



## **The Regularisation of Unauthorized Migrants: Literature Survey and Country Case Studies**

### **Part One – Introduction and Overview**

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Regularisation programmes have emerged in the past 25 years or so as one of the mechanisms States use to account for and manage the undocumented immigrant population in their countries, and are usually implemented in concert with the internal and external strengthening of migration controls. Given the highly controversial nature of most regularisation programmes, why do States choose to introduce them? What different forms have regularisation programmes taken in different states, and what justifies these extraordinary measures? What has been their political impact, and what have been the primary challenges and lessons to be learned from them? This paper attempts to answer these questions through a survey of nine regularisation programmes in the United States and the European Union. The first part of the survey offers a broad introduction to, overview and analysis of regularisation programmes through a review of available literature on the topic. The second part of the survey is an in-depth analysis of regularisation programmes in nine countries, and provides for each country a brief overview of their current migration policy, legal channels of immigration into the country, and the undocumented population in relation to the country's demographic profile. In order to provide a complete picture of each programme, throughout the survey an attempt has been made to draw on government, non-governmental and academic sources.

## **Comment on methodologies of studies on regularisation**

### ***Estimates of the number of undocumented***

The Organisation for Economic Cooperation and Development identifies the source of undocumented migration as both endogenous and exogenous (SOPEMI 1989). Endogenous undocumented migration results from migrants who may have entered the country legally, but then fell out of legal status from either overstaying or violating the terms of their visa, having a request for asylum denied, or not leaving the country when ordered. Migrants can also enter exogenously and without authorization, either by falsifying documents or crossing borders undetected. While smuggling and illicit entries are a growing and serious problem for the United States and the European Union, it is nonetheless estimated that over half of the undocumented population in the U.S. are visa overstayers and violators, while much of the undocumented population in European countries is students, au pairs, temporary workers, visitors and asylum seekers who stay on after their petitions are denied.

Trying to obtain accurate estimates of the number of undocumented migrants in a country is problematic and prone to a great margin of error. The estimates quoted in the country studies for this survey are compiled from a variety of sources, few of which quoted the same figure. Many times, figures are used in support of a political agenda to either restrict or promote immigration. While it is difficult to state estimates with confidence, at the minimum it is possible to make an analysis of the methodologies used to make them.

Jandl (2004) identifies different methods used by governments and academics to estimate illegal foreign residence, work and entry in Europe and the United States. These include residual estimation techniques, multiplier estimation techniques, capture-recapture methods, data from regularisation programmes and border apprehension statistics.

The estimates from residual estimation techniques are culled from the differences between the Census' estimates of the legal foreign-born population and the total foreign-born population. For example, in the U.S. one of the most widely cited estimates of the undocumented population combines data from both the Census and the Current Population Survey to come up with an estimate of 9.3 million undocumented immigrants currently living in the U.S. (Passel, Capps and Fix 2004). However, this method is prone to underestimating the total number of undocumented migrants in a given country, because Censuses generally have difficulty in registering accurate numbers of the foreign born, who may choose not to participate.

The multiplier estimation technique is an advanced method that searches for an accurate variable to be used as a multiplier to gauge the number of undocumented migrants in a country at a given time. These can be direct computations using demographic methods (like comparing age structures), or indirect methods (such as estimating the use of electricity or bread). While Jandl asserts that this method probably yields more accurate estimates, few studies have used it. The "survey" method, which is a variation on the multiplier techniques, asks a sample of employers how many irregular migrants they estimate are employed at a given time, and then compiles these results to provide a countrywide estimate.

Capture-recapture methods use police apprehension data to estimate the proportion of legally- to no-legally-present immigrant population in several cities at a given time. However, as Jandl points out, the accuracy of such a method depends in large part to the quality of police records and is based on the assumption of a homogeneous population and consistent behaviour of the irregular migrants.

Data from regularisation programmes is another popular method used to estimate the number of undocumented migrants. However, this method is particularly problematic, given that the number of applicants to a programme depends on media publicity, means of application, programme scope and requirements. As will be seen, programme scope and quality varies greatly depending on the country's preparedness and experience in implementing such programmes.

