



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

Amanda Levinson

**Centre on Migration, Policy and Society
University of Oxford**

2005

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

Abstract

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. This paper attempts to answer the questions arising from such programmes 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.

Author

Amanda Levinson is a researcher in the area of international migration. In 2000 she co-founded VOZ, an immigrant workers' rights organization in Portland, Oregon, USA. She has worked most recently for the Migration Policy Institute in Washington, D.C. and the International Organization for Migration in Santiago, Chile. She holds a Master of Public Affairs from the Lyndon B. Johnson School of Public Affairs at the University of Texas, Austin. Amanda is a Research Assistant at the Centre on Migration Policy and Society, Oxford University. She is available to answer questions and comments about this report at amandalevinson@hotmail.com.

Acknowledgements

The author wishes to thank those who provided key information for this report, including Bridget Anderson, Marcel Ernst, Ampara González Ferrer, Elspeth Guild, Michael Jandl, Emilio Reyneri, Daniel Senovilla Hernandez, Maria José Torres and Julie Weise.

Deepest appreciation also goes to those scholars who reviewed the country case studies: Martin Baldwin-Edwards, Charlotte Fiala, Maia Jachimowicz, Jorge Malheiros, Deborah Meyers and Sarah Spencer.

Table of Contents

Part I. Introduction and Overview

Comment on methodologies of studies	2
Defining "regularisation" and different types of programmes	4
Why do countries undertake regularisation programmes?	5
Unsuccessful applications for regularisation	6
Common challenges	6
Political impact of programmes	8
Economic impact of programmes	8
Impact on undocumented migration	9
Impact of programmes on social and economic position of migrants	9
What are the elements of a successful regularisation programmes?	10
References	12

Part II. Country Case Studies

I. United States	15
II. United Kingdom	27
III. Greece	33
IV. Italy	38
V. France	43
VI. Spain	47
VII. Portugal	52
VIII. Belgium	56
IX. Luxembourg	60

Consolidated Bibliography	63
----------------------------------	-----------

Appendix: Country Comparison Chart	75
---	-----------

List of Tables

Table 1	United States: Estimated Foreign-born and Undocumented Population by Year, 1980-2000
Table 2	Summary of Proposed Immigration Reform in the US
Table 3	UK Enforcement Statistics, 1998 and 2002
Table 4	UK Foreign-born Population, 1990-2000
Table 5	Estimated Foreign-born and Undocumented Population in Greece, 1990-02
Table 6	Applicants to Regularisation Programmes in Greece, 1998-02
Table 7	Italy: Estimated Foreign-born population, 1986-00
Table 8	Numbers of Migrants Regularized in Italy, 1986- 02
Table 9	France: Estimated Foreign-born and Undocumented Population, 1980-2000
Table 10	Origin of Migrants Regularized in France (in thousands), 1981-82,1997-98
Table 11	Spain: Foreign-born and Unauthorized Population, 1986-2001
Table 12	Foreign Population in Portugal, 1990-2003
Table 13	Foreign Population Belgium, 1990-2000
Table 14	Foreign Population in Luxembourg, 1990-2000

Acronyms

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

Part I Introduction and Overview

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.¹

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

¹ See www.gisti.org and 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.

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).

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 Kossoudji (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. Marmora (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.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Baker, Susan. Spring 1997. *The "Amnesty" Aftermath: Current Policy Issues Stemming from the Legalization Programmes of the 1986 Immigration Reform and Control Act*. *International Migration Review*, vol. 31 no. 1: 5-27.
- Baldwin-Edwards, Martin. 2004. *Immigration into Greece, 1990-2003: A Southern European Paradigm?* Presentation for Panel: "International Migration: Promoting Management and Integration." [online]. Athens: Mediterranean Migration Observatory. www.mmo.gr/pdf/publications/publications_by_mmo_staff/UNECE%20paperV3.pdf
- Bean, Frank et al., 1990. *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*. Washington, D.C.: The Urban Institute.
- Chau, Nancy. 2001. *Strategic Amnesty and Credible Immigration Reform*. *Journal of Labour Economics*, vol. 19 no. 3: 604-633.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2002. *Coming out of the Shadows: Learning about Legal Status and Wages from the Legalized Population*. *Journal of Labour Economics*, vol. 20, no. 3: 598-628.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2000. *IRCA's Impact on the Occupational Concentration and Mobility of Newly-Legalized Mexican Men*. *Journal of Population Economics* 13: 81-98.
- Cornelius, Wayne A. 1989. Impacts of the 1986 US Immigration Law on Emigration from Rural Mexican Sending Communities. *Population and Development Review* 15: 689-705.
- Donato, Katharine, Jorge Durand and Douglas Massey. 1992. Stemming the Tide? Assessing the Deterrent Effects of the Immigration Reform and Control Act. *Demography* 29:2:139-157.
- Donato, Katharine and Rebecca S. Carter. 1999. Mexico and U.S. Policy on Illegal Immigration: A Fifty-Year Retrospective. In *Illegal Immigration in America*, eds. David W. Haines and Karen E. Rosenblum, 112-129. Westport, CT: Greenwood Press.
- European Commission. March 2004. *Eurobarometer Flash No. 155* [online]. http://europa.eu.int/comm/public_opinion/index_en.htm
- European Commission Against Racism and Intolerance. 2004. *Third Report on Greece* [online]. Strasbourg: Council of Europe: at www.coe.int
- Falcao, José. April 1998. Régularisation...à la Portugaise. In *Les faux-semblants de la régularisation* [online]. *Plein Droit* no. 38. www.gisti.org/doc/plein-droit/38/regularisation.html
- Garson, Jean-Pierre. 2003. Dealing with Unlawfully Resident Immigrants: Regularisations and Beyond. In *Policy Briefs and Recommendations: the Greek Presidency Conference on Managing Migration for the Benefit of Europe* [online]. Washington, D.C.: Athens Policy Initiative, a project of the Migration Policy Institute: www.migrationpolicy.org/AMPI/docs/ampiPOLICYBRIEF5may.doc
- Jandl, Michael. March 2004 (forthcoming). *The Estimation of Illegal Migration in Europe*. *Studi Emigrazione* no. 153.
- Linos, Katerina. 2001. *Understanding Greek Immigration Policy*. Working Paper. Kokkalis Graduate Student Workshop.
- Mármora, Lelio. 1999. *International Migration Policies and Programmes*. Geneva: International Organization for Migration.
- Meissner, Doris, David North and Demetrios Papademetriou. 1987. *Legalization of Undocumented Aliens: Lessons from Other Countries*. *International Migration Review* 21:3: 424-432.

- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD. www.oecd.org
- Orrenius, Pia and Madeline Zavodny. 2001. *Do Amnesty Programmes Encourage Illegal Immigration? Evidence from IRCA*. Working Paper 0103. Dallas: Federal Reserve Bank of Dallas.
- Papantoniou-Frangouli, Maria and Kleio Maria Levanti. 2000. *The legalization of aliens in Greece*. *International Migration Review* vol. 34 no. 13: 950.
- Passel, Jeffrey. 1999. Undocumented Immigration to the United States: Numbers, Trends and Characteristics. In *Illegal Immigration in America*, eds. David W. Haines and Karen E. Rosenblum, 27-111. Westport, CT: Greenwood Press.
- Passel, Jeffrey, Randy Capps and Michael Fix. 2004. *Undocumented Immigrants: Facts and Figures*. Washington, D.C.: Urban Institute. www.urbaninstitute.org
- Reyneri, Emilio. 1998. *Mass Legalization of Migrants in Italy: Permanent or Temporary Emergence from the Underground Economy?* *South European Society and Politics*.
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization. www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- SOPEMI. 1989. Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.
- US General Accounting Office. 1982. *Information on the Enforcement of Laws regarding Employment of Aliens in Selected Countries*. GAO/GGD 82-86. Washington, D.C.: U.S. Government Printing Office.
- Woodrow, Karen and Jeffrey Passel. 1990. Post-IRCA Undocumented Immigration to the United States: An Assessment Based on the June 1988 CPS. In *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*, eds Frank Bean, Barry Edmonston and Jeffrey Passel, 33-76. Washington, D.C.: The Urban Institute.

Part II Country Case Studies

I. Regularisation programmes in the United States

Background

Although immigration enforcement is becoming more vigilant in the wake of the September 11 attacks, the United States continues to attract newcomers at a robust rate. In the past forty years, the country has undergone a radical demographic transformation that shows little sign of abating as immigrants—the vast majority of them from Latin America—continue to leave their countries to reunite with loved ones and seek better employment opportunities in the U.S. Many aspects of U.S. immigration policy are undergoing profound transformation as the country grapples with how to balance economic needs with national security interests. With an estimated 9.3 million undocumented immigrants living within its borders and a backlog of over 4 million applications for citizenship and immigrant visas, one of the country's greatest challenges will be how to reform its current immigration policies to account for, and resolve, the issue of the undocumented population.

Channels for legal immigration into the U.S.

There are three categories of immigrants in the U.S.: "lawful permanent residents," "non-immigrants," and "unauthorized immigrants." Lawful permanent residents are foreign-born individuals who enter the U.S. through legal channels and who have been given permission to stay through sponsorship by a family member, employer, or on account of refugee or asylee status. In 2000, legal immigration totaled 849,807, and in 2002, the number was just under 1.1 million, with the majority coming from Mexico, China, the Philippines, India and Vietnam. Non-immigrants are those who enter the country temporarily—either through tourist or student visas, or with temporary work permits. In 2002, non-immigrants totaled 27.9 million, a decrease from 31 million in 1999 (Department of Homeland Security 2003).

Demographic context

In March 2002, the total foreign-born population was estimated at 34.5 million, representing 11.5 percent of the total United States population of 293 million. Passel, Capps and Fix (2004) estimated that of the total foreign born population, 9.3 million are undocumented, representing 26 percent of the total foreign born population. Of those, about 6 million are working, which represents about 5 percent of the total working population of the U.S. Immigration and Naturalization Service estimates (2000) put the number of undocumented immigrants at 7 million in January of 2000. Of those, the INS says that approximately 4.8 million, or 70 percent, are estimated to be from Mexico. This differs from the Urban Institute study, which estimates that Mexicans make up 5.3 million, or 57 percent of their total estimate. According to the Urban Institute, another 2.2 million (23 percent) come from elsewhere in Latin America, 10 percent from Asia, 5 percent from Europe and Canada, and 5 percent from the rest of the world. The annual net flow of undocumented immigrants is estimated to be around 500,000 (Migration Information Source 2004).

Table 1: United States: Estimated Foreign-born and Undocumented Population by Year, 1980-2000

Year	Est. undocumented population (in millions)	Foreign-born population (in millions)	Total population (in millions)	Foreign-born as percent of total population
1980	2-4	14	256	5.4
1990	1.7-2.9	17	283	6
2000	9.3	34.5	293	11.2

Sources: www.uscis.gov, Edmonston et al. 1990, U.S. Census Bureau, Passel, Capps and Fix (2004)

The Pew Hispanic Center estimates the numbers of undocumented immigrants in the urban workforce to be 5.3 million, and the unauthorized agricultural labour force to be 1.2 million (Bean 2002). Of those, approximately 1.2 million work in the manufacturing sector, 1.3 million work in the services sector, one million to 1.4 million are agricultural workers, 600,000 work in construction and 700,000 in restaurants.

Undocumented immigrants are those who enter the U.S. without authorization across borders, with fraudulent documents, or who overstay or otherwise violate the terms of their visas. It is estimated that over half of unauthorized immigration is due to visa violations.

The Immigration Reform and Control Act and the Amnesty of 1986

The Immigration Reform and Control Act (IRCA) of 1986 sought to restrict undocumented immigration through employer sanctions, increased appropriations for immigration enforcement, and a two-tier amnesty programme that legalized approximately three million undocumented immigrants in the United States.

IRCA has its origins in the increasing numbers of undocumented immigrants coming to the U.S. since the 1960s. Undocumented migration to the U.S. during this period increased for many reasons. First, during World War II, the United States experienced a severe labour shortage that was remedied, in part, through the Bracero Programme--a programme that recruited Mexican labourers to work in the U.S. agricultural industry on a temporary basis (Bean et al. 1990). The end of the Bracero Programme in 1964 marked the beginning of an increase in unauthorized immigration from Mexico to the U.S., both as people continued to cross the border illegally to work, and as an increasing number of people overstayed their work visas due to continued demand by US employers. Second, in 1965 the U.S. passed significant amendments to the Immigration and Nationality Act that, among other things, abolished the national origins quota system and replaced it with a visa system with higher numerical limits. Third, migration pressures from Latin America were exacerbated during the "lost decade" of the 1980s – a period characterized by a series of economic crises that brought large trade deficits and debt to Latin America. In an attempt to stabilize their economies, many Latin American nations implemented structural adjustment policies that entailed a sudden opening of their economies, increased privatization, and trade and financial deregulation (Portes et al.1994). This time of crisis sent migrants in search of work abroad as employment in large firms and public employment decreased, and as public sector wages were diminished. Finally, the '70s and '80s

saw hundreds of thousands of refugees coming to the U.S.--many illicitly aided through the "Sanctuary Movement"²--from civil wars in Guatemala, El Salvador and Nicaragua.

The Select Commission on Immigration and Refugee Policy was created in 1977 both as a response to these flows and in order to reexamine other aspects of immigration and refugee policy. The committee's final report, presented in 1981, consisted of over 100 recommendations and indicated that undocumented immigration was the most urgent need in immigration reform. This report, as well as the perceptions among the general public that illegal immigration was spiraling out of control, ultimately led to the passage under President Ronald Reagan of the 1986 Immigration Reform and Control Act (IRCA).

