienced discrimination would never have previously expected to this extent. The ruthless violence of groups of young men toward persons perceived as phenotypically or otherwise different continues. Repeatedly observed is the passivity of the onlookers and the ineffectiveness of the police.

According to the Federal Criminal Office there were 2,300 racist motivated crimes (325 crimes of arson and 188 attacks against persons); the rest was either categorised as vandalism or racist propaganda) in all of Germany in 1991. There is good reason to doubt, however, that these figures reflect the reality, which is probably higher, since many cases are not even reported, or if reported not categorised as racial incidents by the local. Until 1991 there was no special documentation system for pursuing crimes of racist violence, and even then it was not practised uniformly throughout the country. The Berlin police, for instance, did not even register statistical data about victims of racist violence in early 1992.

How does social science explain the waves of violence? The first results of research on the causes of the violence which broke out after unification, emphasises, that violence does not correlate with the real material and psychological conditions of the aggressors, but instead with their fear of the future. Nor does the actual size of the foreign population play a role. Foreigners were and continue to be a much smaller fraction of the population in the East than in the West.

Violence is usually the work of young men. One line of thought blames social disintegration and individualistic life styles resulting from modernisation, which has weakened the self-esteem of the young male perpetrators. This popular psychological explanation has met much criticism. Generally it is agreed upon that the best explanation can be found in the role of the group context which offers such young males opportunity structures for violent behaviour. Finally some studies interpret the behaviour of the violent young men as a "search" to overcome the "boundaries/ limits of daily life". The perpetrators seek attention which they find through their violent behaviour.

There has been some disagreement about the extent to which these young persons are involved with rightists political groupings or simply unpolitical cliques. A study has four central explanatory factors for violence in the East. (1) the asylum process and how it structured the interaction between the asylum seekers and the indigenous population; (2) the reaction of the political elite and a change in the political context for radical, nationalistic minorities; (3) the weaknesses of the control structures and a change in the cost and risk factors in the use of violence, (4) a change in public opinion among the general population and the experience of success activists experienced through their violent behaviour.

With the objective to investigate the causes in the rise of racist violence in Germany a study starts out by doing a comparative analysis on violence in eight Western European countries. It concludes that although Germany belongs to one of the three countries with the highest levels of violence the data leads him to the conclusion that Switzerland and Great Britain are relatively comparable. More important, however, is the additional analysis which he conducts to investigate the causes of the extreme violence toward foreigners which took place between early 1991 and June of 1994 in Germany.

Two theories from social movement studies are to be tested with respect to the cause of violence: in this period. The first is the grievance model which sees the causes of violence in grievances related to the main target groups of the extreme right (foreigners and asylum seekers) and more general feelings of anomie among the socially marginal. This would be very similar to the main hypotheses of the MIGRINF research: In the cross national comparison of objective conditions the number of asylum seekers (per million inhabitants or the share of foreigners and ethnic minorities as percentage of the population) no relationships may be established between objective conditions and violence in the

8 countries reported on. Neither do the subjective attitudes toward foreigners relate to the trends in violence or their extent in these countries. Thus, that study finds little support for the role of objective and subjective grievances.

Instead, he finds support for the opportunity model, which emphasises the role of political elites and the configuration of the political system in shaping mobilisation opportunities for social movements. This is particularly clear in the regression effects found between extreme right violence and the political debate surrounding the asylum legislation in Germany. The effect of the debate on violence was considerably stronger than the reverse effect.

Extreme right violence tends to be weak where extreme right parties are strong, where they are weak violence tends to be stronger. Much thought needs to be given to the significance of this finding. My own interpretation for the German case would be that the dominant/ centre right political parties were more important for providing legitimacy to the belief that foreigners were misusing asylum and causing themselves the protests against them. That is the dominant parties set the climate of opinion. This was perhaps less likely to happen in countries where the extreme right parties channelled energies against foreigners, where the dominant political parties set norms against violence. Obviously, more comparative work needs to be done here. At least we can conclude that it was not alone the presence of foreigners who stimulated the violence, but the responses of the political leaders and the intensity of the political asylum debate which put the blame on the foreigners.

Some definitions of racism focus exclusively on racist violence or blatant racist ideologies, which can easily be stigmatised and considered special attributes of the „problem“ groups in society while ignoring the context of institutional racism and the subtle ideologies of exclusionary racism. An earlier study explains how the selection of the objects of violence and the attachment to blatant racist ideologies must be seen in the context of latent racism anchored in apparently traditional and normal institutions and subtle ideologies of the dominant society. As a result of this review and previous research the „response of the receiving society“ will be primarily interpreted as the institutional framework which has set conditions and responds to the unintended effects of the interaction between these conditions of the receiving society and the migration process.



**MIGRANT INSERTION IN THE INFORMAL ECONOMY, DEVIANT  
BEHAVIOUR AND THE IMPACT ON RECEIVING SOCIETIES**

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**MIGRINF**

**The New Migration and the Informal Labour  
Market in Germany**

By

**DR. CZARINA WILPERT**  
Institut für Sozialwissenschaften der  
Technischen Universität Berlin  
Hardenbergstr. 4-5  
10625 Berlin

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## **ABSTRACT**

### **Who are the new migrants entering the informal labour market?**

What have we learned about the nature of the „new“ migration from this study? Who do we define as new migrants? Some indicators have been presented: such as; the decline in the numbers of illegal entries at the border. This suggests that the majority of those working as undocumented entered the country legally either as tourists, contract or seasonal workers, language students who became overstayers or as asylum seekers whose whereabouts are unrecorded.

It is clear that as far as the numbers of the undocumented or the extent of informal unregistered work that by the nature of the fact there are no precise statistics. And, since Germany in contrast to all other countries involved in the MIGRINF program has never had an official policy to „legalise“ the undocumented, access to persons who would be considered living in the country without legal status is difficult to obtain. In the German study we could not select a sample of persons who were applying for legalisation. Thus, several different approaches have been pursued.

Indicators have been used which as such cannot be considered a reflection of the reality. But these indicators achieve a new value when they can be put in relation to each other or studied over a certain period of time. In this study data has been presented from the state control agencies, data which may be as such questionable, due to the labelling processes involved which may cause the identification of certain groups of persons over others. Nonetheless, this data becomes interesting when it is possible to study in a differentiated manner the instances of arrest for suspicion of criminal offences. That is, when the charged criminal offences can be observed over a period of time and differentiated according to nationality/ citizenship, legal status, gender and age categories. It is also evident that since the application of the new asylum law in 1993, the numbers of asylum applicants has greatly diminished in comparison to the early 1990's. Border crossings are more strictly guarded and asylum seekers are consistently sent back to the country where they entered.

Thus, it is apparent from indicators based on work place controls and arrests for criminal offences, that those migrants most visible as undocumented are citizens of Poland, the former Yugoslavia, and Turkey. In the first case the majority of these persons may either enter visa free as tourists for up to three

months. Or, they may have been recruited as workers for subcontracted firms, as seasonal, workers, or permitted entry for projects to install equipment in Germany. There are a number of ways provided by official German policy which has made the migration of people from Poland to Berlin and other parts of Germany normal and natural. This current migratory movement has of course historical roots, which were also institutionalised in post-war Germany. But, a major inducement was also the 1991 decision of the government, to let firms from Poland become subcontractors to German firms during the construction boom with the argument that migration flows should be directed and controlled. There was apparently another a less well known reason which also pointed out the need for skilled construction workers. Evidently the Federal Ministry of Construction articulated a fear of a lack of skilled craftsmen in this area as early as 1988.

Never the less, in 1993 it became very apparent that the growing high unemployment among German construction workers as well as the public discovery that original regulations (i.e. the same working conditions as in Poland) were not being met, led to union pressure on the government to greatly reduce the subcontracting system. The quotas originally foreseen for the period between 1994 to 1997 were reduced. The reduction, however, of the number of projects to be subcontracted from the East did not stop subcontracting. Instead new firms shot up and new sources of labour were found in the southern European countries, especially Portugal.

Thus, a policy which was at first initiated by the government as a means for lessening or directing the migration pressure from the East, has initiated under the same or worse conditions the legal entry of Portuguese subcontracted workers. Moreover, the latest negotiations between the German government and the Polish government in November 1997 included as well a delegation of business representatives from this sector. The results upon return were that the subcontracting quotas would remain as fixed for 1998 instead of being lowered. Construction workers from Poland are considered to be highly skilled for the work they do. But, especially the willingness to work long hours and flexible schedules makes them particularly attractive for this labour market which has many ups and downs. The results of these negotiations could lead to the conclusion that it is the German state as well as business leaders in construction who have a vested interest in continuing these agreements. Thus, subcontracting in construction evidently is a very advantageous policy for this sector.

The initiation of the subcontracting policy has created at the same time a new migration stream from Portugal, new labour migrants who were not significantly present in the Berlin-Brandenburg labour market or construction business until this date. In 1996 there were only 181 Portuguese workers registered to be socially insured employed in construction. In 1997 the first year where the subcontractors are obligated to list the number of workers employed in projects, the number of workers registered as citizens of Portugal has risen to some 10,700 workers. In this case it becomes clear that it is not migration pressure which has caused this new migration from Portugal to Berlin. The workers from Portugal were not seeking work in Berlin before subcontractors sought them out. Instead, the objective of certain firms and interest groups was to avoid labor regulations and to further the informalisation of work, lowering costs and increasing flexibility.

### **Why are certain nationalities especially prominent? -Historical influences on migration streams?**

In the above case it is very clear that although they cannot be considered as illegal entries, the initiation of a migration stream from Portugal to Berlin in the construction business was a result of a new subcontracting policy which was originally created for workers from eastern Europe. The result is that the new subcontracting system functions in the same way and contributes to the informalisation of the labour market as did the entrance of subcontracted workers from Poland. Thus, one might conclude that it is certain new forms of the organisation of work which are less transparent and make it possible to avoid certain obligations and conceal the working conditions.

Despite this, new political factors rooted in German history began to emerge in the 1980's which would influence the „new“ migration.

- Non-declared migratory policies
- A change in the meaning of political asylum

The first was based on ethnic preferences grounded in the German constitution as a result of the devastating effect of Nazi Germany's wars on the German colonies living since two or three centuries in the midst of eastern European societies. Rights to citizenship of these peoples became in the late 1970's a policy of selective ethnic migration in countries where it was practically impossible, with few exceptions to leave for any reason. This policy of course ignored other groups who had before the war, such as the Roma, traditionally moving between a number of central and east European countries.