Border apprehension statistics are a popular method for estimating the size of the undocumented population entering a country in a given year, particularly in the United States, where border apprehensions are very high. This method uses each attempted entry as a gauge of how many migrants may actually be entering the country in a given time period. However, border apprehension statistics are unreliable because the same migrant will often have tried to cross many times before she/he is successful in entering the country, and therefore results in the overestimation of the number of migrants who enter a country.

### ***Availability and overall robustness of studies***

Two main problems were encountered in carrying out this study. First, the availability of statistics varied greatly according to country. Second, figures of numbers applied and regularized were inconsistent and varied from study to study. In general, scholars did the best they could when analysing regularisation programmes given the availability of statistics, although the United States had by far the most number of articles devoted to its amnesty programme. Perhaps this can be attributed to the large number of immigrants regularized under its programme (3 million) and the fact that the amnesty occurred 15 years ago. Most large-scale European regularisation programmes have taken place during the last decade, and several are still accumulating and analysing data.

In general, reports from the European Commission and the U.S. government were scarce, although the OECD publishes some information and analysis of regularisation programmes carried out in member states, including numbers of migrants regularized and lessons learned from schemes. However, the most useful series of studies encountered was put out by the Migration Policy Group in Belgium, which has country case studies on migration policy in every European country (available from <http://www.migpolgroup.com>). These studies were carried out by experts in that country's migration policies, and present a coherent portrait of the laws, challenges and stakeholders within each country. Although they were not exclusively evaluations of specific regularisation programmes, they were useful for background information. The Washington D.C.-based Migration Policy Institute also publishes a series of short country profiles on-line each month through their Migration Information Source, which provided an excellent "snapshot" of a country's migration policy and demographic profile (available from <http://www.migrationinformation.org/Profiles/>).

Nonetheless, there is a need for more comparative analyses of regularisation programmes, and individual governments and the proper EU bodies should undertake to analyse their own information, rather than leaving this as a matter to be debated within academic journals, as seems to be the case now. Given the emergence and growing

importance of regional and global initiatives to manage migration, such studies are timely and important.

### **Defining "regularisation" and different types of programmes**

While regularisation programmes usually exclude some categories of migrants, in general regularisation offers migrants who are in a country irregularly the opportunity to legalize their resident status, whether it is on a temporary or permanent basis. Different countries have different concepts of regularisation and how programmes should be implemented. The most comprehensive analysis of regularisation programmes is found in the Apap, de Bruycker and Schmitter report (2000). The authors identify a typology of five types of regularisation:

1. Permanent or one-off: Permanent regularisations have no time limits, and are implemented on an on-going basis, although length of residence is usually the factor that determines a successful application. For example, in the UK illegal migrants are eligible for permanent residency if they have been in the country for 14 continuous years. One-off (or "one-shot") regularisations are one-time programmes requiring that applications be turned in within a specific timeframe, and may aim to regularize a finite number of migrants.
2. Fait accompli or for protection: *Fait accompli* grants residence to migrants who have been in a country irregularly since a specific date, and are often based on geographic or economic criteria. Protective regularisations include migrants who are regularized for humanitarian, medical or family purposes.
3. Individual or collective: Regularisation on an individual basis means that the granting authority has a margin of leeway to decide whether or not an individual should be granted a permit. Collective regularisation refers to objective criteria that are used to grant residence to a larger number of migrants.
4. Expedience or obligation: The latter type of regularisation occurs when the State is forced to regularize a number of migrants on its soil because of court decisions or international relations.
5. Organized or informal: Informal regularisation occurs when a lack of clear criteria on the part of the State leads to an individual petition by a migrant to regularize his/her position. A number of petitions submitted in this manner would then lead to a more organized programme as government entities and the courts would need to address the situation in comprehensive manner. This type of scenario could be viewed as a "regularisation from the ground-up."