IRCA's Provisions and Numbers of Applicants

Under the employer sanctions provisions of IRCA, an employer who knowingly hires an immigrant not authorized to work in the United States is subject to fines ranging from \$250 to \$10,000 for each unauthorized worker, and employers who repeatedly hire unauthorized workers risk a maximum six-month prison sentence. This marked the first time employer sanctions were used in the U.S. It also increased funding to the INS and border enforcement, specifically for control along the U.S.-Mexico border.

The amnesty provision of IRCA contained two significant programmes. The first programme legalized unauthorized immigrants who could prove that they had been living continuously in the United States since January 1, 1982. This category of immigrant, referred to as an "I-687 applicant", could apply to the Immigration and Naturalization Service (INS) for legal resident status between May 5, 1987 and May 4, 1988. Furthermore, under IRCA, Congress created an amnesty programme called SAW (Special Agricultural Worker), where any undocumented worker who had worked for 90 days in seasonal agricultural work during the previous three years would be eligible to become a permanent resident (Kosegi 2001). The registration dates for SAW were from June 1, 1987 to November 30, 1988.

A total of three million undocumented immigrants applied for amnesty under both IRCA programmes. Of this number, 1.7 million applied under the general amnesty or I-687 provisions, and 1.3 million applied to receive residency under SAW. Over 70 percent, or 1.2 million of the I-687 applicants, were from Mexico, 8 percent, or 144,000 were from El Salvador, 53,000 from Guatemala, and 27,000 from Colombia (Woodrow and Passel 1990: 41). The total number of undocumented immigrants who obtained amnesty under the programme was 2.7 million—with 1.6 million illegal residents regularized under the I-687 programme, and 1.1 million illegal agricultural labourers regularized under the SAW programme (Rytina 2001).

Those whose applications were not accepted had a chance to appeal the decision, and as recently as January 2004 there were still two class-action lawsuits pending for over 100,000 immigrants who had been denied permanent residence status due to a technicality of the interpretation of "continual residence"-- having traveled outside of the U.S. during their residence.³ In addition, family members of those who obtained amnesty were able to expedite their applications.

Undocumented population post IRCA

Edmonston et al (1990) estimate that the number of undocumented immigrants who were in the country around 1980 and who would have been eligible for the amnesty was between 2 million and 4 million. They further speculate that the number of undocumented migrants was growing

² The Sanctuary Movement was a faith-based network that aided the entry of immigrants, regardless of legal status, across the border during the time of civil wars in Latin America. They established a network of "safe houses" to protect these unauthorized immigrants from detection by the INS.

³ See January 2004 issue of "Policy Beat" from the Migration Information Source, <<http://www.migrationinformation.org/feature/display.cfm?ID=193>>

at a rate of between 100,000 and 300,000 per year, so that by 1989, after the amnesty programme, there still would have been between 1.7 to 2.9 million illegal immigrants in the U.S. To place this in context of the larger foreign-born population, there were approximately 14 million foreign born in 1980, and 17 million in 1988. This is out of a total U.S. population of 256 million in 1980, and 283 million in 1990.

Analysis of the effectiveness of the amnesty provisions of IRCA

While academic scholars disagree as to the overall impact of the amnesty provisions of IRCA, most concur that, in general, the programme was not effective in accomplishing its goal of deterring future undocumented migration to the U.S. A study by Bean et al. (1990) suggested that as a result of IRCA, specifically the enhanced border control efforts, some short-term deterrent effect in reducing the flow of illegal migrants was noted, specifically across the U.S.-Mexico border. However, the study uses border apprehension data to show that although apprehensions declined by 27 percent after IRCA, the levels were not dramatically changed during the 35 month period after its implementation. A field study conducted in several migrant-sending communities in Mexico between 1988-1989 by Cornelius (1989) showed that IRCA had no observable effect on disrupting patterns of migration from these regions to the U.S. Similarly, a study by Donato et al. (1992), which was based on data gathered from seven Mexican communities between 1987-1989 suggests that IRCA has not had an impact on the size of the undocumented population entering the United States, especially since the offer of permanent residency to immigrants in turn paved the way for even more unauthorized immigration throughout the '90s, as family members sought to be reunited and networks of immigrants were established. Woodrow and Passell (1990), using the Current Population Survey, concluded that the change in the number of undocumented immigrants between 1986-1988 was not significantly different than the number prior to IRCA. A more recent study by Orrenius and Zavodny (2001) also uses border apprehension data as an indicator of the number of undocumented immigrants in the country, and finds that IRCA neither deterred nor encouraged undocumented immigration in the long run. Rather, their results show that levels of undocumented immigration, specifically from Mexico, have remained the same.

Papademetriou (2004) highlights IRCA's exclusion of many undocumented immigrants who were not in the country before 1982. Since the application deadline was in 1987, the programme excluded five years' worth of undocumented immigrants, and as a result, an estimated 3 million immigrants were left without the possibility of obtaining regular status. A comparative study by SOPEMI (1989) on regularisations programmes in the several countries including the U.S. also asserts that the main weakness of the U.S. programme was that it did not cover all migrants in irregular situations, including those who had entered the country after 1982. The study also raises the criticism that an unknown number of undocumented agricultural workers who were not able to meet the 90-day minimum working requirement were not able to apply to the programme.

A separate issue that has been raised regarding IRCA is the level of fraud associated with the programme. Several studies (Passell 1999, Donato and Carter 1999, Cornelius 1989) estimate high percentages of fraudulent applications--as much as 73 percent in the I-687 programme, and 40 percent in the SAW programme--suggesting that a number of immigrants who arrived after January 1982 obtained illicit documents in order to be eligible and apply for legal status during the application period. The dramatic surge in the document fraud industry that came as a result of eligibility requirements under IRCA is another negative outcome of the programme, and something the U.S. continues to struggle with today.

Despite these problems with IRCA, there were several successful aspects of the programme. First, the programme did grant amnesty to most of the applicants. Second, several studies (Cobb-Clark and Kossoudji 2000 and 2002, Orrenius and Zavodny 2004) show that in

the long run, the legalization programme has had a positive impact on the wages, occupational mobility, and integration of migrants into the U.S. (for more detail on this see introduction and summary).

Current Proposals

Background

When U.S. President Bush took office in January of 2001, it appeared that serious efforts were going to be made to develop some kind of regularisation programme for undocumented immigrants living in the country. At the time, it appeared that Mexico, if not the only beneficiary of the programme, would certainly be the largest, as it is the source of at least three-fifths of the undocumented migration to the U.S. (Papademetriou 2004). The attacks of September 11, however, brought many of the proactive immigration reforms being considered by the Bush Administration to a grinding halt. In fact, the first two years of the Administration's immigration policies were measures geared towards restricting immigration as a response to terrorism. Increased border security, biometric registration of all foreigners entering the country, the limitation of the numbers of refugees and asylees accepted by the country, and the encouragement of the involvement of local police in enforcing the nation's immigration laws are some measures that the Bush administration has taken in an attempt to control immigration.

However, on January 7, 2004, Bush formally announced a sweeping set of principles for confronting illegal immigration, called Fair and Secure Immigration Reform (FSIR Fact Sheet, 2004). Bush supported this need for immigration reform by stating that six to eight million unauthorized foreigners in the country (approximately one-quarter of the total foreign born population) is a threat to national security. He also emphasized that the proposal would protect the wages of all workers, combat immigrant exploitation, and diminish human smuggling. As of this writing, none of these proposals have been implemented.

Overview of FSIR

In its current state, the Fair and Secure Immigration Reform (FSIR) does not support a path to permanent regularisation of immigrant status. Rather, FSIR offers a vision of immigration reform under which unauthorized immigrants currently in the country as well as those living outside of the U.S. would obtain three-year temporary work permits, with the possibility of a renewal of another three years, although the number of renewals was not explicitly stated. During that time, workers could leave and reenter the country at will, but upon visa expiration the worker would be required to return to his/her home country permanently. Employment would not be limited by sector, and the visa would be portable across sectors. Unauthorized immigrants applying from within the U.S. would need to prove that they are currently employed, and those applying from abroad would need to have an offer of employment from within the U.S. The number of visas available would be determined by the number of available jobs and would require employers to prove that they had made an effort to hire a U.S. citizen or LPR for the job first. After the initial registration phase, only foreigners applying from outside the U.S. would be eligible for the programme. Finally, two financial incentives have been built into the programme to encourage would-be immigrants to return to their home countries. One is a tax-preferred savings account in the migrant's home country that would allow them to contribute a portion of their earnings with reduced or no taxes. The second is a Social Security totalization programme that would allow returning migrants to receive credit in their home country's social security programme for work that was performed in the U.S. (Jachimowicz 2004).

In the NGO sector, both advocates and opponents of immigration have been critical of FSIR. Organizations such as National Council de la Raza, the National Network for Immigrant

and Refugee Rights, the National Employment Law Project and the AFL-CIO criticize the administration's proposal for not creating a pathway to citizenship. These groups also take issue with the proposal for placing the interests of businesses over the needs of immigrant workers and their families, and for failing to significantly address other issues such as family reunification, wages and working conditions. Meanwhile, anti-immigrant groups claim that the proposal is in fact an amnesty in disguise. These groups argue that guestworker programmes simply lead to more undocumented immigration, threaten the jobs and wages of American workers, and will increase the fiscal burden on State social services.

Other regularisation proposals

One counter-proposal for reform being discussed by advocacy groups and think tanks alike argues for a comprehensive approach to migration reform based on three elements⁴. The first element would account for the current undocumented immigrant population by creating an earned regularisation programme – a programme that would provide a path to permanent residency upon completion of integration-related prerequisites, such as fulfilling language requirements and a demonstrated work history in the U.S. The second element focuses on interior immigration enforcement policies, including a review of employer sanctions, and enforcing and strengthening labour standards and other workplace protections for foreign workers. The third element consists of expanding the number of temporary and permanent immigrant admissions, thereby providing adequate avenues for legal status.

These elements can also be seen in several of the following proposed legislation for immigration reform. In order to be enacted, these bills will have to be approved by a majority in the House, Senate, and then signed by the President of the United States.

The Agricultural Job Opportunity, Benefits and Security Act of 2003 (AgJOBS)

This proposed legislation would significantly modify the current H-2A⁵ agricultural guestworker programme in force in the United States, allowing unauthorized immigrant farm workers an "earned legalization" to legal status. Under this law, unauthorized foreigners who worked at least 100 days in the agricultural sector between March 1, 2002 and August 1, 2003, would receive a six-year Temporary Resident Status (TRS) that would also allow for travel in and out of the U.S. Under the bill, TRS farm workers would be eligible for permanent immigration status assuming they worked a minimum of 360 days of farm work in the following six years, including at least 240 days in the first three years following receipt of TRS status, and a minimum of 75 days during each of the three 12-month periods in the six years following adjustment. A major feature of this programme would be the eligibility of children and spouses for permanent immigrant status upon qualification by the principal applicant. This legislation puts no cap on the number of TRS foreigners, and it is estimated that anywhere between 500,000 and 800,000 might qualify under this programme.

Immigration Reform Act of 2004

This bill would offer permanent residency to undocumented immigrants to those who meet the following six requirements:

1. Presence in the United States for at least five years;
2. Worked at least four of those years;

⁴ See Papademetriou (2004) for a description.

⁵ This temporary worker programme allows agriculture employers, anticipating a shortage of U.S. workers to perform agricultural labour, to employ foreign agricultural workers on a temporary or seasonal basis.

3. Passed national security and criminal background checks;
4. Paid all federal taxes;
5. Demonstrated knowledge of English and American civics requirements;
6. Paid a \$1000 fine.

It would also reform the current guestworker programme and create a new one not restricted by type of employment. Finally, the bill seeks to decrease the backlog of visa applications by ending annual limits on the number of visas that are issued to immediate family members, and expands that category to include spouses and minor children of permanent residents.⁶

Unity, Security, Accountability and Family Act

This bill would extend permanent residency to undocumented immigrants who have been in the U.S. for at least five years, and would provide conditional residency to those who have lived in the U.S. for less than five years.

Border Security and Improvement Act

This bill creates a new two-step guest worker programme that could lead to permanent residency. In the first phase, undocumented immigrants apply for a temporary three-year visa (called an H-4B visa). After this visa has expired, workers could then apply for a separate three-year visa, the H-4A visa, at the end of which they could apply for permanent residency. In addition, employers would be able to petition for permanent residency on behalf of their employees at any time during the H-4A visa period.

Border Security and Immigration Reform Act

This legislation creates a new guest worker programme with a pathway to permanent residency for undocumented immigrants currently residing in the U.S. as well as those outside the U.S. could apply to. Eligibility for permanent residency would be based on a point system that would take into account employer sponsorship, education level, English proficiency, promotions, and payment of taxes. Applicants would also have to work for three years and then return to their country for six months. An annual quota would limit the number of guest workers who could be granted permanent residency.

Safe Orderly, Legal Visas and Enforcement Act of 2004 (SOLVE)

This legislation would allow undocumented migrants the chance to earn of legal permanent resident status if they can demonstrate that they have lived in the U.S. for five years, have worked two of those years, have paid taxes, and can speak English and demonstrate knowledge of American civics. It also calls for increases in family-based immigration to combat continuing backlogs and foster family reunification, and would create a temporary worker programme with an annual quota of 350,000 workers. Those who had worked for several years would then be eligible for permanent residency.⁷ Finally, it allows temporary workers to sue their employers if they do not comply with the requirements of the temporary worker programme.

Development, Relief and Education for Alien Minors (DREAM) Act

This legislation, which has been approved by the Senate Judiciary Committee, would permit unauthorized foreigners who have been in the U.S. for five years and who have graduated from a U.S. high school to receive a six-year temporary status. This would be converted into an immigrant (permanent) status contingent upon the applicant completing military service or at least two years of college. It is estimated that 50,000-60,000 undocumented immigrants

⁶ Info online at <http://usinfor.state.gov/gi/Archive/2004/Jan/23-894736.html>

⁷ For a description of the Act, see http://www.nclr.org/files/25078_file_Q_A_on_SOLVE_Act.pdf

graduate from U.S. high schools every year, and could be eligible for the programme, and would allow those students who meet the eligibility requirements to access resident tuition rates.