Asylum policy was also defined in the context of the post war retribution to protect individuals being persecuted for political reasons by the state. It was designed for political dissidents. Asylum seekers began entering from Poland in the early 1980's. Germany also had become a visible and attractive alternative to the many potential workers especially from Turkey, but also later Yugoslavia, who no longer had a chance to enter the country legally except as family members or asylum seekers. First, the military overthrow of a democratic government and the ensuing dictatorship in Turkey stimulated the first wave of asylum seekers from Turkey in early 1981. Thus, Germany provided, even after the 1973 entry stop, some major gateways to entry.

### **Institutional arrangements and migration chains**

The second most important group to be found as undocumented workers and numerically more visible among those accused for criminal offences are citizens of former Yugoslavia or Turkey. These are also the two groups most important in size among the official residents in Berlin. They belong to the most important migration streams with respect to the guestworker nationalities as well as among asylum seekers. Former Yugoslavs, primarily Bosnians are also legally present in Berlin in large numbers, circa 26,000 in 1998, as civil war refugees who are expected to return to their former home country. Would these groups be considered to represent what is meant by the „new“ migration?

Certainly there are new reasons for families from former Yugoslavia to come to Germany as civil war refugees. However, it is questionable as to whether they would have found their way here, if there were not already well established settlements of the various Yugoslav origins already working and living in Germany. Many of the refugees followed the networks which had already been established by workers who went before them. In a time of disaster every connection which can help to escape might be sought. A similar observation could be made about the large number of people of Kurdish and Alevi origins from Turkey who have sought asylum in Germany. To my knowledge there is no systematic study of the asylum cases of these persons in Germany. There are enough social and political reasons to seek asylum. But, the fact that Germany is the place to go and that a certain migration know-how exists has most likely to do with the existence of a migration network which was established during the guest worker recruitment process.

The Polish case demonstrates also quite well the relationship between earlier forms of migration and the new migration. Especially those citizens from Poland who have either become citizens (like ethnic Germans) or permanent residents of Germany have been active in the establishment of social and business networks between towns and cities in Poland and Berlin. One of the most invisible but all pervasive forms of work carried out by citizens of Poland in Berlin is in the interior remodelling and decoration of private homes. Persons who have managed finding workers and organising teams of workers, may speak Russian and can communicate with persons from Russia and Ukraine who have perhaps sought work in Poland to bring them for even lower rates to work in Berlin. The original craftsman now has a staff of often international and non-German speaking workers, who may permit him the chance to take on even more jobs. The people in these networks as non-German speakers are totally dependent on the more experienced migrant to find the jobs and organise the work. The market for this kind of informal work clearly exists.

It would seem that the case of the Vietnamese contract workers in the former German Democratic Republic (and other Eastern countries) can be considered very comparable to the situation of former guestworkers of the Federal Republic, with respect to the difficulties of limiting migration once initiated for strictly purposes of work . In the case of guestworkers in the former Federal Republic once rotation was no longer possible those who had been willing to rotate between their country of work and the country of origin began to settle for fear of never again gaining entry.

Vietnamese contract workers responded to opportunities to earn and save for a better life in Vietnam. Unemployment and the prospect of losing all chance to find a legal footing in the new unified Germany meant that many felt that they had to return. Others were aware that the contingent refugees as boat people had managed to find asylum in Germany in the 1970's, and this may at first seemed to offer some hope. Which images of Germany (the now dominant West) had the contract workers assimilated? Many who went back were faced with the loss of this income and in many cases the experience of economic hardship upon return to Vietnam. Every effort was put into getting back to Germany, asylum seeking was one way to try. Former contract workers returned, family members joined and others who had once been working in the former Czechoslovakia, Poland or the Soviet Union also sought opportunities. Nonetheless these are migration processes that were put in place during the regimes of the Soviet Bloc. They are not new. They have been instigated by the former regimes, but they have important



implications for the attractiveness of Germany. Most important these experiences provide the migration know-how that is needed for others to try their fate. The Vietnamese, however, are not visible in the control of working places as unregistered workers.

How does today's labour market differ from that of yesterday?

Is today's migratory process basically different than that which took place in the late 1950's to 1970's in Germany? And, how do both of these movements relate to the labour markets of the time? What is new about the informal labour market today compared to the response of the government to the illegal and black market work of foreigners in the past? What has changed in the meantime which shapes the responses of policy makers, control agencies and the private economy with respect to black market work and the illegal work of undocumented foreigners? The review of the state of the art in the German country report identifies major transformations which have taken place which differentiates the economy and the political framework of the current migration and the labour market. Briefly - everything has changed. At least the entire context differs today, although not necessarily the immediate motivation of those involved in migration and the informal labour market.

Guestworker policies were developed in a context of:

- Full employment
- Expanding industrialisation and a lack of skilled, semi-skilled and unskilled manual workers.
- All traditional sources of labour reserves in the *Hinterland* were cut off.
- Strong unions permitted a temporary guestworker policy only under the condition that foreign workers would be paid the same wages and have the same working rights as Germans.

There exist major contextual differences between the late 1950's and 60's and the 1990s. In the mid 1980's the nature of the economy began to change and by the early 1990s a deep structural change was apparent. The trends in the regular labour market in Germany in the last decade are clear indicators of trends toward informalisation .

- de-regulation
- growth of unemployment
- growth of part time and temporary employment
- growth of private employment agencies
- the casualisation of employment

## **What does this trend tell us about the relationship between the new migration and the the growth of informal work?**

The study of the migration from Poland to Germany indicates clearly how the government played an active part in the development of the informalisation of working relations, especially in construction, but with major repercussions for all other classic forms of informal work. Limited and temporary migration was legitimated for subcontracted firms in construction and seasonal work for agriculture and tourist industries. This together with the three month visa free entry for purposes of tourism has opened doors for undocumented working conditions.

Findings among the Poles give much food for thought about the ambivalence and duality of different policies for entry into the labour market and the visa free travel of tourists. The new policy developed in the 1990's toward the temporary employment of newly arriving foreign workers can only be interpreted as a strategy to serve a demand for certain kinds of foreign workers who will be willing to accept working under the conditions of the informal labour market. The political discussion on this new policy does not, however, address the issue of the demand for informal working conditions, but instead views the policy changes as a question of the nationality/ origins foreign workers . The public debate focuses instead on the pull of the German market for cheap labour from abroad and the need to control the migration streams.

On the one hand, a thin line is created between the precarity of belonging to one of the new (exceptions to policy) types of workers and an undocumented tourist worker. Both kinds of officially recognised processes leave room for informalising working conditions, denying workers equal rights and protection and the criminalisation of the workers who are accused of working under illegal conditions.

On the other hand workers, from Poland may be involved in a form of shuttle or circular migration, living in both societies, or living in Poland and working in Germany. Those who have been recognized as Germans or who have managed a permanent stay are in the best position to do this. Moreover, they in turn are especially well suited for organising work for new entries from Poland and other countries of the East who found their way, to Poland. And, it appears, that there is an almost bottomless market for renovation work and personal services behind the walls of private homes and businesses, which visitors from Poland and others from East and West are willing and capable of meeting.

The Vietnamese former contract workers have quite another situation and interest. They strive to legalise their situation, which should permit them to arrange a more or less permanent stay in Germany and contribute to better lives for their families, here and in the home country. At the time of our research the majority of these former contract workers had a precarious legal status (permit to stay for humanitarian reasons) which could only be made secure through proof of the ability to hold a legal, socially secured job and not to have occurred criminal offences or require any public assistance. Their stories make clear how dangerous it is considered for foreigners in their situation to undertake any kind of irregular activities. They are well aware that any form of detected illegal / undocumented work or criminal activities, such as dealing in contraband would endanger their chances to improve the security of their permit to stay. They also point out, however, that the others, the undocumented, tourists or persons awaiting hopeless asylum decisions, have nothing to lose. They can perhaps become regularised through marriage to a German. But, for the most part they believe that these persons, want to earn as much money as they can before returning to Vietnam.

Nonetheless, the state also granted some exceptions to the former contract workers in the sense that normally a foreign resident must wait 8 years to obtain the permission to set up his/her own business. An exemption was made for the former contract workers in the East part of Germany. The result has been that over 50% of the former contract workers claim to be self-employed primarily in some form of commerce, small shop keeping, import export, travel offices or the food trade. Being able to prove that you earn your living through income from a small business can also fulfil the obligations that are required for a permit to stay.

Our study shows, however, that it is very difficult to survive on a small enterprise. (Especially in a country with such a low rate of small scale self employment.). One of our informants who could absolutely not find a regular socially insured job which was required to obtain a more stable legal status, she had to borrow money to start up a small trade. This was a textile stand at one of the daily outdoor markets in Berlin. In fact in the East part of the city there can be observed a great number of persons of Vietnamese origins working at such stands. This stand did not even bring in enough income to cover the monthly rent. But, through special bookkeeping procedures it was possible to indicate a living income, which gave this former contract worker the opportunity to secure her legal status. Once the legal status was secured, the former contract worker, gave up the stand. She could only find a part-time job in a cleaning firm which could not cover her living expenses, but at least did not cause her to go more deeply into

debt. But, to earn enough to survive, she was forced to find other odd jobs, such as selling flowers on the weekend on the highway - an unregistered activity to supplement the missing income.

Most of the interviewees did not want to speak about their own experiences with black work. But, it is fairly evident that the numerous stands at the daily markets run by Vietnamese with little or no customers for their textiles cannot possibly bring in a living wage. Some informed sources believe that the persons operating these stands are among the undocumented. Other means must be found to supplement these incomes. Other informants who were unemployed did not talk about doing odd jobs, but after lengthier contact it was clear what was meant by helping out friends. The friend was in fact the owner of a Chinese restaurant. Thus, we assume that circumstances force these persons who are trying to secure their legal status, but who have few regular socially insured job opportunities to be very discrete about their economic survival strategies.

### **How does the informal work of the „new“ migration differ from the working conditions of the guestworkers descendants?**

Thus, there are many candidates for the informal market. Can we talk about a competition between the new migrants were in competition with or replacing the previous guestworker migrants? As a matter of fact the jobs for which the guestworkers were recruited and the undocumented are assuming are not the same. Unionised factory work is no longer available for the old migrant generations or to similar extent the generations which follow. When the jobs available are in similar professions, such as construction, the working conditions are not the same. Here only unregistered black market work is offered.

The original thought behind the formulation of this question suggested that the descendants of the first generation migrant workers would no longer aspire to be workers and would not be willing to do the work of their fathers and mothers. This would follow quite well from migration theories which point out that it is exactly the return orientation and the maintenance of reference groups in the country of origin which makes the hard work as labourers in factories possible. When the transition takes place from one generation to the next reference groups may have changed. Return is no longer realistic, the goals of migration, upward social mobility in the country of origin or residence, do not appear to have been achieved, the question arises about what happens to the following generations.