These are not exclusive categories; rather, a regularisation programme is often a combination of the five. For example, it is conceivable that a country would be obligated by a court decision to organize a collective one-off regularisation programme for protection of asylum seekers. Most of the countries discussed in the survey have organized one-off procedures based on *fait accompli*. However, Belgium organized a one-off regularisation programme in 1999 that was also motivated by humanitarian protection. And while the UK and France have permanent regularisation programmes for migrants in irregular situations who have lived in the country continuously for some years, most countries prefer one-off regularisation programmes, although some occur on such a regular basis that they can be

considered ongoing. While permanent regularisation programmes offer migrants the best situation in terms of social and economic rights and protection from deportation, the waiting periods to permanently regularize one's status are so long that they are not really considered a solution to either undocumented immigration or to the needs of certain sectors for migrant labour.

### **Why do countries undertake regularisation programmes?**

Given the often hostile and xenophobic attitude towards irregular immigrants in many countries, regularisation programmes are invariably controversial. Since they are rarely a country's first option, regularisation programmes are usually undertaken only when internal and external migration controls have failed. Indeed, the OECD (2000) cites three reasons why countries are opposed to amnesties or general regularisation programmes, including: the possibility that they will attract more undocumented immigration; that not all immigrants in an irregular situation will be able to take advantage of the programme (not being able to "wipe the slate clean"); and having to implicitly acknowledge that existing controls were ineffective. In addition, many governments fear a public backlash. Thus, countries undertake regularisation programmes with reluctance, and usually in conjunction with other methods of combating undocumented migration. In addition to regularisation, Baker (1997) identifies two other primary methods countries use to control immigration: wholesale deportation, and efforts at the border and internally to interdict and discourage new flows.

Mármora (1999) gives four reasons for implementing regularisation programmes, and the countries surveyed fall into at least one of these categories.

1. *To gain more awareness and control over irregular migration:* Regularisation programmes can yield critical information about the demographics and labour market participation of migrants which might theoretically assist countries in planning how to control future irregular migration. Thus, some countries use regularisation programmes to understand these characteristics of their irregular migrant population, as has been the case in Italy, Greece, Spain, Portugal, France and the United States. The knowledge gained from regularisation programmes can also help accomplish national or public security objectives. This reasoning is increasingly popular in the discourse surrounding current migrant regularisation in the U.S. The U.S. has around 9 million unauthorized migrants living in the shadows, and about whom little is known. Since the terrorist attacks of 2001, government officials have been searching for ways to gain more knowledge about the foreign-born population living in the U.S.

2. *To improve the social situation of migrants:* Countries rarely take on remedying egregious and exploitative social conditions of migrants entirely on their own initiative. However, France, Luxembourg, Belgium and the United Kingdom each implemented one-off regularisation programmes largely in response to massive protests or sustained pressure by migrant groups and a concerned public over the living and/or working conditions of irregular migrants.

3. *To increase labour market transparency:* When migrants are employed irregularly, whether in the black market or legitimate businesses, countries lose their ability to understand and regulate the labour market, and to collect tax revenue. In general, most countries (including the United States, Greece, Italy, Spain, Portugal and France) choose to legalize undocumented migrants for this reason (OECD 2000). Since the social integration of migrants depends to a large extent on this successful economic integration, this reason is an important one.

4. *As a response to foreign policy goals:* A country may decide to regularize its migrants as a response to foreign policy goals (for example, entering into trade or other agreements with another country). As a prerequisite for joining the EU, Portugal agreed to try to manage its undocumented population through implementing a regularisation programme.

The OECD (2000) echoes these reasons, and adds that they can be a tool to limit discrimination and racism against migrants, and that its beneficiaries bring a greater amount of flexibility to the labour market.

### **Unsuccessful applications for regularisation**

No regularisation programme accepts 100 percent of applicants. There are many reasons for this, including--but not limited to--incomplete or ineligible applications and bureaucratic delays or incompetence that complicates the regularisation process. What happens to migrants if their applications for regularisation are rejected? According to the authors of a summary report on regularisation of migrants in the European Union, while rejected migrants are technically required to leave the countries where they are residing without authorization, there is little evidence that immigration authorities place a higher priority on deporting them:

As the administration normally holds the identity and details of rejected persons and it can be considered that many of them continue to reside illegally following the failure of their application, they become a phenomenon that the French Senate ... described as 'official illegals' (Apap et al. 2000).