References

- Bean, Frank. 2002. *Estimates of Numbers of Unauthorized Migrants Residing in the United States: the Total, Mexican, and Non-Mexican Central American Unauthorized Populations in Mid-2002*. A Study conducted for the Pew Hispanic Center. Washington, D.C.: Pew Hispanic Center.
- Bean, Frank et al., 1990. *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*. Washington, D.C.: The Urban Institute.
- Cholewinski, Ryszard. 1997. *Migrant Workers in International Human Rights Law: Their Protection in Countries of Employment*. Oxford: Clarendon Press, 1997.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2002. *Coming out of the Shadows: Learning about Legal Status and Wages from the Legalized Population*. *Journal of Labour Economics*, vol. 20, no. 3: 598-628.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2000. *IRCA's Impact on the Occupational Concentration and Mobility of Newly-Legalized Mexican Men*. *Journal of Population Economics* 13: 81-98.
- Cornelius, Wayne A. 1989. Impacts of the 1986 US Immigration Law on Emigration from Rural Mexican Sending Communities. *Population and Development Review* 15: 689-705.
- Crane, Keith, Beth J. Asch, Joanna Z. Heilbrunn, D.C. Cullinane. 1990. *The Effect of Employer Sanctions on the Flow of Undocumented Immigrants to the United States*. Santa Monica: Rand Corporation.
- Department of Homeland Security. October 2003. *2002 Yearbook of Immigration Statistics* [online]. Washington, D.C.: Office of Immigration Statistics. <http://uscis.gov>.
- Donato, Katharine, Jorge Durand and Douglas Massey. 1992. Stemming the Tide? Assessing the Deterrent Effects of the Immigration Reform and Control Act. *Demography* 29:2:139-157.
- Donato, Katharine and Rebecca S. Carter. 1999. Mexico and U.S. Policy on Illegal Immigration: A Fifty-Year Retrospective. In *Illegal Immigration in America*, ed. David W. Haines and Karen E. Rosenblum, 112-129. Westport, CT: Greenwood Press.
- Durand, Steven. 2001. *U.S. Immigration Reform: A Legislative History* [online]. Washington, D.C.: Population Resource Center. www.prcdc.org/summaries/usimmighistory/usimmighistory.html
- Edmonston, Barry, Jeffrey Passel and Frank Bean. 1990. Perceptions and Estimates of Undocumented Migration to the United States. In *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*, eds. Frank Bean, Barry Edmonston and Jeffrey Passel, 11-22. Washington, D.C.: The Urban Institute.
- Federation for American Immigration Reform. (2004). *What's Wrong with Proposals for a New Guestworker Programme?* Washington, D.C.: FAIR. www.fairus.org/ImmigrationIssueCenters/ImmigrationIssueCenters.cfm?ID=2250&c=15
- Immigration and Naturalization Service. 2000. *1998 Statistical Yearbook of the Immigration and Naturalization Service*. Washington, D.C.: Government Printing Office.
- Jachimowicz, Maia (2004). *Bush Proposes New Temporary Worker Programme*. Policy Beat [online], Washington, D.C.: Migration Information Source. www.migrationinformation.org
- Krikorian, Mark. January 26, 2004. Amnesty Again: This Country Should Have Learned, Apparently it has Not. *National Review Online* www.cis.org/articles/2004/markoped012604.html

- Kosegi, Scott. 2001. The H-2A Programme: How the Weight of Agricultural Employer Subsidies is Breaking the Back of Domestic Migrant Farm Workers [online]. *Indiana Law Review* 35. <http://web.lexis-nexis.com/universe/>
- Lowell, B. Lindsay and Roberto Suro. 2002. *How Many Undocumented: the Numbers Behind the U.S.-Mexico Migration Talks* [online]. Washington, D.C.: Pew Hispanic Center. www.pewhispanic.org/site/docs/pdf/howmanyundocumented.pdf
- Martin, Philip, 2002 "Guest Workers: New Solution, New Problem?" A Study conducted for the Pew Hispanic Center, Washington, D.C.
- Massey, Douglas and Kristen Espinosa. 1997. What's Driving U.S.-Mexico Migration? A Theoretical, Empirical and Policy Analysis. *American Journal of Sociology*, 102:4: 939-999.
- Massey, Douglas et al. 1994. An Evaluation of International Migration Theory: The North American Case. *Population and Development Review*, 20:4: 699-751.
- Migration Information Source. 2004. *A New Century: Immigration and the U.S.* Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- Migration News. Various issues. Available from the World Wide Web: <http://migration.ucdavis.edu/>
- Orrenius, Pia and Madeline Zavodny. 2001. *Do Amnesty Programmes Encourage Illegal Immigration? Evidence from IRCA*. Working Paper 0103. Dallas: Federal Reserve Bank of Dallas.
- Orrenius, Pia and Madeline Zavodny. 2004. *What are the consequences of an amnesty for undocumented immigrants?* Working Paper 2004-10. Atlanta: Federal Reserve Bank of Atlanta.
- Papademetriou, Demetrios. March 2004. *The Mexico Factor in US Immigration Reform* [online]. Washington, D.C.: Migration Information Source. www.migrationpolicy.org
- Passel, Jeffrey. 1999. Undocumented Immigration to the United States: Numbers, Trends and Characteristics. In *Illegal Immigration in America*, eds. David W. Haines and Karen E. Rosenblum, 27-111. Westport, CT: Greenwood Press.
- Passel, Jeffrey, Randy Capps and Michael Fix. 2004. *Undocumented Immigrants: Facts and Figures*. Washington, D.C.: Urban Institute. www.urbaninstitute.org
- Portes, Alejandro, Jose Itzigsohn, and Carlos Dore. 1994. Urbanization in the Caribbean Basin: Social Change during the Years of Crisis. *Latin American Research Review* 24: 7-44.
- Rytina, Nancy. 2001. *IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2000*. Washington, D.C.: Office of Policy and Planning Statistics Division U.S. Immigration and Naturalization Service. http://uscis.gov/graphics/shared/aboutus/statistics/IRCA_REPORT/irca0114int.pdf
- SOPEMI. 1989. Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.
- Woodrow, Karen and Jeffrey Passel. 1990. Post-IRCA Undocumented Immigration to the United States: An Assessment Based on the June 1988 CPS. In *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*, eds Frank Bean, Barry Edmonston and Jeffrey Passel, 33-76. Washington, D.C.: The Urban Institute.

Proposed Legislation

- S 1387. *Border Security and Immigration Reform Act*. Available from the World Wide Web: <http://thomas.loc.gov/cgi-bin/query>
- S 1461. *Border Security and Immigration Improvement Act*. Available from the World Wide Web: <http://thomas.loc.gov/cgi-bin/query>
- S.1545. *Development, Relief and Education for Alien Minors Act of 2003*. Available from the World Wide Web: <http://thomas.loc.gov/cgi-bin/query/D?c108:1:/temp/~c108LEh8Ej::>>
- S.1645. *Agricultural Job Opportunities, Benefits, and Security Act of 2003*. Available from the World Wide Web: <http://thomas.loc.gov/cgi-bin/query/D?c108:2:/temp/~c1087V7Thm::>>

S 2010. *Immigration Reform Act of 2004*. Available from the World Wide Web:

<<http://thomas.loc.gov/cgi-bin/query>>

S 2381. *Safe, Orderly Legal Visas and Enforcement Act of 2004*. Available from the World Wide Web: <<http://thomas.loc.gov/cgi-bin/query>>

HR 440. *Unity, Security, Accountability and Family Act*. Available from the World Wide Web: <<http://thomas.loc.gov/cgi-bin/query>>

Fact Sheet: Fair and Secure Immigration Reform, January 7, 2004 [online]. Washington, D.C.: The White House. Available from the World Wide Web: <<http://www.whitehouse.gov/news/releases/2004/01/20040107-1.html>>

Table 2: Summary of Proposed Immigration Reform in the U.S.

Programme	Description	Conditions required	Estimated number of undocumented to be impacted	Accompanying measures
Fair and Secure Immigration Reform (this is a statement of principles rather than a programme)	Would provide 3-year temporary work permits with possibility of renewal to undocumented immigrants currently in U.S.; no permanent regularisation.	Immigrants must have employer sponsor, or offer of employment if outside the U.S.	9.3 million	Financial incentives to encourage immigrants to return: tax-preferred savings account; Social Security totalization programme
Agricultural Job Opportunity, Benefits and Security Act (AgJOBS)	Allow unauthorized farmworkers "earned regularisation," after an initial six-year temporary resident status (TRS)	100 days of work between March 1, 2002 and August 1, 2003 for the TRS; then 360 days of farm work in the next 6 years.	500,000-800,000	Would also provide permanent immigrant visas for spouses and children of farmworkers.
Development, Relief and Education for Minors Act (DREAM)	Permit minors who have graduated from a U.S. high school to receive a six-year temporary status, which would then be converted into a permanent status after completing military service or two years of college in the U.S.	Applicants will need to have lived in the U.S. for five years.	50,000-60,000 per year	Provides eligible applicants with in-state tuition benefits.
Immigration Reform Act of 2004	Would offer permanent residency to eligible applicants.	<ol style="list-style-type: none"> 1. Presence in the United States for five years; 2. Work history in U.S. for two years; 3. Pass national security and criminal background checks; 4. Pay all federal taxes; 5. Knowledge of English and American civics; 6. Payment of \$1000 fine. 		<ol style="list-style-type: none"> 1. Would end annual limits on the number of visas that are issued to immediate family members, and expand that category to include spouses and other minor children of permanent residents. 2. Would create a guest worker programme not restricted by type of employment.
Unity, Security, Accountability and Family Act	Would offer permanent residency to eligible applicants.	Have lived in the U.S. for five years.		Would provide conditional residency to those who have lived in the U.S. for less than five years.
Border Security and Improvement Act	Two-phase guest worker programme leading to permanent residency.	After securing an initial 3-year visa (H-4B visa), immigrants would apply for a separate 3-year visa (H-4A visa), at the end of which they would be eligible for permanent residency.		Employers could petition for permanent residency on behalf of their employees during the H-4A visa period.
Border Security and Immigration Reform Act	Earned permanent residency based on a point system.	<ol style="list-style-type: none"> 1. Work for three years, return to home country for six months. 2. Eligibility based on point system taking into account employer 		Annual quota would limit the number of guest workers granted permanent resident status.

		sponsorship, education level, English proficiency, promotions, payment of taxes.		
Safe, Orderly, Legal Visas and Enforcement Act of 2004 (SOLVE)	Offer permanent residency to eligible undocumented immigrants.	<ol style="list-style-type: none"> 1. Presence in the U.S. for five years; 2. Work history of two years; 3. Payment of federal taxes; 4. Knowledge of English and American civics. 		<ol style="list-style-type: none"> 1. Would increase family-based immigration to combat backlogs, and promote family reunification. 2. Would create a guestworker programme with annual quota of 350,000 workers, who after several years would themselves be eligible for permanent residency. 3. Strengthens worker protection by allowing temporary workers to sue exploitative employers.

II. Regularisation programmes in the UK

Background

The history of the UK's immigration policy has, until recently, been one largely based on exclusion, and explicitly favoured immigration coming from white Commonwealth countries such as Australia, Canada and New Zealand. As such, its primary pieces of legislation -- the Commonwealth Immigrants Act of 1962, the Immigration Act of 1971, and the British Nationality Act of 1981 -- have sought to restrict the movement of foreigners (including those from the 'new' Commonwealth--former African, Asian and Caribbean colonies) into the country (Baldaccini 2003). Despite this restrictive immigration policy, over the past half-century or so the country has been transformed by its vibrant and large immigrant communities. In addition, the last decade has been characterized by increasing numbers of labour migrants and overseas students, the two largest categories of migrants; and of asylum cases and unauthorized immigration, which the UK has attempted to confront through opening up the channels for legal employment in the country. Citizens of European Union countries are also allowed to work in the UK.

Legal channels for economic immigration into the UK

- **Work permit system:** Channels for migrant labour into the UK are controlled by a work permit system, most of which is geared towards skilled migrants. Applications for work permits are subject to a "resident worker" test, which requires the employer to prove that they could not hire a UK citizen for the position. Normally workers must have an offer of employment before entering the country. The number of permits has doubled from 85,600 in 2000 to 175,000 in 2003, with the majority of permit-holders coming from India and the U.S.
- **HSMP:** in 2002 the government launched a new Highly Skilled Migrant Programme (HSMP), which allows highly skilled individuals without employment to come to the UK for a year. Admission is determined through a point system, and the applicant may be able to extend their residency for another three years upon securing employment. If a migrant lives for four years continuously with employment, he/she may be able to apply for permanent residence (Home Office online).
- **Low-skilled workers:** The only option for low-skilled workers used to be the Seasonal Agricultural Workers Scheme (SAWS), which allows entry for six months, or the Commonwealth Working Holidaymakers Scheme, which permits stays of up to two years. The number of permits being issued under this SAWS scheme increased from 15,200 in 2001 to 25,000 in 2003, but was then reduced when many of the countries from which workers came have joined the European Union and no longer need work permits. The countries of origin with the most migrants under this programme include Poland, Lithuania, Bulgaria and the Ukraine. Low-skilled workers can also get permits under a Sector Based Scheme introduced in 2003 for jobs in the hospitality or food processing sectors for one year.

Unauthorized immigration and demographic context

The UK government defines several categories of irregular migrants (House of Lords 2002):

- people who have entered the country legally but who have overstayed those conditions (such as students, tourists, work-permit holders, asylum seekers);

- people who have permission to be in the country but who are in violation of those terms (such as visitors who are working illegally);
- asylum applicants who have been refused and had have appeals rejected;
- people who enter the country illegally (physically entered without detection or with false documents).