Can we conclude from the foregoing findings that the children of migrants are unemployed because they are no longer willing to work under the same

conditions as their parents? The changing circumstances would negate this. Obviously, it is not possible to completely respond to this question with the material at hand, since this is not directly a study of the attitudes and biographies of descendants of the labour migrants. However, both the above discussed material and other studies of the changes and current developments both in the educational and training system as well as within the labour market provide indicators to refute this interpretation.

Instead the descendants of guestworkers face the further ethnic segmentation of the educational and training system. Occupations are being transformed and the labour market is being totally restructured. Unemployment has grown dramatically and that the jobs for which the original guestworkers were recruited are being largely eliminated or reduced in significance. These were jobs on the official labour market with full social security and benefits, mainly as semiskilled or skilled workers in the heavy industries.

Not only is there massive unemployment of previous semiskilled manual workers, as well as a transition to the service sector, but the types of jobs available in the service sector demonstrate a polarisation with respect to the required skills and quality of work opportunities. On the one hand, there is a demand for the highly skilled with academic and technical education. And, on the other hand, there is a large market for the un- and semiskilled, part-time and temporary, in an every man's labour market. The quality of jobs in this market, however, is not comparable to the previous unionised industrial work. Instead as we have seen in the section on the working experiences of young persons of Turkish background the less skilled jobs in the service sector can be summed up as a trend toward the informalisation of working relations and the growth of low waged precarious jobs. When contracts are made they are not respected. The social amenities unions achieved for an industrial labour force are, if not totally, at least partially, eliminated in this sector.

But, also the restructuring of the labour market has begun in certain key industries to threaten the traditional German dual training apprenticeship system with the result that industry is less willing to provide and pay for the training of skilled manual workers at this level. Official data indicates for Berlin, but also for Germany as a whole that industry and the private sector are not offering, for instance, as many apprenticeships as in the past. Today there are new needs, technicians may be preferred and sought from the advanced schools of vocational training or even from academic backgrounds instead of training apprentices for

jobs as skilled workers in industry. The Hauptschule which originally was conceived to provide graduates to be trained in the dual apprenticeship system no longer has this function, but has lost out to the middle and academic secondary schools.

Among the descendants of the foreign workers who have been raised in Germany one of the most important resources is the education and training they managed to achieve. A study demonstrated for a number of West German cities a polarisation of life chance between an underprivileged group of young persons among the descendants of foreign workers, primarily originating from Turkey, and the two thirds members of the dominant majority.

About fifty percent of the school-leavers with Turkish citizenship in Berlin do not obtain a qualified school certificate and this lack cannot be compensated by an apprenticeship or vocational training. The result is that this limits the prospects of young persons in this situation to obtain a regular job in the future. The young adults of Turkish origins in our study can be further differentiated according to their legal and migratory status. A notable difference exists between the marriage migrants and the children of guestworkers. The marriage migrants have a legal residence permit which places them among the documented, but a four year waiting period before they may have a work permit. The study indicates that this situation certainly makes unregistered work attractive for them. For the marriage migrants black market work is considered a necessity for survival. For the descendants of the guestworkers it may be either the only chance to earn some money or be considered a supplement to public assistance .

The descendants of guestworkers may, depending on their legal status and the economic situation of their parents, have access to the social welfare system. This is not enough income, however, to achieve the objectives they and their families may have had, to get married, set up a business or bring a marriage partner from Turkey. Some of our interview partners have indicated that working in the black job market is a means to supplement their low incomes and to try to collect enough savings to achieve some of these goals. Generally they communicate the feeling that everyone does it. Working black is a self evident alternative, because “everyone does it” - “look at the Germans” - “it would be stupid not to”.

There are evidently many opportunities to find black market work in Berlin. But, young persons who have been brought up in Berlin are not looking for black work because they prefer working black to a regular job. As they say,

there are no more factory jobs. Work opportunities for these young persons are in everyman's job market - especially the fast foods sector, market stands, construction, cleaning, temporary for hire jobs. Nonetheless, in comparison to their parents generation and the new migrants these young persons are relatively less qualified. They may have gone to school longer, but their schooling has prepared them less for any kind of skilled work. Their parents skills may not have been recognized, but they were generally among the better skilled.

This is one advantage of new migration streams, which has always been attractive. The new migrants bring with them skills which have been produced in their countries of origin. Investment costs were made outside the receiving country. The descendants of immigrants who lack basic educational resources are not prepared for the higher qualified jobs of the new labour market. They are most suited for the lower end of the service sector. The major transformations which have taken place in the educational system in the last twenty years were ignored. The decline of future oriented apprenticeships and the change in the prerequisite school certificates for apprenticeships has disqualified a major part of the descendants of guestworkers for the job market. This lack of investment most likely means that the short term, flexible and better qualified workers may be arriving from the East, which would make them more attractive for certain kinds of work than the labour reserve of the settled descendants of immigrants.

The kinds of black work the descendants of migrants find, working conditions and pay seem to be subject to the same risks, long hours, low pay, lacking amenities such as vacation or sick leave as the undocumented in the same branches and sectors. Neither is involved in the system which can claim worker protection, or is likely to take recourse to court to defend their position if an employer has not paid their wages or covered their social and health insurance.

The jobs of the undocumented and the documented are very similar in all of these aspects. But, because of their legal status the undocumented have a more precarious position. Dependency and subservience to the boss is likely to be more significant for the undocumented who live under threat of expulsion. Undocumented, especially when they enter the country under heavy obligations to others, either through ethnic networks or organised trafficking, live under greater pressure of circumstances than persons who have a recognised legal status even when involved in legal work.

Nonetheless, the greatest danger for the undocumented, due to their absolute lack of legal status, forbids recourse to the law when rights are infringed

upon, salaries are not paid or accidents occur and illegality does not permit access to medical treatment. This situation is different if one is considered to have a recognized legal status. Independent of the poor conditions of the informal labour market, an authorised permit to stay provides some opportunities to participate in the benefits of the social welfare system.

In 1998 fewer and fewer persons have a regular socially secured job: of the circa 82 million population, 34,5 million are socially insured employed, two million less than five years ago. The unemployment rate continues to be high. Since a decade ago the number of persons registered as employed in part time (about 16%) and temporary work (about 12%) has steadily increased. The share of unregistered due to „limited employment“ has reached over 5 and one-half million persons. These jobs have grown by over 40% in the last five years alone. It has been estimated that almost 14% of all jobs in the West of Germany and almost 10% in the East of Germany fit into this category of „limited employment“. These kinds of low pay jobs which do not require social security, today less than 15 hours or in the West under 610DM or 520DM in the new states per month, are considered to be a good source for undocumented work. This means that work relations has entered a new era in Germany where almost 40% of the work force are involved in what previously would have been considered as non-standard working relations. Many of these jobs are without access to social benefits or only limited security from the benefits they accrue.

There are good indications that two processes have been at work simultaneously to contribute to the visibility of the new migration and the informalisation of working relations in Germany. The major patterns for the new migration were set by policies adopted during post-war reconstruction as a retribution for the widespread effects of national socialism for the German communities in Eastern Europe and to provide an alternative for persecuted dissidents in the contexts of the East-West cold war. Following on the principle of solidarity with the ethnic communities in countries behind the iron curtain, new policies toward the East, privileging ethnic Germans awakened the interests of fellow countrymen and provided networks and migration know-how about Germany. These basic trends were met with some ambivalence once there was a major transformation in the political landscape. The asylum compromise was constructed in 1992 with the help of Germany's neighbours to re-distribute the burden.



Nonetheless, these agreements also implied other concessions, permitting visa free entry for tourists from neighbouring countries like Poland and the Czech Republic and introducing new programs which should at the same time serve to control the flow of illegal workers and to help out those sectors of the economy traditionally in need of cheap, flexible and temporary manpower. This included skilled workers for temporary subcontracted construction projects, seasonal workers and daily permits for border crossings for agriculture and the tourists and restaurant trades in certain regions. The experience from earlier attempts to construct a temporary guestworker migration were ignored.

Informalisation of working relations and black market work were already in progress. Nonetheless, once initiated the above programs became the best source for new forms of legal entry, overstays and further informalisation of certain sectors of the economy. Wage and social security agreements were not respected. And, attempts of the state to control, for instance, in construction were met with new strategies of subcontractors to set up business or even mailbox addresses in some Southern European countries which could provide workers legally under the same veiled conditions of non-standard working conditions, dramatic payroll differences in wages and uncontrolled health and welfare benefits. Foreigners who lost their initial conditioned status sought new chances to earn and return among the network of *Landsmänner* already present in the country.

Thus, two processes occur simultaneously which have led to some interpretations of a causal relationship. The technological transformation of the means of production and the ensuing decline of manual labor in heavy industry and the employment in other sectors of subcontracted foreign, seasonal or undocumented foreign workers, for instance, in construction. In construction there does appear to be a process of substitution, but this has been in fact encouraged as has been shown by state policies.

In addition to this there may be another important factor, a change which has taken place in public opinion about employing black labour and perhaps a perception of new needs with respect to personal services. Some of the new migrants are also providing new services. Services which an ageing two thirds society with higher incomes and needs can afford within limits. Undocumented migrants from East and West are willing to provide specialised crafts and personal services relatively invisible behind the walls of firms and private homes. The perception and use of new services have not been studied in this project, but many

social scientists see the transition to the service society related to other basic transformations in society, including changes in the solidarity of the family, the changing role and aspirations of women, new challenges in the care of the aged, and the socio-economic polarisation of society.

Attitudes toward employing black market jobs seems to have changed dramatically in the past 15 years. A study demonstrates for Austria, a country very similar to Germany in the traditional restrictions and attitudes about black market labour, that over two thirds of the citizens of that country find employing someone for black work is not a serious offence. In fact opinions were that only through the use of black work that certain tasks, repairs, etc. could be affordable. Thus, there appear to be a number of factors which favour the informalisation of the labour market today.

The unemployment, especially among the established foreign worker nationalities and their descendants, simultaneous with a demand for the undocumented and other potential workers within the informal labour market cannot be considered to be described as one of competition. About 50% of the young persons originating from Turkey (the largest group of young foreigners) have not profited from adequate schooling, and therefore lack sufficient opportunities to enter into training. Economic restructuring has transformed the qualification needs of the labour market. These young persons have not been qualified for this change and in many cases do not have the necessary skills to compete. They are qualified for the flexible labour pool of everyman's labour market. They, too are entering in and out of the informal labour market.