In the UK, a deportation or removal order is signed if an application for regularisation is denied, while in the U.S. various appeals processes delayed the potential removal of thousands of applicants (see U.S. country survey). However, there is no data on deportations following a regularisation procedure. Most countries surveyed do not have the resources that they can devote to removing people who already have deportation orders pending against them, much less unsuccessful applicants of amnesty programmes.

### **Common challenges**

All of the one-off programmes surveyed faced challenges in their implementation. The most common reasons for programme failure or weakness include lack of publicity, having overly strict requirements that limited migrant participation, application fraud, lack of administrative preparation, and the reversion of legalized immigrants to undocumented status. There is also the question as to the effectiveness of employer sanctions, which often accompany such programmes.

Publicity: Studies repeatedly emphasize the importance publicity plays in carrying out a successful regularisation campaign (Meissner et al. 1987, SOPEMI 1989) and also how the lack of publicity can contribute to the failure of a campaign, as it did in some of Spain's, Italy's, Portugal's and the UK's regularisation programmes. In a few of these cases (UK, Italy in 1986, Spain in 1985), officials were disappointed and surprised at the low turnout of migrants who applied to adjust their status, since projections for the number of applicants had been far more than the results.

Overly strict requirements: A comparative study on regularisation programmes done by SOPEMI (1989) indicated that in the countries studied, the conditions required for regularisation were out-of-step with the real conditions under which migrants live.

Requiring proof of employment, presence in the country, and even identification such as passports has been cited as a reason for programme failure or delay in the UK's migrant domestic worker programme, as well as in Portugal in 1992-1993, Luxembourg in 2001, and in Greece.

Application fraud: The inability of migrants to meet the requirements of the programmes has led to the falsification of applications in several programmes. In the U.S., for example, some estimates put application fraud as high as 73 percent for one of the programmes (Passel 1999, Donato and Carter 1999, Cornelius 1989). Application fraud has also been a problem in Italy and Greece.

Corruption: Corruption of public officials engaged in the process has occurred in both Portugal and Greece, where some officials reportedly sold illegitimate work permits to migrants with incomplete applications, or to those seeking to expedite the process (Baldwin-Edwards 2004, Falcao 1998).

Lack of administrative preparedness: One of the keys to running a successful regularisation programme is having a country that is well-prepared administratively. In the case of some of the Mediterranean countries, governmental bureaucracies were not prepared to deal with the number of applications received. This led to backlogs, a general slowdown of the processing of the applications, and in the long-run, had an impact on the number of migrants actually regularized through the programme. In many countries, requirements had to be modified or relaxed as the programme went on.

Reversion to undocumented status: If there is no clear plan of what action should be taken after the expiration of a permit, a migrant will revert to undocumented status. This is a common problem facing the Mediterranean countries of Greece, Spain, Italy and Portugal, and generally emerges from a lack of administrative preparedness, unclear criteria on the renewal of permits, or the lack of public outreach done to immigrant communities to make them aware of renewal opportunities.

To sanction or not to sanction?: One of the most common actions countries undertake in conjunction with a regularisation programme is the imposition of employer sanctions. The OECD and other government officials believe that this is a critical element to fighting the employment and exploitation of undocumented immigrants. It is unclear, however, of the extent to which employer sanctions have been successful. For example, employer sanctions in the United States have been largely ineffective because there is neither the will nor the resources to enforce them. A U.S. General Accounting Office survey of employer sanctions in 20 countries, which found them to be an ineffective deterrent to unauthorized migration (USGAO 1982). Chau (2001) argues that amnesty is in fact a critical component of any credible immigration reform policy, primarily because it lessens the impact on labour productivity that occurs when undocumented workers are apprehended.