There are wide variations and, most likely, highly inaccurate estimations of the numbers of unauthorized migrants living in the United Kingdom. The government does not currently have a standardized system for estimation, and so relies mostly on border apprehension statistics, internal arrests, and numbers of visa applicants for its estimates.

Table 3 shows the numbers of people removed from the UK or subjected to enforcement action in the years 1998 and 2002.

Table 3: UK Enforcement Statistics, 1998 and 2002

Type of Enforcement	1998	2002
Persons refused entry at port and removed	27,605	50,360
Persons removed by enforcement action	7,315	14,205
Persons against whom enforcement action was taken	21,080	57,735
Total	56,000	123,300

Source: Control of Immigration: UK Statistics, 2003. Online: <www.homeoffice.gov.uk>

The estimation of 123,300 irregular migrants in the UK is most likely a large undercount, since relying on these statistics to get an idea of the total number of undocumented migrants does not take into account those who have overstayed their visas, have not been detected, or are in irregular status for other reasons. According to the International Organization for Migration, the number of undocumented immigrants in the UK in 2001 could be anywhere up to 1 million (IOM 2003).

The population of the UK in 2002 was 60 million, and the foreign born population was 2.34 million, up from 1.73 million in 1985. The largest group of these migrants is Irish (404,000), followed by Indians (153,000) and Eastern Europeans (120,000). In 1999, the total inflow of migrants was 354,000. Of those, 179,000 were non-EU citizens (Migration Information Source 2002). Net migration is currently estimated at 150,000 per year.

Table 4: UK Foreign-born Population, 1990-2000

Year	Foreign-born Population	Total Population	Foreign born as percentage of total population
1990	1.7 million	56.7 million	2.9
1995	2.0 million	57.7 million	3.46
2000	2.3 million	58.7 million	3.9
2002	2.34	60 million	3.9

Source: SOPEMI (1999), UNPD (2002)

The Domestic Worker Regularisation Programme

The UK has had limited experience with large-scale regularisation programmes. The introduction of the Immigration Act of 1971 eventually led to the UK's first regularisation programme, which ran from 1974 to 1978. This programme regularized 1,809 out of 2,430 citizens of the Commonwealth and former colonies (mostly Pakistani) who had been living without authorization in the UK between March of 1968 and January 1 1973. In 1977, a second regularisation programme covering the same category regularized 462 people out of 641 applicants. According to Guild (2000), amnesty was granted to "limit the adverse consequences of court decisions extending the concept of illegal entry in the UK," so that those immigrants who had been living in the UK illegally without being aware of it would not be deported.

This analysis focuses on the most recent attempt by the UK government to regularize a segment of the immigrant population: the domestic worker regularisation programme, which ran from July 1998 to October 1999.⁸

Background

Before 1998, migrant domestic workers were not permitted to change employers while in the UK. Workers entered with their employers through a domestic workers' concession, which provided visas for domestic employees of wealthy employers, but did not give them their own, separate immigration status. As a result, many domestic workers who were living in abusive and exploitative conditions had no recourse to improve their circumstances. If they left their employers, they found themselves in an irregular situation, and often without their passports, since employers frequently confiscated them.

Organizations of domestic migrant workers in the UK such as Kalyaan and Waling Waling organized for 10 years to raise the government's consciousness of the problems facing their members. They started keeping statistics of the abuse faced by workers, and reported that between 1995-1997, 195 workers from 30 different countries had registered at the center, and of those, 84 percent reported psychological abuse, 34 percent physical abuse, and 10 percent sexual abuse.

⁸ Except where noted, the information contained in this analysis is drawn from Bridget Anderson's working paper *The Devil is in the detail: lessons to be drawn from the UK's recent exercise in regularizing undocumented workers* (1999).

The Programme

On 23 July 1988, the UK government introduced changes to the Overseas Domestic Workers Concession. The programme, which ran until 23 October 1999, made the following requirements of domestic workers who wanted to regularise their status:

- Workers had to have been admitted to the UK before 23 July 1988 with the "correct clearance for employment as a domestic worker" (IND 2002);
- Valid passport;
- Proof of current employment as a domestic worker and ability to support oneself.

If registered during this time, workers would be provided with visas to regularize their status and to allow them to change employers. The new permit would be valid for twelve months.

Although membership in the undocumented domestic worker organization Waling Waling alone numbered 4,000, by December 1998 only 150 people had put in applications to the Home Office. By 1999 less than 200 people had been regularized.⁹

Analysis of the programme

Despite the efforts of migrant organizations to mobilize support for this regularisation programme, very low levels of workers ended up applying under it due to numerous obstacles in the application process. According to Bridget Anderson, who has done the only known analysis of the programme, many domestic workers had problems producing valid passports. Many had had theirs confiscated by their employers, or had let them expire and could not meet their embassy's documentation requirements to obtain new ones. Of 195 workers surveyed by Kalyaan, 69 percent had had their passports taken from them by their employers. Other workers faced difficulties proving their current employment as domestic employees, mostly because their employers were reticent to verify their status. Further problems with meeting the requirements included the condition that workers show proof of being able to support themselves, and with the provision that one must demonstrate entry as a domestic worker. Although the government eventually agreed that registration with the migrant organization Kalayaan would pass as proof, many workers who may have potentially been eligible for the programme were excluded from it.

Beyond the issue of exclusion was the issue of promotion of the programme. According to Anderson, the UK government was reticent to promote the programme through the media and other channels because it was afraid of a public backlash. Since many domestic workers work in conditions of isolation, there was little chance to widely publicize it.

Ultimately, it appears that the programme was very costly in terms of time, money and emotional investment for all those involved. For such a small number of workers to have benefited from such an effort strongly suggests the need for institutional and policy reform.

Permanent Regularisation

The UK also has an ongoing system of regularisation, which confers a *long residence* concession upon migrants who have been in the country continuously for 14 years, regardless of legality.¹⁰ In addition, any family with small children who has been in the country for 7 continuous years is also eligible for indefinite leave to remain. Long-term residence grants foreigners the same social and economic rights as British citizens, although they are still subject to deportation on "grounds of public good." In general, indefinite leave to remain is refused only if there are serious issues concerning the applicant, such as a criminal history. If the application is denied, a

⁹ Despite numerous attempts, I was unable to secure more current or concrete numbers of either applicants or final numbers of those regularized through the UK Home Office.

¹⁰ This was originally a 10-year period residence requirement conferred by Secretary of State by letter to a Member of Parliament on November 18 1987, but was extended to 14 years in 1988.

deportation or removal order is signed. 3,750 long residence concessions were granted in 1989, and 5,900 in 1998 (Guild 2000).

Current Government Policy Towards Regularisation

Although group regularisation or amnesty programmes have been debated, especially in the context of asylum seekers whose applications have been rejected, the government as a whole is opposed to the idea of large-scale amnesty programmes. Rather, government policy is more inclined to regularizing immigrants on a case-by-case basis, or through discreet, small-scale programmes to regularize undocumented immigrants in extraordinary circumstances.¹¹

While in the 1998 White Paper *Fairer, Faster, Firmer*, the government unequivocally stated its opposition to amnesty,¹² the House of Lords recently made the following statement about regularisation in its debate on illegal immigration:

Some form of regularisation is unavoidable if a growing underclass of people in an irregular situation, who are vulnerable to exploitation, is not to be created. It is in the interests of society as a whole that long-term residents should not remain in an irregular position, but should pay their taxes and National Insurance contributions as well as have access to proper public services (House of Lords 2002).

Finally, it should be mentioned that when accession states in Eastern Europe joined the EU on 1 May 2004, immigrants from those states who were working in the UK prior to that date and without permission were allowed to continue working in the UK if they registered to do so. This in effect has been an amnesty, as there would have been no point in seeking to detect and detain these people who on return to their country of origin would have been eligible to return to the UK to work. Moreover, it is recognised that the work they are doing is often in sectors such as agriculture and hospitality where there is a shortage of labour.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Anderson, Bridget. 1999. *The Devil is in the Detail: Lessons to be Drawn from the UK's Recent Exercise in Regularising Undocumented Workers*. Working Paper, University of Warwick.
- Baldaccini, Anneliese. 2003. *EU and US Approaches to the Management of Immigration: United Kingdom* [online]. eds. Jan Niessen, Yongmi Schibel and Raphaele Magoni. Brussels: Migration Policy Group. www.migpolgroup.com
- Dobson, Janet, Khalid Koser, Gail McLaughlin and John Salt. 2001. *International Migration and the United Kingdom: Recent Patterns and Trends*. RDS Occasional Paper no. 75 [online] London: Home Office. www.homeoffice.gov.uk/rds/pdfs/occ75.pdf
- Dudley, Jill, Gill Turner and Simon Woollacott. August 2003. *Control of Immigration: United Kingdom Statistics 2002*. HOSB 10/03 [online]. London: Home Office. www.homeoffice.gov.uk/rds/pdfs2/hosb1003.pdf

¹¹ As occurred in 2002 when 1000 refugees from Iraq and Afghanistan were given leave to enter for four years, with the possibility of applying for settlement (Baldaccini 2003).

¹² As is stated in its "Summary of Proposals," "no amnesty but adopt measures, including additional resources, to tackle backlogs inherited from the previous Government."

- Guild, Elspeth. 2000. *The Regularisation of Illegal Immigrants in the United Kingdom*. In *Regularisations of Illegal Immigrants in the European Union*. eds. Apap et al. Brussels: Bruylant Publishers.
- Home Office. *Information about the Highly Skilled Migrant Programme* [online].
www.workingintheuk.gov.uk/working_in_the_uk/en/homepage/schemes_and_programmes/hsmp.html>
- House of Lords Select Committee on the European Union. November 2002. *A Common Policy on Illegal Immigration* [online]. London: The Stationary Office.
www.parliament.thestationeryoffice.co.uk/pa/ld200102/ldselect/ldcom/187/187.pdf>
- Immigration and Nationality Directorate. December 2002. *Immigration Directorates' Instructions: Domestic Workers in Private Holds—the Regularisation Programme* [online]. London: Home Office. www.ind.homeoffice.gov.uk
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development.
www.icmpd.org/uploading/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Jandl, Michael. 2004. *The Estimation of Illegal Migration in Europe*. Studi Emigrazione no. 153. Migration Information Source. May 2002. *Immigration, Labour and Race in the United Kingdom*. [online]. Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- Secretary of State for the Home Department. 1998. *Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum* [online]. London: The Stationary Office.
<http://www.archive.officialdocuments.co.uk/document/cm40/4018/summary.htm>
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>

III. Regularisation Programmes in Greece

Background

Far from having a tradition as an immigrant-receiving society, Greece has long been considered a migrant-sending country. In the 1980s and 1990s, however, this pattern shifted as political and economic turmoil in the wake of the end of the Cold War sent migrants from Eastern European nations in search of work and Greece started receiving large numbers of unauthorized immigrants. As a largely monocultural society, Greek authorities debated for years how to absorb these new immigrants economically and culturally. According to Eurobarometer polls, public sentiment towards immigrants in Greece is intolerant and xenophobic, and faced with a large flow of immigrants in the early 1990s, the country responded by passing a very restrictive immigration law in 1991 (Linos 2001, Baldwin-Edwards and Safilos-Rothschild 2000). Law 1975/1991 also denied undocumented immigrants access to education, health care, and forbade receipt of government assistance. As one scholar asserts, Greek immigration policy is based on an "exclusionary ideology for all other than ethnic Greeks" (Baldwin-Edwards 2004a). Faced with the growing reality of a large undocumented population within its borders, however, Greece ultimately opted for two programmes to regularize unauthorized migrants, one in 1998, and one in 2001.

Legal channels for economic immigration into Greece

The immigration law of 2001 allows economic migrants to enter under the following conditions:

- **Work permit system:** admission for economic purposes is based on the needs of the Greek labour market, an evaluation that occurs on an annual basis and sets the number of work permits to be granted (Lykovardi and Petroula 2003). Residence permits are issued for one year and are renewable. After two years of residence, a permit is granted for two years, and after 10 years a residence permit of indefinite duration is issued.
- **Seasonal workers:** Seasonal workers are granted six-month work contracts, but not residence permits.

According to Baldwin-Edwards (2004b), legal immigration is difficult to quantify, especially since there have been no official statistics since 1998, although it appears 3,000 seasonal and temporary workers are offered permits per year.

Unauthorized immigration and demographic context

Many economic migrants and asylum seekers arrive by crossing the border into the country illegally (Reyneri 2001). In the case of Albanians, who are the largest number of migrants, most women enter legally to work while most men enter illegally (Baldwin-Edwards 2004a). The Greek coastline is porous and poorly patrolled, making detection difficult. After Albanians, the largest number of foreigners are Poles, Egyptians, and Filipinos.

According to EUROSTAT and the UN, the current population in Greece is 11 million, up from 10.6 million in 2000, and 10 million in 1990.¹³ Estimates as to the number of foreigners vary. The United Nations Population Division places the migrant stock in 2002 at 534,000, with a net annual migration of 35,000. However, other scholars state that there are up to 1 million legal and irregular immigrants living in Greece (Lykovardi and Petroula 2003, Linos 2001). According to Greece's National Statistics Office, in 2001 there were 797,091 foreigners, accounting for 7.3 percent of the total population (Baldwin-Edwards 2004b).