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*COORDINATOR:* EMILIO REYNERI

UNIVERSITY OF PARMA

Rapport français

**L'Etat et l'immigration clandestine.**  
**Entre la question du travail et celle des illégalismes**

By

SMAIN LAACHER

avec la collaboration d'Eliane Dupuy

Centre de sociologie de l'éducation et de la culture

Laboratoire de l'Ecole des hautes études en sciences sociales

associé au Centre national de la recherche scientifique (URA 210)

54, bd Raspail, 75270 Paris Cedex 06

Tel. : 01.49.54.20.93

Fax : 01.49.54.26.74

e-mail : dupuye@msh-paris.fr

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## ABSTRACT

The set of questions initially entitled "the insertion of migrants in an informal economy" is now more precise and improved. The analysis of documents, the multiple observations and the diversity of interviews that we have made, have permitted us to build what we now think is our area of study: "clandestine" immigration between the question of work and that of breaking the law. We are far from having finished the analysis and interpretation of the accumulated material. Therefore, this research can be considered in all exactitude, only as an effort, as mastered as possible, in view of organizing what constitutes one of the fundamental characteristics of the studied populations: existing, that is live and work, without official existence. This social and ontological condition cannot be reduced, from the very moment that one adopts a resolutely psychological attitude to the question of illegal work and probably even less, towards a purely legal set of problems, that is to say, to the simple "study" of the discrepancies between the legal and illegal, just as the law or the practices of the different administrations intend.

What became apparent during the course of our inquiry is that, given the importance, in France, of the "regulating" function of the "Government" concerning immigration, economy and work, it was impossible to separate these three features, custom and establishment of illegal actions. Our effort, therefore, did not stop at a description of the motivation of the power of the Government when it has something to say, in theory and in some political measure, concerning "illegal work of foreigners who are in an irregular situation"; just as we have been careful not to have let ourselves be "confined" to a narrow legal application of "clandestine" immigrants staying and working illegally in France.

Our primary concern was first and foremost to elaborate the mechanisms that would render objectively interdependent the nature of the question of clandestine immigration as one of government (therefore, a less strictly economic question), or simply one of work force management and nature of social and economic frameworks inside which unfurl the unofficial and illegal practices of which the resolution and the general significance is due to the fact that the populations that are at the inception do not have official recognition. The analysis of the collected information during our field survey "compels" to consider the relationship between an informal economy and immigration as one that goes without saying.

In connection with the legal follow-up given to charges for illegal work we would say that the offence of "dissimulated work" (chief offence in the scope of

infractions linked to illegal work), has become today a real Government preoccupation. The delivery of fines and the violations committed between 1962 and 1995 in connection with illegal work readily demonstrates this.

YEAR	1992	1993	1994	1995
TOTAL FINES	5 133	6 138	9 14	9 890
TOTAL OFFENCES	11 231	13 656	18 870	19 879

The analysis of the 9 890 fines imparted in 1995 confirm the preceding year tendencies that were observed. These fines and these offences do not concern the workers but the employers.

To summarize this factor we will say that:

- the French are the most numerous to be condemned for "illegal work";
- that this delinquency is for the greater majority a masculine practice;
- that the Southwest region and the Ile-de-France are two regions that accumulate the highest rates of violations for "clandestine work";
- for the same offence ("illegal work"), the foreign employers that hire wage-earners without declaring them are more severely punished than the French employers;
- the foreign employers (in first line the Turcs and to a lesser degree the North Africans) that hire wage-earners in an irregular situation from the point of view of residence are more severely punished than the French employers.

## **Immigration and Job Market**

The near totality of foreign wage-earners that work in the health industry are wage-earners that have been regularized. These sectors represent 1/3 textile and other diverse industries, domestic services, the sectors where authorizations are delivered outside C.E.E. procedures. Regularizations in the "hotel-restaurant trade" have represented 92% of authorized foreign employment. For the period of 1990-1996 one can draw out schematically the following outline:

- During this period, the number of entries, estimations included, surpasses 73 000 foreign persons, of which a little more than 17 000 are European Union Nationals and 56 000 foreigners from other countries.
- The annual volume still superior to 100 000 between 1990 and 1993 (with a maximum of 135 000 in 1992) shrinks perceptibly in 1994 (estimation to 85 000) and just as much the following year: 75 000.
- The entry reasons are different depending on the source of geographic flux. The arrival of the families, or what one calls family regrouping,

explains 60% of foreigners as non-community members instead of one-third community member foreigners that benefit from free-circulation and access to the job market.

- Africa represents half the entries, Asia (including Turkey) one-fourth. The last 25% are divided about equally between North and South America and non-community Europe plus immigrants from Russia.

### **Permanent inflow**

Family immigration, with its diverse components, represents an essential part of permanent immigration these last years. With a total of 37 439 persons in the year 1994; 31 567 in 1995 and 30 394 in 1996, we can state without a doubt this flow constitutes nearly two-thirds (from 63 to 65%) of permanent immigration. To report only on the flow of permanent immigration would be incomplete. A non-negligible portion of "paperless" people are not part of these flux but from temporary and seasonal type of immigration.

### **Temporary inflow**

This category of people regroup foreigners that came over for various reasons (work, political asylum...), and who all have in common to acquire from public authorities a first authorization to stay for a duration of less than a year, which does not allow them to extend their stay, except of course, if their statute were to change. Persons holding a temporary work authorization (TWA). In 1996 holders of a TWA were, for the first time and during the same period, more numerous than permanent wage-earners authorized to work. They were 4 526 in 1995 and 4 832 in 1996, that is an increase of 6,8%. In fact, these wage-earners have been regularized up to 56%. In this group were counted 72% men and 28% women. The majority of this work force is composed of highly qualified people. In this way were brought in or regularized 1 400 researchers, teachers, high school and college assistants. Among the activity sectors to welcome this work force the most significant are those of services to businesses (881 TWA) assembling together legal and accounting activities, computer and applied research, also that of education (825 TWA).

One group stands out in the temporary flux, that of refuge seekers. This group sees its numerical importance decrease from year to year. Noticeably for seven years. As one can readily observe through these numbers, we are dealing with a general decrease of requests for political asylum in France. Yet it is true that this decrease diversely concerns the continents of: Africa (-33%), for example, is more affected by this restriction than Asia (-19%). Structurally, close to 40% of asylum requests come from Asia; 30% Europe; less than 25% Africa.

In 1993 and 1994, the African continent was at the head of asylum requests and is today in third position. This decline in asylum requests is altogether statistically significant.

The OFPRA, with a total of 22 000 rendered decisions, rejected about 180 000 requests, a rate a little more than 80%. A more modest regularization was put in place than the expansion of 1982, which this time concerned all foreigners who had solicited asylum and who had seen their requests refused. About 15 000 persons were regularized, that is 15% of applicants. The present regularization, that of 1997/1998 (called the "paperless operation"), concerns an important number of asylum petitioners who are most often unmarried and who had not been regularized in 1991.

### **Immigration and informal economy**

When nationals and/or immigrants whose situation is in proper order fall occasionally or structurally into "black market" practices, the real delimitation between formal and informal economy, as frankly acknowledged by actors and institutions, is extremely fluctuating. Our inquiry shows, rather, that there is a continuum between these worlds and not radical discontinuity. Today even less so than yesterday. Also, likely fraud which is the procedure showing the transition from one side to the other is not experienced as a derogation to the rule or of social morals but as a keen sense of necessary resourcefulness, not devoid of symbolic gratification (social recognition, late apprenticeship). The framework within which evolve these "professionals" of black market work is in the majority of cases a local area or a place of familiar acquaintances (housing residences, a district, a city) that allows, with a maximum security, access to the informal commodities market, services and jobs. Illegal actions here are intermingled with social position strongly dominated by people and are the object of rationalizations tending to erase oppositions between legality and illegality. Witness, in an exemplary way, the great number of activities practiced at first in an informal manner (hairdressing, catering, plumbing, etc.) and which are "transformed" under certain conditions and with the help of institutions and associations to "micro-businesses" or to official "self-employment". Persons issued from immigration are strongly present in this sector that we call today "activity of proximity".

In an informal economy persons have an existence and an official identity and the activities in which they are involved don't necessarily have, far from that, an illegal character. And even if that is so, as has shown our study for example, in the case of clandestine work practised in worker residences having a high unemployment rate, illegal actions are not found to be transgressions of the norm



but seen as honorable illegal actions. In this perspective, black market work is only a sensor at market extremities and a process of flow, economically and socially necessary for certain sectors that cannot ensure their wage-earners permanent work. It is therefore, not directly nor dramatically, a competitor to official work.

### **"Clandestine" immigration, work and breaking the law**

It is within another framework and based on other subjective and objective constraints that foreigners in a situation of irregularity accede to organized work and maintain themselves in an unofficial existence. All their private and public choices, that they be strategic or imposed, remain entirely governed by this legal condition which is at the same time ontological. Sociological homogeneity in this area does not exist. A whole series of variables participate, more or less visibly, and more or less firmly to produce differences within the practice of professions and unofficial social behaviours. The modes of existence that prevailed in the country of origin; the historical relationship between the country of emigration to the country of immigration; the social and financial conditions (total clandestinity, asylum request; visa, fake papers...) that made possible the departure to the land of immigration; the degree of efficiency of material and symbolic resources (family, friends, community network...). When they exist (and we know that they practically always exist) and which can be mobilized as a protection and cover system in an illegal situation; the degree of socio-professional integration in this or that sector of economic activity, are as many variables that produce at that same time differences and similarities between various immigrant communities and between immigrants of the same community. The populations that we have studied -- immigrants of working class origin in irregular situation but nevertheless endowed with a paid job, itself illegal, are not "integrated" in the "informal economy" (in the sense that we have defined it in our report), but in the multiplicity of a socio-economical realm, always more or less at large or more or less "reserved". Some of these populations are "clandestine" illicitly employed in an illegal economy or semi-clandestine (clandestine workshop). Other populations are socially "integrated", these which are essentially composed of families that are characterized by a plurality of legal regulations going from legal presence to the irregular situation. Finally, others are in a hybrid situation: illegals for the government and its administration(s) but bestowed with an official existence for its official organizations (URSSAF).

Obviously, these ideal type figures maintain and play on the fine line between the legal and illegal. These figures broadly refer to as many paths that do

not unfold as simple random games with legality. They also indicate, and perhaps better yet, types of social and professional commitments apart from legitimate norms. These display themselves in a society, french society, endowed with powerful coercive traditions concerning entry and residence of foreigners (at least since 1974) and the repression of social and economic fraud (illegal work, fiscal fraud...).