## **Political impact of programmes**

The literature suggests that regularisation programmes are nothing if not controversial. Regardless of the country or context, the issue of allowing unauthorized immigrants access to the labour market galvanizes stakeholders on both sides of the issue, and may have an enduring impact on the terms of the migration policy debate. In the U.S., for example, the debate surrounding the amnesty of 1986 created new efforts by organizations to advocate on behalf of immigrants and in the long run also had the effect of influencing local politics in areas where large numbers of immigrants adjusted their status (Baker 1997). At the same time, the amnesty was followed by a wave of anti-immigration sentiment whose impacts are

still felt today. It has defined the contours of the debate over the current proposals on regularizing migrants, as opponents point to the 1986 programme's inability to stop irregular migration flows. In Greece, where anti-immigrant sentiment is particularly strong, political debate lasted for two years before the implementation of its first programme (Papantoniou-Frangouli et al. 2000, Linos 2001).

The massive "sans papiers" protests in France in 1997-98 which saw groups of undocumented immigrants occupying churches has galvanized a new generation of immigrant organizing across Europe, and today there exist networks of immigrant groups that regularly call for regularisation programmes. In 2002, one such network, which included migrant organizations in most countries in the European Union, developed a "Call for Regularisation of all Illegal Residents in Europe" in response to the European Council meeting held in Seville in 2002, where a debate about the future of immigration and asylum policy was debated. This document argued for the protection of migrants through regularisation programmes, which would recognize the contribution migrants make to the economies of their host countries. Other organizations who have weighed in on the debate in Europe include a coalition of religious organizations who highlight the burden illegal migrants carry, and the Belgium-based coalition Platform for International Cooperation on Undocumented Migrants (PICUM), who is lobbying the EC to develop a harmonized concept of regularisation.<sup>1</sup>

### **Economic impact of regularisation**

Since labour market issues are usually the most important factor for a country in deciding to implement a regularisation programme, one of the main concerns governments voice is a programme's potential economic impact on native workers and on reducing the underground economy. Since the explicit goal of some programmes (such as those implemented in France, Greece and Spain) has been to reduce the size of the underground economy, it is often feared that newly regularized immigrants would be competing with native workers for employment in the regular economy. However, several studies (Baker 1997, Reyneri 2001, OECD 2000) show that the impact of many programmes is, in fact to increase day labour and informal, irregular employment. These studies identify several reasons for the persistence of this trend, including the unwillingness of employers to pay higher wages for legalized workers; the high demand for irregular labour; and immigrant networks within the underground economy that make it easier to continue to obtain employment in that sector. Reyneri (1998) notes that at least in Italy, the underground economy is a *cause*, rather than an *effect* of illegal migration. As Garson (2003) argues, regularisation programmes have not gone far enough in addressing the closely linked nature of irregular immigration to the underground economy, and instead assume that providing migrants with legal status will somehow make this problem disappear. In fact, one of the great challenges of regularisation programmes is integrating migrants well enough into the social and economic fabric so that the underground economy does not remain a large pull factor.

Although there is little evidence that regularisation has a significant impact on the overall labour market, regularisation programmes can be excellent tools for obtaining information on the labour market participation of immigrants. Several studies (SOPEMI 1989, Reyneri 2001, OECD 2000) show that most legalized immigrants are young workers, many of them educated, who choose to come to countries where they know there will not be intense competition with local workers for jobs. In Italy, for example, most irregular migrants are the elite youth of their countries (Reyneri 1998).

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<sup>1</sup> See [www.gisti.org](http://www.gisti.org) and [www.picum.org](http://www.picum.org) for more information on migrant NGOs in Europe, and see <http://home2.pi.be/jrs4eu/publications/comments%20to%20323.PDF> for statement of religious bodies.

## **Impact on undocumented immigration**

While the question of whether regularisation programmes constitute a pull factor which encourage further undocumented migration is a concern that all countries share, most comprehensive studies on this topic have to do with the experience of the U.S. Almost all show that the large-scale amnesty implemented in 1986 has not reduced, and has in fact increased, undocumented migration to the U.S., since it established new migration flows due to networks and family ties (Bean et al 1990, Cornelius 1989 Donato et al. 1992, Woodrow and Passell 1990, Orrenius and Zavodny 2001, Baker 1997).