¹³ <http://www.unpopulation.org>, <http://europa.eu.int/comm/eurostat/>

Trying to obtain a grasp on the number of undocumented foreigners currently living in Greece is problematic, partly due to Greece's lack of statistical tools, and partly due to many immigrants' constant flux of status. As a result, most estimates on the number of undocumented migrants are unreliable. The International Organization for Migration (2003) reports that up to 95,000 Albanians, Romanians and Iraqis enter the country illegally each year. According to Jandl (2003), in 2001 there were a total of 219,598 apprehensions, and of those 167,168 were from border guards and 6,864 were from the coast guard. However, of those, 75 percent were Albanian, and it is acknowledged that circular migration and repeat attempts at entry are highly likely. Thus, using border apprehensions as an indicator of the total numbers of undocumented migrants does not produce an accurate estimate of the numbers of migrants attempting to cross annually.

Table 5: Estimated Foreign-born and Undocumented Population in Greece, 1990-2002

Year	Undocumented population	Total foreign born (official numbers)	Total population	Foreign born as percentage of total pop.
1990	180,000	42,021	10 million	.42
2000	525,000	797,000	10.5 million	7.3
2002	300,000	762,200	11 million	6.9

Sources: EUROSTAT, UNPD, Reyneri 2001, SOPEMI 2003

Estimates of the numbers of unauthorized migrants living in Greece (525,000 in 1998, an increase of 345,000 from 1990's estimate of 180,000) indicates a large number of foreigners living in Greece without documents--one out of ten--according to some estimates (Reyneri 2001). It is thought that most Albanians who live in the country are there without authorization (Baldwin-Edwards 2004a).

Estimates also differ as to the percentage of undocumented immigrants currently in the Greek workforce, with a range from as high as 20 percent (Linos 2001), to as low as 10 percent (OECD 2000), to a mid-range of 12-13 percent (Reyneri 2001). Regardless of the actual percentage, the number forms a high percentage of the Greek workforce, in which 16-20 percent of the people work in the informal sector.

Regularisation Programmes

1998

The sudden influx of irregular migrants, particularly Albanians, into Greece created a situation that the government was not prepared to handle bureaucratically, and Greek society was not prepared for culturally. Without a system of legal protection, undocumented migrants became vulnerable to exploitation and blackmail by employers and discrimination by the larger society. Despite a large number of mass expulsions (over 1 million by 1995), Greece continued to see an influx of foreigners that it became impossible to ignore. In 1997, Greece set up a Committee for the Regularisation of Illegal Immigrants, which received statements and opinions from ministries, trade unions, employer associations and other groups. Although the Ministry of Foreign Affairs, the public and the Greek Orthodox Church were opposed to a legalization programme,

regularisation did receive support from the Agriculture Ministry, trade unions, and employers' associations (Baldwin-Edwards and Safilos-Rothschild 2000). After much discussion and debate, the Greek government, enacted legislation for the first time in November 1997 that allowed irregular migrants to apply for a "white card,"—an initial six-month residence permit that was a prerequisite for a "green card" application—a renewable work and residence permit of 1 to 5 years. In actuality, the white card was a registration phase. To qualify for a green card, an immigrant had to prove legal employment since January 1, 1998 and had to be employed for 40 days at the minimum wage (Linos 2001).

In this first legalization programme, over 370,000 migrants applied, 65 percent of whom were Albanian. Because of the requirements, 150,000 migrants who received a white card were unable to move onto the second legalization phase, and only 220,000 went on to apply for the green card status (Reynari 2001). By February 2000, only 107,000 cards had been awarded, and then 75 percent were awarded for only 1 year. While ultimately over 90 percent of applicants were accepted, the renewal acceptance rate was only 54 percent (Baldwin-Edwards 2004a).

2001

Law 2910/2001 provided a framework for a "Green Card II" regularisation programme, which like its predecessor would allow for a six-month residence permit that would need to be replaced by a work and residence permit. Registration ran from June 2, 2001 to August 2, 2001. To qualify, immigrants had to prove either that they had a legal status in the past and had been living in the country continuously since their documents expired, or that they had been living in the country for one year since the date of the law's enforcement (Lykovardi and Petroula 2003). In order to obtain a work permit, a foreigner must apply before the six-month visa has expired, although they do not need to provide proof of work.

The 2002 amendments to the law allow for immigrants who have been residing legally for 2 years to be granted residence for another 2 years, allows them to change employers, and suggests that after 10 years, they can apply for permanent residence.

Table 6: Applicants to Regularisation Programmes in Greece, 1998-2002

Regularisation Programme	Number of applicants	Number of permits granted
1998—White card	370,000	370,000
Green card	228,000	220,000
2001	368,000	228,000

Sources: Reynari 2001, Mediterranean Migration Observatory 2004

Because Greek officials were unable to process all the applications for regularisation, they extended the validity of all temporary permits until December 31, 2002. 368,000 migrants apparently applied for this Green Card, but only 220,000 fulfilled the requirements associated with it. According to figures obtained by Mediterranean Migration Observatory from the Ministry of the Interior, as of March 2004 a total of 228,401 residence permits had been issued. However, according to MMO director Martin Baldwin-Edwards, many of these permit holders will have gone through the 2001 legalization, some will have started with the 1998 legalization

and not needed the 2001 one, and some (maybe 30-50,000) will still have been legal from the early 1990s.¹⁴

Analysis of the programmes

There are two questions that need to be asked in analysing the Greek regularisation experience. First, why did the government choose to regularize migrants despite strong public opposition? Second, why have both programmes been plagued with such problems? According to Linos (2001), in addition to recognizing the need to modernize its immigration laws, the Greek government considered that the potential economic advantages of a legalization programme—primarily social security and tax contributions, outweighed public opposition. With such a large informal workforce, and with the need for cheap labour in certain sectors, the government could justify the implementation of such a programme. In addition, since Greek institutions (courts and government) are largely protected from the influence of public opinion, pushing unpopular legislation through was not an issue. Nevertheless, it is a concern that the programmes have little accountability to public opinion (Fakiolas 2003).

Criticisms of the Greece experience with regularisation have been wide reaching. The general consensus is that the programmes have been messy, with poor and contradicting data, incompetent government oversight, and no clear overarching migration management strategy or policy for immigrant integration (Lykovardi and Petroula 2003, Papantoniou-Frangouli and Levanti 2000, Samokhalov 2004).

The 1997 programme is largely considered a failure, as not only were many immigrants excluded from applying, but also because large numbers who were regularized fell quickly back into an irregular status as initial visas lasted only six months. Lykovardi and Petroula of the Hellenic League for Human Rights (2003) note that many immigrants were afraid of being expelled if they signed up for the programme, and that overall, Greek administrators proved to be inept in the overall processing of applications. Another challenge was communication between employers and migrants, which complicated applications, as well as the general unfamiliarity of migrants with public services (Papantoniou-Frangouli and Leventi 2000). These problems have also apparently carried over into the 2001 regularisation process, as Greek bureaucracy was not prepared to process such a large number of applications, and backlogs of up to 14 months have not been uncommon (Samokhalov 2004). Baldwin-Edwards (2004a) emphasizes the corruption and abuse that pervaded the programmes, and asserts that they were "implemented by untrained officials with explicitly nationalistic and xenophobic mentality."

The ECRI reports that the bureaucracy facing immigrants wishing to regularize their situation "presents a significant obstacle to the stabilization of the situation of immigrants in Greece" and suggests that, to correct for the shortcomings of the 1997 and 2001 programmes, a third regularisation programme may be inevitable.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Baldwin-Edwards, Martin. 2001. *An Analytic Commentary on the Greek Regularisation Bill, 2000*. MMO Working Paper No. 1 [online]. Athens: Mediterranean Migration Observatory www.uehr.panteion.gr

¹⁴ E-mail correspondence with Martin Baldwin-Edwards, April 30, 2004.

- Baldwin-Edwards, Martin. 2004a [forthcoming]. *Albanian Emigration and the Greek Labour Market: Economic Symbiosis and Social Ambiguity*. South East Europe Review.
- Baldwin-Edwards, Martin. 2004b. *Immigration into Greece, 1990-2003: A Southern European Paradigm?* Presentation for Panel: "International Migration: Promoting Management and Integration." [online]. Athens: Mediterranean Migration Observatory.
www.mmo.gr/pdf/publications/publications_by_mmo_staff/UNECE%20paperV3.pdf
- Baldwin-Edwards, Martin and Constantina Safilos-Rothschild. 2000. Immigration and Unemployment in Greece: Perceptions and Realities. In *Unemployment in Southern Europe: Coping with the Consequences*. ed. Nancy Bermeo. London: Frank Cass.
- European Commission Against Racism and Intolerance. 2004. *Third Report on Greece* [online]. Strasbourg: Council of Europe. www.coe.int
- Fakiolas, Rossetos. 1997. *Recent Efforts to Regularise Undocumented Immigrants in Greece*. WP/97/40. European Foundation for the Improvement of Living and Working Conditions.
- Fakiolas, Rossetos. 2003. Regularising undocumented immigrants in Greece: procedures and effects. *Journal of Ethnic & Migration Studies*. vol. 29 no. 3: 535-557.
- International Organization for Migration. 2003. *World Migration 2003: Managing Migration—Challenges and Responses for People on the Move*. Geneva: International Organization for Migration.
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development.:
www.icmpd.org/uploadimg/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Lazaridis, G. and J. Poyago-Theotoky. 1999. Undocumented Migrants in Greece: Issues of Regularisation. *International Migration*, vol 37 no. 4: 715-738.
- Linos, Katerina. 2001. *Understanding Greek Immigration Policy*. Working Paper. Kokkalis Graduate Student Workshop.
- Lykovardi, Kalliopi. 2002. *General Overview of Discrimination in Greece* [online]. Geneva: International Organization for Migration: www.iom.fi/anti-discrimination/pdf/Greece%2011%20January%202003.PDF
- Lykovardi, Kalliopi and Eleni Petroula. 2003. *EU and US Approaches to the Management of Migration: Greece* [online]. Eds. Jan Niessen et. al. Brussels: Migration Policy Group: www.migpolgroup.com/uploadstore/Greece.pdf
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD. www.oecd.org
- Papantoniou-Frangouli, Maria and Kleio Maria Levanti. 2000. *The legalization of aliens in Greece*. International Migration Review vol. 34 no. 13: 950.
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization.
www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- Samokhalov, Vselvod. 2004. *Greece and Migrants: The Process of Integration*. Working Paper. Athens: International Center for Black Sea Studies.
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>

IV. Regularisation Programmes in Italy

Background

Like many of its Mediterranean neighbours, Italy's migration history has been primarily as a sender of migrants, especially to the U.S. during the late 19th and early 20th centuries. In the late 1980s, that pattern shifted seemingly overnight as Italy became a migrant-receiving country for several reasons. Its geographical location makes it a transit and destination country for migrants fleeing political and economic crises in the region. In addition, economic migrants have been increasingly attracted to the growth of certain sectors in Italy's economy, even if those jobs are informal. The demographic decline and low fertility rate in Italy has also fuelled the country's need for foreign labour. While the government has primarily responded to the growth of the foreign population by enacting restrictive legislation, the country has also taken the lead in Europe in enacting regularisation programmes for migrants. Between 1986 and 2002, the country has legalized over 1.5 million migrants out of a total population of 56-57 million, a number surpassed only by the United States. This is particularly extraordinary given that, with the exception of far-left parties and some migrants' rights NGOs, Italy's main political parties are opposed to regularisation programmes (Chaloff 2003).

Legal channels for economic immigration into Italy

Admission into Italy for economic purposes is allowed when there is a specific labour demand—determined through an "economic needs test," or in the case of self-employed people, when an applicant can demonstrate that he/she has "sufficient resources." In 2000, Italy reported 272,000 legal admissions, while in 1998 the number was 111,000.

- **Work permit system:** A quota system is in place to limit the number of legal entries. These permits are issued for periods of nine months (seasonal work), one year (short-term contract work) and two years (unlimited contract work or self-employment). Renewals can be made for up to 6 years (Chaloff 2003).
- **Long-term residence cards:** these are issued if a foreigner has been in the country legally for 6 years (with any type of permit) and has a clean criminal record. This card permits a visa exemption for entry and exit and allows any type of work or study.

Demographic context and irregular migration

The number of sending countries is diverse, large and constantly changing. The majority of the 272,000 legal admissions in 2000 were from Albania, Morocco, Romania, China and the Philippines. According to the Migration Policy Institute, legal migrants make up less than 5 percent of the total population of foreigners (Okoth 2003). In terms of deportations, according to SOPEMI (2003), 130,000 people were expelled in 2000, and in 2001 the number was 133,600.

Many unauthorized migrants enter the country along Italy's coastline, brought by traffickers who have made the transportation of migrants into Italy a very lucrative business (Reyneri 2001). Until the 1998 immigration law was enacted, deportation orders were rarely carried out, so many migrants who had entered the country illegally were able to stay on without detection by authorities. Visa overstayers, particularly those who were allowed into the country under domestic worker schemes, are also thought to be numerous.

Table 7: Italy: Estimated Foreign-born population, 1986-2000

Year	Est. undocumented population	Total foreign population	Total overall population	Foreign pop. as % of total pop.
1986	212,000	450,200	56.5 million	0.7
1991	236,000	863,000	56.7 million	1.5
1996	250,000	1.1 million	57.3 million	1.9
2001	unknown	1.3 million	57.5 million	2.2

Source: Reyneri (2001), SOPEMI (2003), UN Population Division

Regularisation Programmes

Italy is in a complicated position *vis-à-vis* its immigration policy. On the one hand, it is faced with the reality of a rapidly aging population, and it needs immigration to sustain certain key sectors of its economy. On the other hand, public opinion is hostile towards increased immigration, since immigrants play a highly visible role in the informal economy. As a result, migrants face repression and discrimination (Reyneri 1998). Scholar Feruccio Pastore (2004) calls this attitude "schizophrenic" in nature. Thus, according to Chaloff (2003), each regularisation programme in Italy has succeeded only by justifying itself as a corrective mechanism for the failures of the previous one and by promising that it would be the last. The fact that there have been so many regularisations is an indication of the parliamentary support of the economic role that migrants play in the informal economy, and the need to regulate that role so that the State may fiscally benefit from taxes.