Our inquiry shows clearly, that it is not only the existence (far from that) of a legislative arsenal, however repressive, which delimits and fixes the legal and illegal boundaries and the transition conditions from one to the other, in the matters of residence of foreigners and "illegal work". It is also, and probably first and foremost, the practical function of institutions that we have called "of tapping source" and of repression that, in their activity and daily functioning, participate together and individually in their own way to capture or to allow to escape voluntarily. Each administration is "prisoner" of it's history. That is to say, of it's official vocation, of it's definitions, it's traditions, it's professional requirements, it's position, central or secondary, in the framework of institutions that work towards the spotting and the repression of fraud in the matter of residency of foreigners and fiscal and social obligations.

One of the important and original contributions of our inquiry is to show that this objective situation produces two fundamental effects, linked together, and evidently have direct repercussion on the habits that have interested us all along our research.

On the one hand, this forbids an efficient and complete institutional networking of fraud, whatever the nature of this one: black market work or/and illegal foreign residency in France. Our multiple ground level observations perfectly show this. On the other hand, the very existence of this dual movement, desire to capture the illicit and indifference to certain illegatlities, leaves relatively open, at certain moments, in certain conditions and for certain categories of illegal immigrants, a possible problematic adaptation to a guarded job market and to living conditions that give to personal commitment a preponderant place. In the majority of cases one does everything by oneself, without help, nor rights, nor recommendation, nor backing. The least project, even very short term, remains continually in suspense either to a non-thwarted reproduction of illegality, or to a hypothetical regularization of one's administrative situation.

TSER - PROGRAMME  
CE/DG XII - SCIENCE, RESEARCH AND DEVELOPMENT  
PROJECT: MIGRANTS INSERTION IN THE INFORMAL ECONOMY DEVIANT  
BEHAVIOUR AND THE IMPACT ON RECEIVING SOCIETIES  
*COORDINATOR: EMILIO REYNERI*  
UNIVERSITY OF PARMA

**IMMIGRANT INSERTION IN THE INFORMAL  
ECONOMY  
THE PORTUGUESE CASE  
THE COUNTRY REPORT**

BY

MARIA IOANNIS B. BAGANHA  
CES - UNIVERSIDADE DE COIMBRA

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## **ABSTRACT**

### **The migrants' characteristics and their insertion into Portuguese labour market**

Until mid-seventies immigration to Portugal was a numerically insignificant phenomenon. From that date onwards the resident foreign population increased and became more diversified, not only in terms of citizenship, but also in terms of spatial patterns of settlement, age structure, professional status, and occupational structure. In fact, in 1980 there were 58000 foreign residents, of whom 48 % were from Africa and 31% from Europe. Ten years later the number of foreigner residents totalled 108000 persons, of whom 42 % were from Africa, 29 % from Europe, and 16% from South America (mainly Brazil). In 1995 there were 168000 resident foreigners, of whom 47% were from Africa, 27% from Europe, 15% from South America, and 7 % from North America.

Overall, we may say that the immigrant population in Portugal is made up of two clearly distinct and evenly divided groups. Immigrants from the PALOP (African countries having Portugues as Official Language) constitute the first group. Immigrants from Brazil and Europe make up the second group.

Although none of these groups is homogeneous, the consideration of these two sets of immigrants allow us to put in evidence two relevant points:

- the occupational structure of the foreign population, compared with the occupational structure of the domestic population, is biased both at the top (Brazilian and European occupational structures) and at the bottom (PALOP occupational structure) of the occupational ladder.
- there is an unfavourable evolution of the formal labour market in the MAL (Metropolitan Area of Lisbon), in activities where the absorption of foreign labour is known to take place, namely manufacturing, building and construction, and domestic and personal services. The MAL is the area of attraction and settlement of the overwhelming majority of incoming immigrants, thus insertion in the job market must be essentially done substitution of the domestic workers. This substitution is taking place simultaneously with a growing informalization of some segments of the economy.

As regards the Portuguese informal economy, the economic activities recording the highest rate of undeclared workers are retail trade, leisure and culture, construction personal services, social services and other non specified industries.

Although, our findings clearly confirm much of what has been written on the Portuguese informal economy, especially for the sector of construction, they also suggest, given the high rates of undeclared workers found in activities connected with Leisure and Culture, and Social Services (namely education and health), that informal economic arrangements are widespread among the urban social fabric. Given the absolute number of persons involved in informality, what these results strongly suggest is that it would be a mistake to equate the exercise of activities in the informal economy with urban underemployment or with some sort of remains of the past. In the Portuguese case, at least, economic informal arrangements mark the everyday life of rural households, particularly in the North and Centre regions, and they involve all socio-economic urban groups, particularly in the country's major cities.

Either to help bridge the gap between expectations and reality, or because "it has always been like this", while there continues to be no negative stigma attached to informal economic arrangements, and while the state remains tolerant, inefficient and in some cases even an informal employer, the informal economy in Portugal will not become a residual economic form, but it will remain an integral and sizeable part of the national economy.

Bearing in mind the set of economic activities where we found the highest rates of non-declared employment and the distribution of the foreign resident population by occupations and countries of origin presented in the first part of this report, we may raise the following preliminary hypothesis:

- the likelihood of finding Europeans working in the informal economy is probably higher in Financing, Insurance and Business Services and in Social Services (namely Health and Education) than in the other economic activities.
- the likelihood of finding Brazilians working in the informal economy is probably higher in Financing, Insurance and Business Services and in Retail Trade, Restaurants and Hotels than in other economic activities.
- we should expect to find the citizens from the PALOP, when working in the informal economy, concentrated in Construction and in Personal

and Domestic Services.

The extremely low reliability of the figures for almost all sub-categories seriously constrains the analysis, immigrant opportunities and on their insertion in the Portuguese informal economy, still, some conclusions can be drawn:

- immigrants from the PALOP have a clearly lower job stability than the rest of the immigrants;
- immigrants from the PALOP are consistently and substantially more excluded from Social Security than the rest of the immigrants;
- the share of the female immigrant population registered in Social Security is much larger than the corresponding male share;
- compared to the domestic population, the foreign population is more exposed to job insecurity and substantially more excluded from the formal Social Security. In other words, immigrants particularly from the PALOP are over-represented in the informal economy.

Finally, and in light of the data previously presented we conclude that the formal labour market does not preclude growing opportunities for incoming migrants. In fact, we may add that the expected trends in the Portuguese labour market for 1991-1997 are as follows:

*Labour supply* - further growth due to female labour participation; decreasing participation of young people due to education; low emigration; continuing immigration from Africa.

*Unemployment* - significant increase in the short run due to restructuring; less skilled and older workers affected.

*Vacancies, Labour Market Mismatch* - permanent skills shortages expected (engineers, managers).

*Remarks* - restrictive immigration policy expected; training policy required.

The expected evolution (except on emigration) is in total accordance with the evidence and respective analysis presented in this report. Thus we may conclude that on economic grounds immigrant insertion will increasingly take place in the informal economy, (particularly in building and construction, a sector which is expected to grow at a much higher rate (4.5 percent in annual growth rate of value added in volume) than the rest of the EU (1.8 percent)).

## **Deviant behaviour among migrants**

The available data on immigrants' delinquency is scarce and extremely problematic, particularly when we want to pass from facts to causes. It is indisputable that the foreign population is comparatively to the domestic population, over-represented in the "accused", condemned and prisoner's population. It is however unclear why it is so. We present some evidence that points to the possible existence of institutional discrimination towards foreigners.

Still, the paucity of the information available does not allow us to carry out any analyses of possible casual links between delinquency and immigration, nor does it allow us to test further other hypothesis that theoretically are equal probable to the institutional discrimination hypothesis that we have tentatively endorsed in this report.

## **Social attitudes towards migrants and the urban securitarian movements**

The analysis of the main values and attitudes of the Portuguese towards immigrants is based on the results of surveys published by the Eurobarometer and national press surveys representative of the adult resident population. On this section evidence is presented that support the contention that the Portuguese are comparatively to their European counterparts more conservative and more intolerant. It is hypothesised that these high levels of intolerance reflect themselves in the segregationistic and discriminatory practices endorsed by a sizeable number of Portuguese towards the "others". It is emphasised, however, that the "others" in the Portuguese case do not necessarily mean foreigners. In fact, all the evidence points to the fact that any inter-action with homosexuals, drug addicts, persons with criminal past and gypsies is considered to be more undesirable in any realm of own's life, (be it private, residential and public life and space) than it is the inter-action with aliens.

Specifically on the presence and respective impact of the immigrants, the most relevant finding is the clear social partition between those that consider immigrant's presence positively and those that consider it negatively. Unfortunately our evidence has not been sufficiently broken down to control the information by socio-economic background, and thus, we cannot consider the several distinct social groups who may benefit and those who may lose, and their respective opinions.



What the results do indicate is that the Portuguese are evenly divided between those that consider immigration a benefit (42%) and those that consider it to be an overload (40%); between those (43%) that consider immigrants to be substitutes to natives and those (44%) that consider immigrants to be supplementing the domestic labour force. Furthermore, the perceived social impact of immigration and particularly the image of the composition of the flow, as well as the domestic discriminatory practices in their private circle and the work place to persons from the PALOP will also tend to induce higher rates of exclusion from the formal market, further increasing the already ethnic outlook of some segments of the informal economy.

In the light of what has been said it is reasonable to expect the maintenance of restrictive immigration policies in Portugal and the continuation of the present trend for growth in the number of illegal immigrants in the country, who-- conditioned by their legal status, and increasingly excluded by the domestic population-- will contribute to the enlargement of the informal economy.

**TSER- PROGRAMME**

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**THE FIELDWORK**

**BY**

**MARIA IONANNIS BAGANHA**

**CES-UNIVERSITY OF COIMBRA AND ISTITUTO UNIVERSITARIO EUROPEO -  
EUROPEAN FORUM**

**FLORENCE, FEBRUARY OF 1998**

**RESEARCH TEAM**

**MARIA IOANNIS BAGANHA, COORDINATOR**

**PEDRO GOIS**

**DORINDO RAMALHO**

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## ABSTRACT

The Portuguese field research was focused primarily on the insertion of illegal immigrants in the informal economy. Still, attention continued to be given to the possible links between immigrants economic incorporation in the informal economy, Portuguese attitudes towards immigrants, and immigrants' deviant behaviour. Our main objective in this phase of the project, was to establish the profiles of the illegal immigrants involved in informal activities, their migratory trajectories, their social placement *vis-à-vis* the Portuguese society and the immigrants' community, and the impact their insertion in the informal economy has on the Portuguese society.