In Europe, political parties opposed to immigration have argued that regularisation programmes in Spain and Italy have attracted more undocumented immigration, but without academic research dedicated to this topic, it is difficult to say the extent to which this has been the case. What may be a greater concern is the percentage of migrants who fall out of regular status once their permits expire. This creates an endogenous phenomenon of undocumented migration, a vicious cycle which may artificially inflate the numbers of irregular migrants and also encourage many to stay in the country until the next amnesty is announced.

## **Impact of programmes on social and economic position of migrants**

Even if migrants are skilled, the perceived or actual threat of being deported can lead them to accept employment in sectors that are low-paying. Wages are usually lower for unauthorized than for legal workers, and thus, legal status should have an impact on wages by reducing employer exploitation (Cobb-Clark and Koussoudji 2000). An important consequence of regularisation programmes, at least in theory, is that they eliminate the need for migrants to live in the shadows, providing them with an opportunity to seek better working conditions. Thus, it is important to take into account what is known about the social and economic impact of legalization programmes on the recipients themselves.

Well-organized regularisation programmes can have a positive impact on the wages, occupational mobility, and integration of migrants. The United States' 1986 regularisation programme is the best example of a programme that accomplished some of these objectives. A study by Cobb-Clark and Koussoudji (2002) on the impact of legalization on the wages on Mexican and Central American men in the United States under the 1986 Immigration Reform and Control Act shows that amnesty did improve the wages and labour market opportunities of legalized migrants, as migrants were free to search for higher-paying jobs that more closely matched their skill level. Another study on the occupational concentration and mobility of newly-legalized Mexican men by the same authors (2000) concludes that legalization changed mobility patterns for workers by creating a new set of job opportunities for them. And Orrenius and Zavodny (2004) argue that the US experience with regularisation encouraged greater immigrant integration, and helped immigrants acquire more human capital (such as education, language and job skills)—an essential component for the success of future generations.

Reyneri's 2001 study for the International Labour Organization on the involvement of migrants' in the underground economies of Mediterranean countries offers a different accounting of the experience of migrants in the workforce after the implementation of one-shot regularisation programmes. He finds that in Italy after the 1996 regularisation programme, a third of migrant workers who had obtained a regular job lost it within a few months, perhaps because some migrants had "bought" proof of a job to obtain a permit, but either were unable to find regular work, or preferred their informal job. He also found that some employers fired workers when they applied for regularisation, because they knew that with regular status, the employee would be in a better bargaining position in terms of wages

and working conditions. Most of the migrants he interviewed stated that the greatest advantage afforded to them by obtaining a residence permit was the chance to return to their countries of origin for visits, not the possibility of obtaining regular employment, which they saw as unlikely. Those who appeared the least likely to return to working in the underground economy were those who were involved in housekeeping or caring for the elderly (Filipinos and Peruvians), those who had an immigrant community supporting them (Chinese), and those who were more integrated (Egyptians, Somalis, Poles and Romanians).

In Spain, Reyneri found that its first regularisation process in 1985 resulted in widespread discrimination and exploitation of the immigrant labour force as some employers fired workers who asked to be formally hired or continued to employ them irregularly once the regularisation process was underway.

In France, Reyneri ascertained that the wages and earnings of migrants did not appear to change substantially after the regularisation of 1998, since many kept the same jobs as they had before the regularisation process (perhaps because they needed proof of employment to obtain the status in the first place).

Finally, regularisation programmes can foment discontent and distrust among the immigrant population if the processes are confusing, disorganized, or do not deliver on their promises. This appears to be the case in Greece, where the ECRI notes that bureaucratic slowness of processing applications, and lack of information and coordination between departments has led to a "feeling of frustration, injustice and insecurity" among migrants (ECRI 2004).