1986

In 1986 Italy enacted their first large-scale regularisation programme for unauthorized migrants, regularizing 118,000 workers over three months. This programme required migrants to have an employer sponsor, and to have been in Italy prior to January 27, 1987. The programme ran until September 30, 1988, and has been criticized for having requirements that were too difficult to be met, leading to a low turnout of applicants in comparison to the numbers of irregular migrants who were probably already present (Veikou and Triandafyllidou 2000). The low turnout of applicants may also be as a result of the limited publicity campaign associated with the programme.

1990

The 1990 Martelli Law formally recognized equal status of foreigners with Italians, restricted the conditions for entry into the country, and established a new regularisation programme. As an attempt to try to force workers out of the underground economy, this programme was geared towards workers and students who had been living in Italy prior to December 31 1989, and, thanks to a better publicity campaign, regularized 235,000 people. The majority of them (180,000) were regularized as job seekers, rather than as migrants with existing employment.

1995

A government decree regularized 238,000 foreign workers out of 256,000 applications between 1995-1996. The requirements for this programme were stricter than those of previous programmes; applicants had to demonstrate that they had been living in Italy, employed during the past six months or have a job offer from an employer, and had paid three months of social security (Reyneri 2001).

1998

In 1998 Italy made its first real attempt at defining and implementing a coherent immigration policy, with a yearly quota of people authorized to work in Italy. The 1998 Immigration Act provided an outline of immigration policy as being composed of three pillars: integration of migrants, quotas, and the restriction of undocumented immigration. It also contained an analysis of the need for sustained immigration to offset the rapidly aging population (Chaloff 2003). A series of decrees followed in which the government regularized groups of unauthorized immigrants who had been present on Italian soil prior to March 27 1998, had housing, and whose employers paid taxes on their wages. The deadline for this programme was December 31, 1998. 308,323 applications were submitted to this programme, and 193,200 were issued. The processing of applications during this programme took a very long time—up to one year after they were submitted (Reyneri 2001)

2002

The Bossi-Fini Law of 2002 amends the 1998 law and establishes a regularisation programme for unauthorized migrants. Some of the most important changes include immigrant quotas, immigrant-employer contracts, and increased deportations. While most parties had declared their opposition to another legalization campaign, the implementation of this programme succeeded because it was framed as "humanitarian" in its regularisation of migrant caretakers who look after Italian children and the elderly (Chaloff 2003). The programme ran for two months, from September 11 2002 to November 11 2002, and received 700,000 applications. Of those, 341,100 were domestic workers and 361,000 were other wage earners (SOPEMI 2003). To apply, a migrant had to provide documentation of three months of pension contributions and show proof of continued employment. In November 2003, when the process ended, 634,728 people had been regularized. Those who held work contracts received a one-year permit to stay. If a worker lost his job during that time, he/she would be allowed up to six months to look for another one (IHF 2003).

Table 8: Numbers of Migrants Regularized in Italy, 1986-2002

Year	Number of applicants	Number regularized
1986-1987	Not known	118,700
1990	Not known	235,000
1995-96	256,000	238,000
1998-99	308,000	193,200
2002	700,000	634,700

Source: Reyneri (2001), IHF (2003)

Analysis of programmes

It is impossible to know the final number of immigrants benefiting from the regularisation programmes in Italy over the past 15 years. According to the OECD (2000), unauthorized migration in Italy is a largely endogenous phenomenon because many immigrants who may have obtained legal status during previous campaigns slipped back into irregular status. In addition, the continual growth of the informal economy and the resistance of many employers to providing

proof of employment to their workers ensure that a large number of migrants will remain irregular. As a result, it is estimated that between 1991-1994, over 300,000 foreigners were unable to renew their status.

Although all the programmes were intended in part to control Italy's burgeoning informal economy by bringing irregular migrants out of the shadows, in reality, the difficulty of obtaining an employment contract may have led migrants to falsify their applications (Reyneri 2001). According to a study by Reyneri (2004), many regularized migrants will return to the underground economy after their permits expire, hoping for another amnesty. In addition, it is estimated that in the three amnesties between 1990 and 1998, between 5 and 10 per cent of applicants had already received a prior amnesty, but became irregular again when their documents expired.

There is also the issue of tying the validity of a permit to employment, which has been criticized as giving the employer, rather than the State, the upper hand in deciding whether an immigrant can remain in the country (Miraglia 2002). This creates a certain kind of precariousness between immigrant and employer, and considerably weakens the position of the immigrant within the workplace.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Chaloff, Jonathan. 2003. *EU and US Approaches to Migration Management: Italy* [online]. Brussels: Migration Policy Group. www.migpolgroup.org
- Hamilton, Kimberly. May 2002. *Italy's Southern Exposure*. Migration Information Source [online]. Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- International Helsinki Federation for Human Rights. 2003. *Focus on Italy* [online]. www.ihfhr.org/viewbinary/viewdocument.php?download=1&doc_id=5444
- Miraglia, Filippo. 2002. *New Law on Immigration in Italy*. [online]: www.noracism.org/news01.htm
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD: www.oecd.org
- Okoth, Kenneth. November 2003. *Undocumented Migration Haunts Italy's Ruling Coalition*. Migration Information Source [online]. Washington, D.C.: Migration Policy Institute: www.migrationinformation.org
- Pastore, Ferruccio. February 2004. *Italy's Migration Contradiction*. Open Democracy Online [online]: www.opendemocracy.net
- Piperno, Flavia. May 2002. *From Albania to Italy: Formation and Basic Features of a Binational Migration System*. Rome: CeSPI.
- Reyneri, Emilio. 2003. *Illegal Immigration and the Underground Economy*. National Europe Paper no. 68 [online]. Paper presented at conference "Challenges of Immigration and Integration in the European Union and Australia": www.anu.edu.au/NEC/reyneri.pdf
- Reyneri, Emilio. 2004. *Immigrants in a Segmented and often Undeclared Labour Market*. *Journal of Modern Italian Studies*, vol. 9 no. 1: 71-93.
- Reyneri, Emilio. 1998. *Mass Legalization of Migrants in Italy: Permanent or Temporary Emergence from the Underground Economy?* *South European Society and Politics*.
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization. www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf

- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>
- Veikou, Mariangela and Anna Triandafyllidou. 2000. *Immigration Policy and its Implementation in Italy: A Report on the State of the Art* [online]. European University Institute.: www.mmo.gr/pdf/library/Italy/trianda

V. Regularisation Programmes in France

Background

Unregulated immigration to France began after the wars of liberation and colonization in the '50s and '60s, as migrants from former colonies began arriving in large numbers. As in other countries in Europe, the oil shock of 1973 led to a depressed economy, and as unemployment rose, the country's need for foreign workers decreased. In 1974, France ended its foreign worker programme and implemented employer sanctions to discourage the contracting of foreigners. Nevertheless, irregular immigration continued to grow over the following decades, as did the public debate over how to control it.

In 1993, the right-wing coalition that had come to power implemented a policy of "zero immigration," an extreme stance against irregular migration that was translated into a series of restrictive laws known as the "Pasqua laws." These laws prohibited foreign graduates from accepting positions with French employers, denied residency permits to foreign spouses who had been in the country illegally prior to marrying, and increased the waiting period for family reunification from one to three years (Hamilton et al. 2002). The result of the Pasqua Laws was to render legal migration flows illegal. It also led to a status of migrants called the "inexpulsables-irregularisables", people who could not be expelled yet who were also not eligible for residency. This informal category of migrants included asylum seekers who could not return to their countries, and foreign parents of children born on French soil. Marginalized and excluded from French society, undocumented migrants, or "sans papiers", counter-mobilized in large numbers throughout 1995-1997 (Guiraudon 2002).

In 2003 France adopted a new immigration law which places an emphasis on combating irregular immigration through various security measures, increasing the conditions for obtaining a permanent residency permit, and requiring foreigners entering for the purpose of family reunification to prove that they are integrated into French society. The government has also implemented, on a trial basis, an integration programme for foreigners consisting of language classes and civic instruction (SOPEMI 2004).

Legal channels for immigration into France

- **Residence permits** are valid for 10 years and allow a foreigner to work. To obtain a 10-year residence permit, foreigners must have been living in France for five years and demonstrate that they are "well integrated" into French society.
- **Temporary permits** are valid for 1 year and are given to foreigners who can prove family ties, scientists, artists, students and visitors. These permits give limited access to employment in France (Blion et al 2003). In 2001, 50,600 people were granted temporary residence status (SOPEMI 2003).

Demographic context and numbers of irregular migrants

By 1981, there were an estimated 300,000 irregular immigrants in France (Meissner et al. 1987). According to the ILO, between 1990-1994 there were between 150,000-200,000 unauthorized migrants (Reyneri 2001). Of the non-EU migrants entering France, three-fourths, or 2.3 million, come from Algeria, Morocco and Tunisia. Foreign workers account for 6 percent, or 1.6 million, of the total workforce. Legal migration flows number approximately 100,000 per year.

Table 9: France: Estimated Foreign-born and Undocumented population, 1980-2000

Year	Foreign-born population	Est. number undocumented pop.	Total population	Percentage foreign pop. of total pop.
1982	4.0 million	300,000	54.3 million	7.3
1990	4.1 million	150,000-200,000	56.6 million	7.2
1999	4.3 million	No estimates	58.5 million	7.4

Sources: Hamilton et al (2004), EUROSTAT, UN Population Division

Regularisation Programmes

1981-1982

According to Meissner et al. (1987), France's 1981-1982 regularisation programme was based on "moral and pragmatic grounds." Undertaking a legalization programme was intended to both bring unauthorized migrants out of the shadows as well as to reduce the size of the underground economy. Although initially restricted to those who could prove stable employment or a work contract valid for a year, the programme was eventually extended to include many categories of irregular migrants. The programme ran from July 6 1981 to February 29 1983, and was meant to apply to those who had been in the country before January 1 1982 (SOPEMI 1989). Out of 150,000 applications, 130,000 were approved.

1997-1998

French immigration policy underwent a transformation in 1997 with the election of Socialist Prime Minister Lionel Jospin to office. High profile protests by the "sans papier" movement, in addition to a increasingly loud public debate on the impact of immigration in France led the government to rethink its policies. After contracting the prominent political scientist Patrick Weil to enter the debate, the government shifted its policy to recruit immigrants with higher skill levels. This was followed by the launching of a regularisation programme in June 1997. This programme was a series of laws known as the "Chevenement laws," which established a regularisation procedure for irregular immigrants to apply for residence and work permits. This programme was primarily aimed towards family reunification and families in irregular situations (see country comparison chart for specifics). The programme ran from June 24 1997 to April 30 1998, and ultimately legalized 87,000 out of 150,000 applicants, 85 percent of which were family-related.

Table 10: Origin of Migrants Regularized in France (in thousands), 1981-82, 1997-1998

1981-82	Number (thousands)	1997-98	Number (thousands)
Tunisia	17.3	Algeria	12.5
Morocco	16.7	Morocco	9.2
African countries	15.0	China	7.6
Portugal	12.7	Dem. Rep. Congo	6.3
Algeria	11.7	Tunisia	4.1
Turkey	8.6	Other	38.1
Other	39.1		
Total	121.1	Total	77.8

Source: SOPEMI 2003

Permanent Regularisations

On May 11, 1998, France also established a plan that allows unauthorized foreigners who have been in the territory a specific length of time, the possibility to regularize their status. The length of time required to obtain residency is 3 years for families with children, 15 years for students, and 10 years for everybody else. Once a foreigner has obtained this status, he/she can only be removed if considered a serious threat to the public order.

Analysis of Programmes

The 1981 legalization programme had a number of unforeseen complications. Since some employers were uncooperative with assisting unauthorized immigrants with appropriate documentation, authorities had to accept third-party documentation of the validity of a migrant's work history. In addition, the programme eventually included not just workers, but also other categories of migrants (such as students, seasonal workers and small traders). Nevertheless, the programme accomplished several things. Not only did it promote a dialogue between the French government and immigrant communities, but according to a study by SOPEMI (1989), the government conducted a successful advertising campaign in concert with immigrant organizations. It also conducted a research programme to allow the government to understand the characteristics of the irregular population.

While the 1997-98 programme has been praised for providing an avenue for permanent regularisation on an ongoing basis, and those regularised under a permanent regularisation programme are apparently beginning to increase, its limited scope and lengthy residence requirements have not solved the issue of irregular migration to France.