Lacking monographs on the several immigrant communities in Portugal, and having used essentially quantitative information, secondary sources, and news reports to draw up the First Report, we decided to initiate this second phase pursuing two different lines of inquiry: a systematic survey of the *Annual Reports on Internal Safety* presented by the Ministry of Interior to the Parliament from 1991 to 1996; and to carry on a set of interviews to Key-informers. In conjunction, these two lines of inquiry were expected to help complete the information gathered during the first phase on migratory flows, on the socio-economic profile of the immigrants, and on immigrants' insertion in the informal economy, and thus to better position us to define which immigrants types were to be interviewed during the field work.

Having these objectives in mind, we have initially worked on the main instruments of observation to be used in this phase, namely, the design of the guidelines for the interviews to key informers. The interviews with key informers were intended, not only to collect information on the three topics-- economic incorporation in the informal economy, Portuguese attitudes towards immigrants, and immigrants' deviant behaviour—and their possible inter-linkages, but also to establish the prevalent stereotypes on these same issues. To locate and settle the majority of the interviews with the Key informers we use a directory of institutions and associations working with immigrants published by CEPAC in 1995. We made 33 interviews involving 45 respondents.

### **Main Findings:**

The MIGRINF project departed from some very precise research questions. Among the questions that were formulated, one stand out for its provocative nature. This question can be formulated as follows: Is the high

number of illegal immigrants economically incorporated in the informal economy, in Southern Europe, related to some specific inner societal characteristics of Southern European countries? And if it is, does it imply any self-selectivity process at departure, which explains the profile(s) of the immigrants (particularly of the illegal immigrants) currently inhabiting these countries?

It seems that the perception of Portugal as a country where it is possible to get regularised, where it is easy to reside and work informally was in fact determinant for at least a part of our respondents when they chose the country of destination. Does this fact has any impact in the type of illegal immigrants who come to Portugal?

Currently, Portugal seem to be attracting four types of illegal immigrants. We labelled these types as follows: the transient; the overstayer; the uprooted/explorer; and the entrepreneur. The first type, for obvious reasons, was not documented on the interviews with immigrants, and we mainly constructed it from the Reports on Internal Safety, all the other types were well documented in the interviews that were conducted.

## **A Typology of Illegal Immigrants in Portugal**

### **THE TRANSIENT**

For this type of migrant Portugal is simply a gateway to other destinations.

Examples of immigrants pertaining to this type of flux are:

Romanians in route to USA or Canada

Chinese in route to USA, Canada or Germany

Bulgarians in route to Spain

This type of transient illegal migrants move usually inserted in complex and well organised webs oriented for profit. The more complex descriptions of this type of organisations described on the Reports on Internal Safety concerned Chinese migrants. Two case were described. The first case the diagram path was as follows:

*Journey*



For the falsification or usurpation of identity the web counted with

corrupted government officials both in Guine- Bissau and Guine-Conacri, and with the usual difficulties of the authorities to discover differences, between the photo in the passport and the holder of the passport, to obtain visas to cross the borders.

The second case described, the journey was done from China to an European country and from there by land to Portugal usually in the company of a member of the web of traffickers of migrants (some of our Chinese respondents used exactly this same process, but remained in Portugal). From Portugal the migrants would follow to USA or Canada.

The web used counterfeit passports from Japan, Singapure, Coreia, and USA.

## THE OVERSTAYER

This type corresponds to the majority of our respondents from the PALOP. This type of immigrant enters the country with a short term visa and just remains afterwards. Inserted in a wide network active at both ends of the trajectory, he/she will 'disappear' in a highly concentrated residencial area of the MAL where members of his/her inner-group already inhabit. Mainly from a rural origin, and with very low educational background, this type of immigrant will be economically incorporated in building and construction (of our male respondents that were active and from the PALOP, 36 were connected to this sector, 35 as employees and one as an employer).

The overstayer is part of a process of chain migration from the PALOP to Portugal, who just fails to comply to legal formalities. The major difference between the legal immigrant with similar background from the PALOP and the overstayer is that the last is trapped, economic sectorial mobility is blocked, and exodus from the community and the inner-group, even if desired is practically impossible.

## THE UPROOTED/EXPLORER

We include in this type mainly the young adult males from Angola. Like the previous type, these immigrants entered Portugal with a short term visa and remained after thee term of their visas have expired. Of urban background and when uprooted (running away from army drafting) these immigrants can not count with the support of their own community of origin already established in Portugal

because, the main stream in this community is an MPLA supporter. Regardless of their higher level of education when compared to the overstayer, this type of immigrants will also only find employment in building and construction, activity they are ill suited to perform or to accept.

This type of illegal immigrant was the only type the researchers found who showed some propensity to get involved in criminal activities and deviant behaviour. In fact, of all our respondents only three related problems with the authorities and the Portuguese justice. In common these respondents had the following characteristics: they were all from Angola and from Luanda, they were all students when they migrate to Portugal, and they all committed robberies and where condemned to prison for less than one year.

## **THE ENTREPRENEUR**

In this type we include all our Chinese respondents. These type of immigrants enter usually the country with the assistance of an organised web of traffickers of migrants, either undocumented or with documents belonging to someone else. Their journey is done directly from China to Portugal and with a concrete project: to succeed economically.

These immigrants work without wages to pay their journeys (in the case of our respondents the time to repay the trip and assistance was three years), and afterwards save their earnings to set themselves into business (one of our respondents had already succeeded to do so). They rely on the support of the group and also of their employer, both for capital and legal problems. From urban background, educated and from middle or upper class, to these immigrants more relevant, than the country they come to, is the realisation of their own/family project (two of our respondents stated they were sent by their parents).

The economic incorporation of these immigrants takes place in the economic niche the group controls. In the case of our respondents, Chinese restaurants. To have a formal or informal job seems to be mainly dependent of the immigrant legal status, since the accepted practices and rules followed by the group are inner established and thus have very little to do with the receiving society labour market.

## **Answering our first research question**

It is difficult to disentangle if in the case of ‘the overstayer’ the

immigrant profile is determined by the country's tolerance towards illegal immigrants or by the existence of a large community able to create the opportunities for the new-comers 'to get lost' while securing him/her ample opportunities to work. It can obviously be claimed that such opportunities only exist given the above mentioned tolerance. Still, given the fact that 'the overstayer' is part of a chain migration process and that he/she shares the same residential and labour conditions of the majority of the legal immigrants from similar background, it is probably reasonable to claim that this type of immigrants do not present any specific profile when compared to their legal counterparts.

For the other two categories, we would tend to give the opposite answer. In fact, both in the case of 'the uprooted/explorer' and of 'the entrepreneur' we found evidence that there is a connection between the immigrant's legal status, age, expectations/projects, and the specific characteristics of the country of destination.

## **The second research question**

The other, and in fact overarching research question guiding this project can be stated as follows: is the prevalent mode of economic incorporation, the insertion in the informal economy of immigrants in Southern Europe, has any causal link with immigrants' deviant behaviour and if both (economic incorporation and deviant behaviour) have any direct impact on the domestic negative attitudes towards immigrants

Trying to summarise our findings on this issue we need to divide the so called immigrants in two groups: immigrants, and immigrants of second generation. Several of our respondents connected delinquency with the second generation, but they all refuse to do so when it came to the immigrants.

In fact, according to all our key-informers, there is no direct connection between, legal status, economic incorporation of immigrants in the informal economy and deviant and criminal behaviour. Eventually, some of the respondents would advance, when confronted with the fact that the foreign population from the PALOP is over represented in the population in prison, that, because shanty areas where, the majority of these immigrants live, are part of the drugs circuit, and thus some immigrants may fall in the circuit and get involved, if such event does occur it is on account of to the surroundings and not on account of any specific characteristic or tendency of the immigrant him/herself.



To this 'environmental' explanation some respondents added the fact that when caught by the authorities, immigrants, due to their lack of financial means, are more likely to have a poor legal representation in court and thus to be more convicted than a national in the same circumstances.

In the First Report, we presented some evidence that pointed to the existence of discrimination against foreigners in the judicial system, what would be in accordance with the hypothesis 'of poor legal representation in court'. Furthermore, the last thing the overwhelming majority of the immigrants interviewed seemed to desire was to get into a situation that might reveal their presence to the Portuguese authorities, what would suggest that these immigrants would be less likely to get involved in criminal activities or to pursue deviant paths than legal immigrants. In the interviews, there were some exceptions to what is being said, the illegal immigrants that fall under the category 'the uprooted/explorer', concerning whom we have some evidence that they tend to be more involved in deviant and criminal behaviour than the other types of illegal immigrants. This type of immigrants is however, in the Portuguese case, still numerically insignificant, what may explain why criminality and deviant behaviour is not connected to first generation immigrants for our respondents. The perception of our key-informers is also in accordance with our findings on the attitudes of the Portuguese towards the immigrants, presented in the First Report, and with our claim that the binomio drugs-crime, in Portugal, is connected with a domestic ethnic group the gypsies not with immigrants.

**REINTEGRATION CENTRE FOR RETURNING MIGRANTS (KSPM)**

**MIGRANTS INSERTION  
IN THE INFORMAL ECONOMY  
DEVIANT BEHAVIOUR AND THE IMPACT ON  
GREEK SOCIETY**

**by the Research Team of the KSPM**

Antonios K. Papantoniou

Maria Papantoniou-Frangouli

Artemis Kalavanou

ATHENS, DECEMBER 1996

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## ABSTRACT

### **Greece turning to a reception country**

Greece, together with the other Southern European countries, has been traditionally a sending country which has abruptly turned into an immigration country. Among the new immigration countries Greece constitutes an extreme example for the following reasons:

- a) It has been a country without any previous experience with immigrants. The only category of people that Greece has received in the past in large numbers is that of ethnic Greeks who have been arriving in a refugee like situation. Beyond them in Greece, due to its geopolitical position, has come a number of alien refugees: In the first years after the World War II a limited number of refugees has arrived from Middle East and has settled in Greece, while later on in Greece have been arriving refugees in transit, who remained on Greek soil for a period, until they were promoted by specialised offices to overseas countries for re-settlement. In their crushing majority they were mandate refugees, the number of convention refugees in Greece (allowed to remain in Greece permanently) has been extremely small. Both mandate and convention refugees did not have the right to work. It is only in the middle seventies that we can properly speak of the presence of migrant workers in Greece. The estimated number of migrant workers for that period has been small ranging between 15,000 and 20,000, and has remained at that level for a number of years. Beyond these migrant workers a significant category has been that of the foreigners working in the merchant marine, who have also made their appearance in early years. These, however, being on board, have remained away from and had no impact on Greek society and on the labour market of the mainland.
  