### **What are the elements of a successful regularisation programme?**

It is difficult to identify a country that has had a model regularisation programme. Permanent regularisation programmes may be an option for countries where migration politics are controversial--since regularisation is granted on a rolling and individual basis, it is less likely to draw the type of attention that a large-scale effort would. In addition, this type of regularisation may be attractive since it is granted based on the length of time a migrant has lived in the country (thus assuming a certain level of integration into the host society). However, the length of time required to obtain a permanent residence permit is usually prohibitively long --14 years in the UK and 10 years in France (less for families with children)—and so does not address the problem of the undocumented population in the short-term.

One-off programmes, however, have their fair share of problems as well, since they often end up being recurring, and so are not long-range solutions to the needs of certain sectors of the economy, migrant worker exploitation or undocumented migration.

Given the shared challenges countries face in implementing their regularisation programmes, it is also possible to identify some common elements of a theoretically successful one. Mármore (1999) identifies three stages that are important in the implementation of a successful migrant regularisation programme:

*Preparatory stage:* A successful preparatory stage consists of three elements: consensus-building, defining the application process, and promotion. First, a consensus needs to be built among different stakeholders regarding the scope and terms of the programme (advocacy groups, employers and trade unions, political parties, immigrant associations). This is also the moment to ensure the soundness, transparency and ease of the application process, since cumbersome and complicated programmes can lead to administrative delays, backlogs, and corruption. Finally, a plan for the broad promotion of the programme (involving media, government entities, and immigrant associations) also needs to be implemented.

*Implementation stage:* In this stage, officials are trained in and carry out the regularisation programme with the assistance of immigrant community groups. The involvement of NGOs at this stage is critical, since many migrants are wary of government entities.

*Post-regulation stage:* This stage involves compiling and analysing the data from the programme, in order to gain insight into the size and demographic and labour market composition of the undocumented population. Having adequate statistical tools is particularly important in this stage (OECD 2000).

Other important factors:

*Integration of migrants into host countries:* Promoting the social and economic integration of immigrants has been cited as important (Baker 1997), and as we have seen in the case of the U.S., the acquisition of language and job skills are important to the success of current and future generations of migrants.

*Flexible work visas:* SOPEMI (1989) argues that a successful programme resides in "migrants' hope of being able to change their status, and also sometimes jobs and working conditions." To this end, flexible work visas, those that are portable across sectors, ensure that migrants will not lose their status if they leave a job, and will also deter workplace exploitation.

*Strong labour protection laws:* While the efficacy of employer sanctions in deterring the employment of irregular migrants should be investigated more, the bolstering of laws protecting the rights of migrant workers may be more important. Ensuring that employers pay fair wages, insurance, and obey labour laws may encourage fairer hiring practices for migrants and native workers alike.

*Possibility of earned permanent residency:* Finally, a pathway to long-term residency based on a certain number of years of residence and/or demonstration of language skills and social and economic integration or family ties could be a beneficial solution for migrants and host countries alike, as it avoids recurrence of irregular status.

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## Acronyms

|               |   |
|---------------|---|
| <b>AgJOBS</b> | Agricultural Job Opportunity, Benefits and Security Act of 2003 (USA) |
| <b>ECRI</b>   | European Commission against Racism and Intolerance (EU)               |
| <b>FSIR</b>   | Fair and Secure Immigration Reform (USA)                              |
| <b>HSMP</b>   | Highly Skilled Migrant Programme (UK)                                 |
| <b>IND</b>    | Immigration and Nationality Directorate (UK)                          |
| <b>INS</b>    | Immigration and Naturalization Service (USA)                          |
| <b>IOM</b>    | International Organization for Migration                              |
| <b>IRCA</b>   | Immigration Reform and Control Act of 1986 (USA)                      |
| <b>I-687</b>  | General legalization programme under IRCA (USA)                       |
| <b>OECD</b>   | Organization for Economic Co-operation and Development                |
| <b>PALOP</b>  | Portuguese-Speaking African Countries (Portugal)                      |
| <b>SAW</b>    | Special Agricultural Worker programme under IRCA (USA)                |
| <b>SAWS</b>   | Seasonal Agricultural Workers Scheme (UK)                             |
| <b>SEF</b>    | Foreigners and Borders Office (Portugal)                              |