In addition, Garson (1992) calls into question the ability of France to ever be able to regulate unauthorized migration from North Africa, given the networks that have been established and interdependence of migration flows from the region. Others (Guiraudon 2002) argue that while regularisation schemes have been important, they are overshadowed by the current policies of restrictiveness which have criminalized migration and increased the demand for smuggling networks.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Blion, Reynald, Catherine Wihtol de Wenden and Nedjma Meknache. 2003. *EU and United States Approaches to the Management of Migration: France* [online]. Eds. Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.org
- EUROSTAT. 2003. *Analysis and Forecasting of International Migration by Major Groups, Part III*. 3/2002/E/no.17 [online]. The Hague: European Commission: <http://europa.eu.int>
- Garson, Jean-Pierre. 2003. *Dealing with Unlawfully Resident Immigrants: Regularisations and Beyond*. In *Policy Briefs and Recommendations: the Greek Presidency Conference on Managing Migration for the Benefit of Europe* [online]. Washington, D.C.: Athens Policy Initiative, a project of the Migration Policy Institute: www.migrationpolicy.org/AMPI/docs/ampiPOLICYBRIEFSmay.doc
- Garson, Jean-Pierre. 1992. *Migration and Interdependence: The Migration System Between France and Africa*. In *International Migration Systems: a Global Approach*. Eds. Mary Kritz, Lin Lean Lim and Hania Zlotnik. Oxford: Clarendon Press.
- Guiraudon, Virginie. January 1, 2002. *Immigration Policy in France* [online]. Washington, D.C.: The Brookings Institution: www.brook.edu
- Hamilton, Kim et al. 2004. *The Challenge of French Diversity* [online]. Washington, D.C.: Migration Policy Institute: www.migrationinformation.org
- Meissner, Doris, David North and Demetrios Papademetriou. 1987. *Legalization of Undocumented Aliens: Lessons from Other Countries*. *International Migration Review* 21:3: 424-432.
- Nueckens, Dimitry. 2001. *Regularisation Campaigns in Europe* [online]. Brussels: PICUM. www.picum.org
- OECD Secretariat. 2000. *Some Lessons from Recent Regularisation Programmes*. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD: www.oecd.org
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization. www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- SOPEMI. 1989. *Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States*. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.
- SOPEMI. 1990. *Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States*. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- SOPEMI. 2004. *Trends in International Migration 2003*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]: <http://esa.un.org/unpp/p2k0data.asp>

VI. Regularisation Programmes in Spain

Background

Like many of its Mediterranean neighbours, Spain was largely a country of emigration until the early 1970s, when the worldwide economic crisis triggered by the oil shock decreased emigration and increased the number of immigrants arriving to the country. The late 1980s solidified the country's position as a receiver of immigrants for several reasons, including the closing of borders of other EU countries and Spain's admission into the European community, the economic and historical connections between Spain, Northern Africa and South America, and the growing underground economy that increasingly relied on immigrant labour (Ortega Pérez 2003).

While early legislation such as the 1985 *Ley de Extranjería* looked at migration as a temporary, successive immigration laws have recognized immigration as a permanent phenomenon and have sought to encourage the integration of foreigners into Spanish society. Nevertheless, like many European countries, the ECRI notes a xenophobic attitude that is perpetuated through the media (ECRI 2003). According to Zapata-Barreo (2003), it is difficult to find debate on immigration in Spain that views immigration--especially from non-EU countries--as a positive phenomenon, with the exception being employers in sectors that rely on immigrant labour.

Legal channels for Immigration into Spain

There are three types of residence permits for non-EU citizens (Zapata-Barrero 2003):

- traditional tourist permits of 90 days;
- temporary residence permits which are valid for more than 90 days but less than five years. These are allotted to those who either have a work permit, who can support themselves, who have lived in Spain for at least five years, or for humanitarian reasons;
- Permanent residence permits are given to those who have lived in Spain for at least five consecutive years with a temporary resident permit.

According to SOPEMI (2004), 118,700 temporary and long-term work permits were issued in 2001, up from 85,500 in 1998. As of January 2002, 627,795 immigrants had work permits, of whom 461,302 were from countries other than the EU (Zapata-Barrero 2003).

Demographic Context

Resident immigrants currently make up 2.7% of the Spanish population, and between 1995 and 2001 the country received 609,287 immigrants with legal status (Zapata-Barrero 2003). According to the Spanish Ministry of the Interior, in 2002 the largest numbers of foreigners currently came from Morocco, Ecuador, the UK, Colombia, Germany, France and China (in that order. Ministerio del Interior 2003).

Table 11: Spain: Foreign-born and Unauthorized Population, 1986-2001

Year	Number foreigners	Number undocumented	Total population	Foreigners as percentage of population
1986	293,200	N/A	38.5 million	0.76
1991	360,700	200,000	39 million	0.92
1995	499,773	150,000	39.9 million	1.25
2001	1,109,060	200,000	40 million	2.7

Source: Ministerio de Trabajo y Asuntos Sociales (2002), Reyneri (2001), Ortega Pérez (2003), United Nations Population Division

Regularisation programmes

Spain has had six major regularisation programmes since 1985; according to the government, each has been an attempt to simultaneously control the informal economy (which accounts for an estimated 20 percent of the country's GDP), gather information on and reduce the numbers of unauthorized immigrants in the country, and to correct for shortcomings of previous regularisation programmes. The following regularisation processes are referred to as "extraordinary regularisation procedures." Although there is a lack of literature on the longer social and economic outcomes of these programmes, it is possible to identify some of the strengths and weaknesses of the programmes.

1985 regularisation process

Spain's 1985 Law on the Rights and Freedoms of Foreigners in Spain viewed immigrants as temporary workers who needed to be regulated. Thus, the regularisation programme authorized under this law required foreigners to have a job offer, and to have been present in the country before 24 July 1985. Although the registration ran from 24 July 1985 to 31 March 1986, only 44,000 foreigners applied, and of those, only 23,000 immigrants were regularized. It is estimated that out of the total potential eligible population of foreigners, 50-75 percent did not even apply (Reyneri 2001). This process has been criticized for its slowness and lack of infrastructure as well as its inability to mobilize the immigrant community to apply for the programme. The law also made it difficult for immigrants to renew required permits, so that many immigrants reverted to unauthorized status after the permits expired (Ortega Pérez 2003).

1991 regularisation process

As opposed to the other regularisation processes, the 1991 programme was not created in conjunction with a new law on foreigners. This programme was targeted at regularizing immigrant workers who had been living and working in Spain since 15 May 1991, and well as asylum seekers whose applications were rejected or pending. Thanks to the involvement and support of immigrant organizations, this regularisation programme was more successful in encouraging immigrants to apply for legal status. Out of a total 135,393 requests, 109,135 were accepted (Apap et al. 2000). However, as in the previous regularisation programme, three years later anywhere from 26-50 percent of migrants had not renewed their permits (Reyneri 2001, Apap et al. 2000). According to Reyneri (2001), while this programme regularized a number of migrants, it may also have attracted more immigrants who immediately became unauthorized.

1996 Regularisation

Spain's third procedure was primarily geared towards immigrants who had fallen into irregular status by not renewing their documents from the previous regularisation procedures. To be eligible, an applicant had to be working in the country since January 1, 1996, have a working or residence permit issued after May 1986, or to be a member of the family of a migrant living in Spain before January 1996. It regularized 21,300 foreigners out of approximately 25,000 applications, 13,800 permits were work and residence permits, and 7,500 were residence permits. Of those who applied, 59 percent were people who had formerly held a residence and work permit, and 34 percent were from family members of immigrants who had permits (Reyneri 2001).

2000 Regularisation programmes

Spain undertook its fourth and fifth regularisation programmes in conjunction with additions to the immigration law of January 2000. The fourth programme ran from March 21 2000 to July 31 2000, and was open to foreigners who were in the country prior to June 1 1999, who had either a work permit or residence permit in the previous three years, or had applied for a work or residence permit (Díez Nicolás et al 2001). 153,463 out of 247,598 applicants were given permits during this time, and the majority of beneficiaries were those who worked in agriculture, domestic service or construction (Consejo Economico y Social 2004). The countries with the most beneficiaries were Morocco, Ecuador, Colombia and China.

The fifth regularisation programme was also established for those who could show "settlement" or "roots" in Spain. The requirements for successful applicants were the following: to have been in Spain prior to January 23 2001; to prove "roots" in the country, considered as either incorporation into the labour market, family ties with foreign residents or with Spanish citizens, and to not have any pending expulsion charges or be prohibited from being on Spanish soil. During this process, which ran during June and July 2001, 350,000 applications were filed, and 221,083 permits were issued. The beneficiaries this time were primarily those who worked in domestic service and construction, and were from Ecuador, Colombia, Morocco and Romania.

In its second report on Spain, the ECRI noted that despite ongoing efforts to regularise migrants, many face delays in renewing their permits, and so are in danger of falling back into irregular status (ECRI 2003). And while in addition to these regularisation procedures, since 1993, Spain has established a flexible quota system of foreigners for specific jobs to meet the demands of the labour market, these workers are only recruited from outside the country. This means that thousands of immigrants within Spain who are already working cannot apply for work permits, denying them access to regularising their status.

2005 Normalization Process

In January of 2005, citing a need to end illegal employment of migrants and to control the black market, the Spanish government announced a new legalisation process by decree, which they call "*Proceso de Normalización*", or "Normalization Process." This change in language indicates a shift in the way the government is attempting to publicly frame the regularisation of immigrants—from "legalisation," which to the public signifies a permanent bestowal of resident status, to "normalisation," which is less threatening term.

Registration for the program runs for three months, from 7 February 2005 through 7 May 2005. The program is unique in the demands it places on employers in the application process. To successfully obtain the work permit, which is valid for one year and renewable, a foreigner must apply through his/her employer. Employers must demonstrate that they are enrolled in and paying into Social Security, that they have no history of breaking immigration laws in the previous 12 months, and that they haven't been sanctioned for violating the rights of workers or immigrants. The employment contract varies in length, from a minimum of three months for agricultural workers, to a maximum period of twelvemonths for construction and hotel workers, to weekly contracts of 30 hours for domestic workers (Ministerio de Trabajo y Asuntos Sociales 2005).

Immigrants must have proof of registration with a local municipality in Spain before August 7, 2004 and to be in Spain at the time they apply. They must also have a work contract and a clean criminal record.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Consejo Económico y Social. 2004. *Informe Sobre la Inmigración y el Mercado del Trabajo en España*. [online]. Madrid: Consejo Económico y Social. www.extranjeria.info/inicio/index.htm
- Díez Nicolás, Juan and María Ramírez Rafita. 2001. *La Inmigración en España: Una Década de Investigaciones*. Madrid: IMERSO.
- European Commission Against Racism and Intolerance. 2003. *Second Report on Spain* [online]. Strasbourg: Council of Europe. www.coe.int
- Izquierdo Escribano, Antonio. 2002. Panorama de la Inmigración en España al Alba del Siglo XXI. In *Procesos Migratorios, Economía y Personas*. Ed. Manuel Pimental Siles. Cajamaer, Spain: Instituto de Estudios de Cajamar.
- Ministerio del Interior. 2003. *Estadístico de Extranjería Año 2002*. Madrid: Ministerio del Interior, Delegación del Gobierno para la Extranjería y la Inmigración, Observatorio Permanente de la Inmigración.
- Ministerio de Trabajo y Asuntos Sociales. 2002. *Anuario de Migraciones*. Madrid: Ministerio de Trabajo y Asuntos Sociales.
- Ministerio de Trabajo y Asuntos Sociales. 2005. *Proceso de Normalización de Trabajadores Extranjeros*. Madrid: Ministerio de Trabajo y Asuntos Sociales. www.mtas.es/migraciones/proceso2005/GuiaInformacion.pdf
- Ortega Pérez, Nieves. 2003. *Spain: Forging an Immigration Policy* [online]. Washington, D.C.: Migration Information Source. www.migrationinformation.org

- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization.
www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD
- SOPEMI. 2004. *Trends in International Migration 2003*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>
- Zapata-Barrero, Ricard. *EU and US Approaches to the Management of Migration: Spain* [online]. eds. Jan Niessen et al. www.migpolgroup.com/uploadstore/Spain.pdf

VII. Regularisation Programmes in Portugal

Background

Portugal has only recently emerged as an immigrant-receiving society, having been throughout most of its history an emigrant-sending country. Indeed, there are an estimated 4.3 million Portuguese and people of Portuguese origin living abroad. Nonetheless, in the 1970s emigration slowed as a result of the European economic crisis and the end of the dictatorship in 1974. After Portugal joined the EU in 1986, these flows diminished further. Decolonization of its former PALOP (Portuguese-Speaking African Countries) states in the 1970s spurred immigration during that decade, while demand for labour in the '80s and '90s saw an increase in migrants coming from Africa, Brazil and Western Europe. Since 2000, migrants from Eastern Europe, specifically the Ukraine, have become one of the three largest foreign communities in the country, together with Cape Verdeans and Brazilians. The need for this migrant labour has been fuelled in part by the construction, manufacturing, cleaning and retail sales (Malheiros 2002).

It is within this context that in 2001 Portugal developed an immigration policy based on three "pillars:"

- To promote legal immigration based on the country's labour market needs;
- To integrate immigrants into Portuguese society;
- To combat unauthorized immigration through controlling the entry, stay and removal of undocumented foreigners (Esteves et al. 2003).

The evolution of this immigration policy is based on Portugal's recent experience with immigration, and on its three previous attempts at regularizing foreigners who are in the country without documents.

Legal channels for immigration into Portugal

- **Short-term:** Foreigners wanting to work temporarily in Portugal must apply for a work visa that is valid for one year through the Portuguese Consulate. There are four types of temporary work visas: for sports and leisure professionals, highly skilled workers and technical professionals, independent workers, and for other types of paid workers. These visas may be renewed for two additional periods of one year each.
- **Long-term:** foreigners who want to work and live in Portugal on a long-term basis obtain a Residence Visa that allows them to work for a two-year period. The permit can be renewed for three-year periods. Portugal has different resident requirements for obtaining a long-term permit depending on the origin of the immigrant. Immigrants from CPLP countries¹⁵ have a five-year residence requirement, while other immigrants from other countries need to have been living in the country for eight years.

It should be noted that the provision of the work visas is dependent on an annual governmental quota system for the entry of third country nationals into Portugal (Esteves et al. 2003). This quota system is based on a bi-annual report produced by the government on labour market forecasts.

By the end of 2001, there were 232,000 foreign workers in Portugal, 127,000 with temporary permits, and 105,000 with residence permits. Most of the immigrants who received

¹⁵ Community of Portuguese Speaking Countries

these permits were immigrants who work in low and unskilled sectors such as construction, domestic service, retail sales, and, more recently, agriculture.