- b) Greece has been a country, which very abruptly, in a very short span of time, turned into the country with the greatest number of foreigners in comparison to its population, among the countries of Southern Europe. The number of immigrants increased in Greece in the late Eighties when changes began to occur in the socialist countries. This has been also the time that, due to a crisis in the merchant marine, many among the foreign seamen, who have been fired, have come on land seeking employment, thus making themselves visible. It is, however, since 1990-91, that the process of migrants arriving in Greece has been accelerated. The cause has been the fall of the socialist regimes in Eastern Europe and all particularly the opening of the borders with Albania. In two or three years, the number of migrants in Greece from very restricted has reached the number of 500,000-600,000 for a population of slightly over 10,000,000.

- c) Greece is the country in Europe with the greatest number of illegal migrants among its foreign population. The number of legal foreigners has always remained restricted in Greece. The estimations of legal foreigners, depending on the statistical source, range from 50,000 to 250,000 (It should be taken into consideration that whenever we have larger numbers in those are also included the ethnic Greeks holding a double citizenship). The number of legal migrant workers has remained almost stable for the period 1978-1994, fluctuating around 28,000 with highest figure the 30,430 work permits, appearing in 1992. Greece has been the only country of Southern Europe which had not yet applied a legalization campaign. The first legalization campaign has started in January 1998 and its deadline is forecast for April 1999.
- d) Greece is the country with the greatest contradictions. First, on the one hand the Greek aliens law (both concerning the rights of illegals and the rights of those, who are legally residing and working in Greece) is the strictest in Europe, while on the other hand the Greek society, but also the state, informally provide possibilities for illegal migrants to have access to what the law deprives them of. Integration to the informal labour market is easy, almost institutionalized as, for example, the employer of a migrant without work permit is obliged to socially secure him (at the same time that it remains subject to penal law for employing an illegal migrant). Second, the state of “illegality” of migrants is characterized by a high level of ambiguity, as there are available and they make use of a variety of ways of acquiring a simulation of legality or a provisory legality. The acquired legality can be completely forged, for example through false papers, or constitute a “real” legality acquired with the complicity of authorities, as for example the acquisition of a visa from the consulate against pay.

### **The new immigrants in Greece**

In contrast to their counterparts in the frame of intra-European migration, new migrants have not been called, have not been recruited and their presence in the receiving countries has been unplanned and undesired. No place has been reserved for them in the economies of the receiving countries, this is, however, not to be taken to mean that they cannot find their place in them. The case of Greece institutes an eloquent illustration of this situation: new migrants, who have been not only undesired, but also unexpected, have not only become integrated into the Greek (informal) labour market, but have turned into a structural element of it. From their integration into the labour market passes their social integration.

Concerning the characteristics of the new immigrants in Greece, they differ from those who have migrated in the frame of previous migratory waves and from

many of the categories of immigrants to be found in Central and North European countries. To a great extent, and many among them, come with an openness towards Greek society and Greek culture and with an eagerness to become participants to what the Western World has to offer, not only in terms of material goods, but also in terms of cultural goods. This does not mean that they do not remain linked to their tradition, but that they are ready to and in fact do broaden their horizon through the new things they come into encounter. This of course is not applicable to all nationalities, but to most among those highly represented in Greece.

Despite the differences that the new migration presents in respect to previous migratory waves, there are certain constants to be traced, which seem to be universal and are to be found in a significant part of what goes under new migration. Among them is the sharing by most of the new migrants of the traditional project of the migrant, that of working and saving for the family, which brings the new migrant very near to his homologue in the frame of intra-European migration, i.e. of that migratory wave exactly, which otherwise is the most remote to the actual one. This seems to be the case with most of the immigrants in Greece.

Despite the fact that the world has become a global village, some of the countries from which migrants originate, seem not to participate to these developments. This is the case with Albania from which originates the overwhelming majority of immigrants in Greece. However difficult to believe might this be for a European country, sharing borders with Greece, Albania has been one of the most isolated countries in the world. As our interviewees have stressed, Albanians, during the socialist regime, knew nothing about what is happening in the Western World, the foreign TV channels were banned and it was strictly prohibited to travel outside the country. One of our interviewees has said that he arrived in Greece without even to have seen a picture of Athens! Consequently most migrants have arrived without a realistic picture of Greece. This has had as result that they arrived, at least during the first years, without knowing what they would find in Greece, and what to expect that they could achieve in Greece. Their emigration took frequently the form of an exploration.

This absence of concrete knowledge about Greece, together with the fact that many migrants originate from countries in which they have had experience with very oppressive regimes and/or from countries, which are in a state of political, social and economic disorganization, have frequently led them to develop an imagery about the Western World, which was to a large extent defined by what they had been missing in their own country: they believed that the Western World was a place of freedom and social justice. Among Albanians some expected to find also a world of abundance, in which all could participate, while others were

“amazed” with what they have encountered.

### **The process of integration into local economy and society**

The majority of migrants in Greece are Albanians, these constitute at the same time the most controversial nationality. For these reasons what follows is focused mainly on Albanians.

Of course the integration of migrants into Greek society passes from the economy. Albanian migrants, but also some other East Europeans, enter into Greece from the Northern borders and mainly from the unguarded points. The crossing of the borders is a great adventure and a dangerous enterprise. Many attempts are abortive and prospective migrants have to start a new one. One of our interviewees, when he attempted to come to Greece at a very early age, he had to try 8 times before being successful.

Once in Greece they try to find work at the areas near the border or make some wages and through the money earned to continue their way towards the south, frequently to Athens.

The reception of these migrant workers by the Greeks has been during the first years very positive. They have felt sympathy towards them, and have offered food and sometimes shelter, particularly in cases of young boys. The needs in the local economy and particularly in agriculture and the shortage of available indigenous labour force has rendered them very useful to employers, in fact they became indispensable. Many have remained in a village for long periods of time, by now for some years, and have become part of the local society. They have been protected by the employer, have developed family relationships with them and had friendly contacts with the local people in the coffee houses and other public places. Of course the other aspect is that of exploitation ranging from paying them (much) lower wages to ruthless exploitation of financial and other kind.

To return back to the “integrability” of foreigners there is one element in connection to Albanians, which is of particular interest. In south Albania there is a Greek minority which has been denied, under the socialist regime and also after the fall of the regime, its right to practice the orthodox religion. Greeks feel as their duty to provide to these people, when coming to Greece, the possibility to become baptised. This practice has, however, been extended to those of non-Greek origin and has become a highly controversial practice. For the Greeks it constitutes at the same time an expression of a cultural (and religious) imperialism and of a refusal to accept the other unless he becomes like them and at the same time it expresses a readiness to accept the other as one of them and attribute him a place in society. For the migrants accepting to be baptised is to be situated in the frame of an effort to improve their chances in Greek society by renouncing their identity



and tricking the Greeks, but at the same time, or by some others, baptism is perceived and experienced as a ritual which introduces them to the World they had aspired to, renders them participants to the Greek (Western) culture.

### **The reactions of the State and mass media, the appearance of xenophobia**

The abrupt change of Greece to a receiving country has taken the state by surprise. This arrival of thousands of people had been unexpected and unforeseen. The state reacts in the first place by trying to hide the phenomenon, feeling not at ease with it, fearing that it would be held responsible for the new developments. When the numbers became so great and the presence of foreigners so evident that it was not possible any more to hide the phenomenon, the state has started to exhibit a xenophobic attitude, unknown by then to the population. It started to exaggerate in connection to their presence and put forward xenophobic arguments which have been borrowed from the traditional reception countries of the Central and Northern Europe, exactly those arguments which have been used in the past against Greek Gastarbeiter: foreigners have become responsible for unemployment, which had been on increase, and have been held responsible for criminality. The political world and authorities have used the migrants to transfer their responsibility for everything going wrong in Greek society.

The mass media has been the second element in Greek society, which has contributed towards the emergence of xenophobia in Greece. On the one hand mass media were presenting what politicians were telling, on the other for their own reasons, mainly for creating sensation, they exaggerated on the negative sides of migration. The issue, which could create the greatest sensation has been that of criminality and consequently the one, which has been “exploited” in the first place by the mass media. More unintentionally than intentionally, the mass media has contributed greatly towards a shift to the negative of the reactions of the population.

It should be, however, wrong to give the impression that the attitudes of mass media towards migrants have been only negative. Further to a criminalization of the migrants and to holding them responsible for the unemployment of Greeks, the mass media show frequently positive attitudes towards migrants. This happens in the first place in cases of migrants falling victims of exploitation particularly concerning the victims of migrant traders, but also concerning other issues related to immigrants. It should be noted that the disposition of the mass media and press towards foreigners is very changeable. For example, it could be clearly traced the change of the attitude towards a more positive one towards Albanians in Greece, at the time of the events in Albania in spring 1997, when all Greeks felt solidarity with the Albanian people.

## **Migrants and the labour market**

The great expansion of the underground economy in Greece has offered the opportunity to the illegal migrants to integrate in the labour market. Foreigners, most of whom illegal, are estimated to constitute around 17% of the labour force in the country.

Migrants are employed mainly in the following sectors:

- In agriculture, in the first place in seasonal work and crops, but also in the cultivation of fields and in animal breeding
- In construction.
- In house keeping and house services, such as caring for children and old people and also for house repairs.
- In small industrial and service firms, and among them particularly in those operating in the frame of informal economy outside the direct control of fiscal authorities.
- In hotels and restaurants.

The modalities of their employment have as follows:

- The wages of illegal migrants are lower to that of Greeks and lower to that of legal migrants. They are estimated to reach 40% of the wage rates of Greek workers. The benefit for the employers is even higher, as they save also the social security contributions
- The illegal migrants concentrate in unskilled labour intensive sectors.
- They take over in most of the cases casual jobs.
- - They have a high rate of turn over.
- The unemployment of foreigners is low and the periods of unemployment between jobs usually short. Those working in seasonal jobs have sometimes difficulties in finding jobs in the winter; however, most of them change place when the seasonal work is over displacing themselves from the country side towards the cities

In general illegal migrant workers constitute a cheap, flexible, and docile labour force, which is to a large extent at the mercy of the employers.

The competition with Greek workers has been kept at very low levels. This because the type of jobs, at the bottom of hierarchy, that migrants undertake are not attractive to Greeks, even if these latter are unemployed. The adoption, during the last years, by Greek workers of a mentality of pursue of quick and easy gain without investing a lot of effort, has had as result that a lot of work positions have remained vacant. The arrival of foreign workers has, thus, become extremely

useful for many employers.

It is only in the construction sector that competition between foreigners and Greeks has become apparent.

As the most significant positive dimensions of the contribution of migrant labour are to be considered the following two:

- The occupation of work positions, which would remain vacant, if foreigners were not there, as the employers often do not dispose of the financial means to cover the cost of Greek workers in terms of salary and social security contributions, or no Greek workers offer themselves for those jobs. These work positions are mainly in house help, caring for the children or old people, but also in house repairs.
- The preservation of certain economic activities, which would otherwise cease to exist. This is connected with activities in the primary sector and in the production sector. A prominent example in the primary sector are crops. The high wages demanded by Greeks render unprofitable the collection of fruits and owners frequently choose to let them rot, if they are not able to make the collection themselves with the assistance of family members. The other case is that of small enterprises, which would not be viable if they had to pay salaries for Greek workers and to which foreign illegal labour offers the possibility to remain competitive and thus the chance to survive.

In all cases above the benefit for employers is evident and employers promptly recognise it. Most authors seem to be of the opinion that there is a benefit to the local and national economy, too, as the keeping alive of certain economic activities leads to the reinforcement of further economic activities. Rather than increasing unemployment among Greeks, foreign labour is considered to contribute to the maintenance of work positions by Greeks and even to the creation of new ones.

It is the authorities and the political world, who were the last to recognize the positive function of migrant labour, or at least to dare to accept it. The tendency had been, while publicly denouncing immigration to tacitly accept the positive elements. It is only during the last one and half year that the political world and authorities decided to accept that migrant labour had become indispensable and had turned to a structural element of the Greek economy. It has also been accepted by representatives of the political world, that it is in their quality of illegal labour that they are all the more useful. The tendency, however, which remained underlying all along has been that the state mechanism has tried to profit as much as possible from the presence of foreigners giving the less in return.

**CE/DG XII - SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER - MIGRINF**

*COORDINATOR:* EMILIO REYNERI

UNIVERSITY OF PARMA

# **ILLEGAL MIGRATION IN GREECE AND THE PROBLEM OF CRIME**

## **RESEARCH REPORT IN THE FRAME OF THE TSER PROJECT:**

MIGRINF - Immigrant insertion in the underground economy,  
deviant behaviour and the impact on receiving societies

by  
Antonios K. Papantoniou  
Maria Frangouli-Papantoniou  
Artemis Kalavanou

Research Department of the KSPM-Athens

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## **ABSTRACT**

### **Criminalization and criminality of foreigners**

The attitudes of the population have turned in fact negative towards the migrants, when their criminality started to be raised. The criminality of migrants being in the first place “street criminality” and of the most obvious kind created a feeling of insecurity among the Greek citizens, first in the cities and then in the countryside. Burglaries, assaults in the streets, robberies of shops, gasoline stations etc, frequently involving violence, have had as result that Greek people stopped feeling safe in their houses, in their work places, in the streets and that they were forced to change their life style. The exaggeration of this situation by mass media has highly contributed in the intensification of these reactions. The authorities, which in the beginning were putting the blame of the increase of criminality on the foreigners, now, under the fear that they would be hold responsible for letting foreigners to come in the country, enter into a contradictory discourse: sometimes refusing that the criminality of migrants is on the increase and sometimes holding them responsible for all criminal incidents.

The picture of criminality of foreigners as it appears from the research has as follows:

- The criminality rate of foreigners is lower to that of the Greeks.
- The criminality of foreigners has been on the increase during the last years, in contrast to the criminality of the indigenous population.
- If serious criminality is seen separately, the participation of foreigners is significantly higher to that of the indigenous.
- The participation to criminality of the various nationalities differs very much. It is in certain nationalities in that most offences are accumulated. Concerning the geographical areas, it is Europe, which comes first. Eastern Europe is the one which has the largest share, but Western Europe participates also significantly. The geographical area presenting the least criminality proportionately to its representation among the foreign population in Greece is Asia (Middle East not included). Among the nationalities first come the Albanians with a great difference from the other nationalities. This is to a great extent due to the large number of Albanians in Greece. As second nationality appear the Rumanians. Concerning serious criminality and particularly offences in which violence is involved the main nationalities are Albanians, former USSR citizens and Rumanians.
- If migration related offences are excluded, the main offences committed by foreigners are property offences in the first place and in the second place drug related offences.



Different nationalities specialize in different kind of offences:

- Albanians commit in the first place property offences. Among the property offences serious property offences, like robberies, are frequent. Violence is often used resulting to serious injuries and deaths. Among the victims of Albanians are to be found many compatriots or other migrants. In the second place Albanians are involved in drug related offences, almost exclusively cannabis. Until recently the most frequent cases were cases of Albanians crossing the borders from unguarded points bringing with them quantities of unprocessed cannabis of only few kilos, or cases of Albanians who were caught in Greece selling a few kilos. During the last one and a half year the modalities of drug trafficking from Albania have been rapidly changing: the quantities trafficked are increasingly important, the cannabis appears at an all higher state of procession, the cases of hard drugs are all the more frequent. The individual, mainly unprofessional trafficker, is increasingly giving his place to an organized trafficking, effectuated in a more professional way and following more sophisticated modalities.
- Rumanians commit property offences and are highly specialized in burglaries. They are the most professional of the kind, acting usually in well organized groups, but are only rarely violent, in contrast to Albanians. In the second place they are charged with offences against sexual freedom.
- Former USSR citizens commit all kind of serious crimes, which are more frequently related with violence, than it is the case with other nationalities. Drug trafficking is very common.
- Those originating from Black Africa commit drug related offences, while their participation in other offences is minimal.
- There are also those nationalities, which present an “internal” criminality, that is a criminality directed towards their own members. This criminality is mainly related to political issue and to human trading. The best example is that of Kurds.

On the basis of the results of the filed research a categorization of the migrant offenders has been attempted, which at the same time provides some evidence about the factors contributing to the emergence of criminal activities.

A significant part of immigrant offenders come with the traditional project of migrants, that of working and saving. The commission of an offence by this category of offenders does not reveal of a criminal intent. In their case all particularly, but also in the case of other categories of offenders, a determinative role play their situation of illegality and the contradictory attitudes and behaviour of the state and authorities. These result in a confusion and a blurring of the demarcation line between what is permitted and what is not. This category of

people commits mainly “victimless” crimes and crimes, which are not considered so serious in their home country, but which might entail strict punishments according to the Greek law. Further, their situation of illegality brings migrants in various ways into forced contact with crime, which little by little might lead to a learning process, or they might be trapped by others to illegal activities.

An other category is of those who have come to participate in the consumption society, or who have become socialized in it through the migratory process, and who, as they realize that they cannot have access to it through legal means, they turn to deviant and unlawful actions. At the other end are to be found: those involved in organized criminality; individuals or *ad hoc* criminal groups, who having started the criminal activities in their country, “displace” themselves and their activities to Greece, when the opportunity arises, this being particularly the case with Albanians; released prisoners, again from Albanian prisons. These latter categories are responsible for the largest part of serious criminality and cruel crimes.

### **Migrants through the Criminal Justice System**

The research has not been able to establish particular discriminatory treatment of migrants, in their quality of migrants, in their way through the Criminal Justice System.

The behaviour of the police in Greece seems to be less discretionary, than it is in other countries.

The judicial system professionals do not seem to discriminate consciously against migrants, but migrants suffer extensively from de facto discrimination, due to their situation of underprivileged, with result that their chances for a favourable outcome of their case are very much reduced.

This is one of the reasons of their overrepresentation among the prison population.

Our field research has been conducted in the Athens prisons in Summer 1997 and has shown no significant discrimination against foreign detainees. However, the specific prison cluster at the specific time period is not be considered representative of the situation in Greek prisons and the situation in Greek prisons in respect to the foreigners. There is evidence from other prisons, which goes in exactly in the opposite direction.

**CE/DG XII -SCIENCE, RESEARCH AND DEVELOPMENT**

**TSER – MIGRINF**

*COORDINATOR:* EMILIO REYNERI

UNIVERSITY OF PARMA

**HOW MANY AND WHICH DOMESTIC JOB  
SEEKERS  
MIGRANT WORKERS MIGHT ENTER INTO  
COMPETITION WITH ?**

*A comparative analysis of the unemployment patterns in  
selected European countries*

by

Emilio Reyneri  
University of Parma

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## ABSTRACT

Using Eurostat labour force survey data, the paper makes a comparative analysis of the unemployment patterns in European countries concerned by the project. Its conclusions can be summarised as follows.

The high unemployment rate of the European countries and above all of Mediterranean new receiving ones is used to support the hypothesis that new migration inflows are not pulled by a labour demand in receiving labour markets,, but they are merely caused by a push effect in undeveloped sending countries. This hypothesis shall be better discussed at a micro level analysing which jobs new migrants are performing and how little they compete with domestic job seekers. But the hypothesis is controversial at a macro level too.

Especially in European countries intra-generational social and occupational upward mobility is relatively low. Therefore jobs have to be envisaged from a status point of view as well as from the economic one. Moreover to be hired in a “bad” job might condition the following “way” of a worker in the labour market and prevent him from achieving more qualified jobs. The consequence is the following one. When they can do, job seekers avoid complying with jobs under their expectations, right or wrong they are. Unlikely bad jobs do not disappear with the economic and social growth; they remain in agriculture, construction, small sweatshops and shift only from biggest manufacturing factories to services. Moreover their labour cost is higher and higher because their productivity is steady at a very low level.

We can think that the real rigidity in European labour markets depends on the low probability for a worker of having an important upward occupational mobility during his working life. But what we see is the “rigid” behaviour of job seekers that are not willing to make whatever gainful activity if they can be waiting for a “good” job. Now both young and female people and people getting unemployment benefits are able to wait for a job in accordance with their social and working status. Only a share of unemployed people are pushed to agree with whatever job offer. We have seen how not so large is this share even for high unemployment countries. The extreme case is Italy, where most job seekers are in the shelter of their families. But at the opposite end also most German job seekers are in the shelter of safeguards from the state.

To conclude the analysis, we cannot at all exclude that some demand for migrant workers does exist in European countries and above all in new receiving ones in spite of high unemployment rates. The usual reason which the exhausted pull effect hypothesis is founded on fails when the unemployment structure is taken into account. The way for a deeper cross-national analysis at micro level is open.