Demographic context and undocumented population

At the time of Portugal’s first regularisation programme in 1992 there were approximately 123,600 foreigners in Portugal. By 2003, there were 419,600 foreigners living in the country. According to Esteves et al. (2003), 80 percent of Portugal’s population growth between 1991 and 2001 was due to net migration, not natural increase. By 2001, 44 percent of immigrants were from PALOP states, while Cape Verdeans accounted for 22 percent of the foreign born. In the last few years Ukrainians have become the largest group of foreigners with “permanence” status. It is difficult to secure estimates of the numbers of undocumented immigrants in Portugal. One scholar estimates that the annual flow of undocumented migrants is 5,000 (Jandl 2003), and the UN Commissioner for Human Rights (2003) reports the overall number may be between 35,000 to 50,000. The best way to estimate the number of undocumented immigrants may be through examining the number of applicants for the various regularisation programmes during the past 15 years.

Table 12: Foreign Population in Portugal, 1990-2003

Year	Foreign Population	Total Population (in millions)	Foreign population as percentage of total population
1990	107,800	9.8	1.1
1995	168,300	9.9	1.7
2000	208,000	10	2.08
2003	419,600	10.5	4.0

Source: SOPEMI (2003), UNPD (2002)

Regularisation Programmes

1992-93

Portugal’s first attempt at establishing an immigration policy occurred in the early 1990s, when it began implementing restrictive asylum and immigration laws as part of its requirements for entering into compliance with the Schengen Implementing Convention. As part of this immigration policy, Portugal agreed to tackle the problem of its undocumented immigrant population. It did this partially through a regularisation programme that ran from October 1992-March 1993. Although 80,000 people applied, only 38,364 were regularized. This programme was open to workers and non-workers alike who had been in Portugal before April 15 1992.

Commentators consider this programme a failure for a number of reasons, including insufficient publicity and outreach to potentially eligible immigrant populations, administrative and bureaucratic incompetence in processing applications, corruption among officials, and the difficulty of applicants in meeting all requirements (FECL 1998, Falcao 1998)

1996

Portugal’s 1996 exceptional regularisation programme ran from June-December 1996, and was largely a response to a shift in the country’s ruling political parties from liberal to socialist. The new Socialist government started reforming immigration policy, which included this process of

regularisation.¹⁶ 35,000 migrants applied, and 31,000 permits were approved (FECL 1998). Successful applicants had to prove that they were involved in a professional activity, had a basic ability to speak Portuguese, had housing, and had not committed a crime. However, in this programme a distinction was also made between applicants from Portuguese-speaking countries, who could apply if they had been in the country since December 31 1995, and those from non-EU states, who had to have been in the country prior to March 25 1995 in order to apply. As a result, 67 percent of the immigrants regularized under this programme were from PALOP states (Esteves et al. 2003).

Although this programme was an attempt to improve on the previous one's shortcomings, and although more NGOs were involved in the process, it has been criticized on several grounds. First, human rights and immigrant organizations were concerned about the preferential treatment given to applicants from PALOP countries. Second, the information campaign that was to accompany the programme has been deemed inadequate, and there were reports that undocumented immigrants were actually arrested at some application centres. Finally, bureaucratic delays were again a problem (FECL 1998, Esteves et al. 2003).

2001

The inadequacies of the 1996 regularisation programme became apparent as the presence of undocumented immigrants grew, due in part to the growth of trafficking networks and to the fast and significant expansion in the presence of Eastern European immigrants. As a response to this growth and also to the pressure of certain employers who wished to hire regularized workers, decree-Law no. 4/2001 created a regularisation programme that ran from January-November 2001, and aimed at regularizing immigrants already working in the country. However, this programme was different from the previous ones in requiring applicants to have a valid work contract. This one-year permit is known as a "permanence" permit. If applicants obtained work, they were allowed the possibility to renew their visas up to four times. If the immigrant lives in Portugal for this five-year successive period, he/she becomes automatically entitled to permanent residence. Approximately 170,000 permits were authorized during this time, the majority of them to Ukrainians (63,500) and Brazilians (36,600). In its second report on Portugal, the Council of Europe (2002) expressed concern over the difficulties authorities were having in implementing the legislation, including the fact that since having a job is a prerequisite for obtaining and keeping the permit, immigrants often accept employment where they are exposed to abuse.

Decree-Law no. 34/2003 of February 25 ended the permanence permit system, replacing the system with recruitment of foreigners living outside of Portugal (as described above). This system has been criticized by the UN High Commissioner on Human Rights (UNHCR) as increasing the possibility for migrants to remain in an irregular and therefore precarious status (Gils-Robles 2003). The UNCHR also criticized the processing time for applications. In addition to calling on the General Inspectorate of Labour to provide greater supervision over the programme, the UNCHR has made the recommendation to the Portuguese government to either extend the permit renewal period to two years or to allow a six-month grace period after the expiration of the permit to allow immigrants to find work.

The limitations of this programme have also been criticized by academics (Esteves et al. 2003), who point out that Portuguese employers are not likely to go to the trouble of recruiting outside of the country, when there exists a readily available (and undocumented) migrant labour pool. In addition, the limitations placed on the civic rights of those holding temporary permits is likely to create inequality among immigrants living in the country, since permit holders are not

¹⁶ e-mail correspondence from Jorge Malheiros to Amanda Levinson, July 7, 2004.

considered to be residents (not even temporary or short-term ones) in Portugal. In general, the effectiveness of these recent policies in reducing irregular immigration has been questioned.

References

- European Commission Against Racism and Intolerance. November 2002. *Second Report on Portugal* [online]. Strasbourg: Council of Europe. www.coe.int
- Esteves, Alina, Maria Lucinda Fonesca and Jorge Malheiros. 2003. *EU and US Approaches to the Management of Immigration: Portugal* [online]. Eds Jan Niessen et. al. Brussels: Migration Policy Group. www.migpolgroup.com
- Falcao, José. April 1998. Régularisation...à la Portugaise. In *Les faux-semblants de la régularisation* [online]. Plein Droit no. 38. www.gisti.org/doc/plein-droit/38/regularisation.html
- Fortress Europe Circular Letter. August 1998. *Undocumented Migrants in Portugal* [online]. www.fecl.org/5507.htm
- Gils-Robles, Alvaro. December 2003. *Report by the Commissioner for Human Rights on his Visit to Portugal*. CommDH(2003)14. Strasbourg: Council of Europe.
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development. www.icmpd.org/uploading/Metropolis%20Presentation%2D9%2D2003%2DMJ%2DI.pdf
- Macogno, Lorenzo. 2003. *Integration Policies in Portugal* [online]. Working paper. www.emzberlin.de
- Malheiros, Jorge. *Portugal Seeks Balance of Emigration, Immigration* [online]. Washington, D.C.: Migration Information Source. www.migrationinformation.org
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD. www.oecd.org
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- SOPEMI. 2004. *Trends in International Migration 2003*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>

VIII. Regularisation in Belgium

Background

Labour immigration has been an important aspect of Belgium's landscape since the end of World War I created a vacuum of labourers that required the recruitment of workers from surrounding countries, Italy, and Poland. After World War II, labour shortages in the coal industry forced authorities to pursue bilateral labour agreements to recruit foreign workers from Italy, Spain, Greece, Morocco, Turkey, Tunisia, Algeria and Yugoslavia. An economic recession in the late 1960s led to tightened measures for employing foreign workers, but did not stop their arrival. As in other European countries, the 1973 oil crisis led Belgium to enact strict legislation controlling the entry of foreigners into the country, and only to allow people into the country qualifications that were not available through the local labour pool. And, as in other European countries, new immigration measures did little to slow the flow of migrants into the country (Martiniello and Rea 2003). In fact, there is a general consensus that since 1962 legal entries into Belgium have never dropped below 35,000 (Gsir et al. 2003). Overall, Belgium has not been characterized as a country with a proactive immigration policy, and although this is changing, the discourse remains dominated by a language of restriction and closure of borders.

Legal Channels of Immigration into Belgium

- **Admission for economic purposes:** foreigners wishing to enter Belgium to work must have secured a work permit in advance. These are issued only when there are not enough workers available from the domestic market. Close to 100,000 work permits were issued to foreigners between 1974 and 1984, and the same number were also granted between 1985 and 1993 (Martiniello and Rea 2003).
- **Long-term residency:** foreigners intending to stay in Belgium long-term (more than 3 months) need to be employed, or to have come to the country to study, or for marriage or family reunification purposes. In 2002, 4,415 permits were issued for family reunification purposes.

Table 13: Foreign Population Belgium, 1990-2000

Year	Population foreigners	Total population	Population foreigners as percentage of total population
1990	904,500	9.9 million	9.3
1995	909,800	10.1 million	9.0
2000	879,000	10.2 million	8.3

Source: UNPD 2002, SOPEMI 1999

Demographic Context and the Undocumented Population

According to the United Nations Population Division (2002) and SOPEMI (1999) the total stocks and overall percentage of foreigners in Belgium has actually been on the decline over the past five years, from 909,800 in 1985 to 879,000 in 2000. In 2001, the net migration of foreigners was 34,775, and the largest numbers were Italian (191,000), followed by French (111,000), Dutch (93,000), Moroccans (91,000), and Turks (46,000) (SOPEMI 2003).

There are few reliable figures or estimations as to the numbers or flows of undocumented immigrants in Belgium. The IOM (2003) quotes an estimate of 90,000 currently present in the country, while Jandl (2003) estimates that 15,000 unauthorized migrants arrived in the country in 2001. There are several categories of undocumented immigrants, identical to the categories identified in previous case studies. These are: persons who have overstayed their visa; those who were in a regular status but then lapsed for some reason (asylees whose claims have been denied, etc.); or those who entered the country with false documents or without being detected. In terms of the nationalities of the undocumented, one can merely conjecture based on applications during the regularisation campaign. The largest number of applicants came from the Democratic Republic of Congo, Rwanda, Burundi, and other countries in sub-Saharan Africa, although there were also a fair number of applicants from Morocco, Algeria, Tunisia and Turkey.

Belgium's Regularisation Programme

Aside from a small regularisation programme that was implemented in 1974 after the country developed more restrictive immigration policies, Belgium did not consider a large-scale regularisation programme until 1999.¹⁷ Between 1980 and 1999, the country allowed for regularisation on a case-by-case basis, but only under exceptional circumstances. On June 13, 1999, a new governmental coalition came to power, and on January 6, 2000, they launched a massive "one-shot" regularisation programme with a Circular (Jamin 2003). The decision to create a regularisation programme was made for several reasons, not least of which was a growing movement of *sans papiers* who, in protest against the treatment of a Nigerian asylee who was suffocated while the police were deporting her, occupied churches and universities (Gsir et al. 2003). The undocumented immigrants formed an organization called the National Movement for the Regularisation of Undocumented Immigrants and Refugees (MNRSPPR), and made four demands to the public authorities (Kagné 2000):

- across-the-board regularisation of immigrants who had been in Belgium for more than five years;
- regularisation of the status of foreigners whose asylum procedures had been in procedures for longer than three years;
- an examination by an independent commission of all pending cases for regularisation;
- the granting of protective status to persons who fled their countries due to fear of persecution.

The Belgium government met most of these demands in its final Decree on regularisation. In order to be regularized, applicants had to have been in Belgium before October 1, 1999, and fulfil one of the following conditions:

- to have had an asylum petition pending for a long period (4 years for individuals, or 3 years for families with minor children) without having been informed about the decision of their case;
- to not be able to return to their country of origin for humanitarian reasons;
- serious illness;
- to have lived in the country for six years without receiving an order to leave in the past five years.

The application process lasted for three weeks during January of 2000, and received 32,662 cases, representing nearly 50,000 persons with 23,000 children. Although 140 nationalities were

¹⁷ Between August 1974 and October 1975, 8,420 applications for regularisation were filed and 7,448 permits were granted, mostly to Turks and Moroccans (Apap et al. 2000, Fischer 2001).

represented, Congolese and Moroccans dominated the applications, with 17.6 percent and 12.4 percent of the applications (Martiniello and Rea 2003). Since applications are still being processed, it is still unknown as to how many people have benefited overall. According to Martiniello (2001), an undetermined number of immigrants who are not admitted are expelled.

Reactions to the success of the programme have been mixed. Belgium's Ministry of the Interior claims that the programme was not received very well by the population, but rather was seen as a "necessary harm: the regularisation of a phenomenon of the past, which the government had let develop underground," meaning that the government saw fit to legalize those it considered "lawbreakers" in hopes of starting over with a clean slate (Fischer 2001). Fischer also criticizes the administrative challenges and delays that have been a part of the programme. Indeed, it does appear that if not all decisions have been made even now, four years after the programme, that the programme has been too slow in accomplishing its objectives. The European Commission Against Racism and Intolerance, however, considers the regularisation programme an important measure for speeding up the processing of pending asylum applications, and in its third report on Belgium recommended that the country implement further campaigns (ECRI 2004).

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- European Commission Against Racism and Intolerance. 2004. *Third Report on Belgium*. [online] Strasbourg: Council of Europe :www.coe.int
- Fischer, Matthew. 2001. *The Regularisation of Illegal Immigrants in Belgium: its Specific Character in a European Context* [online]. Lecture in the Cicero Foundation Great Debate Seminar "European Migration and Refugee Policy: New Developments." Paris: Cicero Foundation. www.cicerofoundation.org/lectures/p4fischer.html
- Gsir, Sonia, Marco Martiniello and Johan Wets. 2003. *EU and US Approaches to the Management of Immigration: Belgium* [online]. Eds Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.com/uploadstore/Belgium.pdf
- International Organization for Migration. 2003. *World Migration 2003: Managing Migration—Challenges and Responses for People on the Move*. Geneva: International Organization for Migration.
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development. www.icmpd.org/uploaing/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Jamin, Jerome. 2003. *Migrants and Ethnic Minorities in Belgium*. Liege: University of Liege Center for Studies on Ethnicity and Migration.
- Kagné, Bonaventure. 2000. *Easy Scapegoats: Undocumented Immigrants in Europe: Belgian Report*. Liege: University of Liege Center for Studies on Ethnicity and Migration.
- Martiniello, Marco. 2001. *Belgium's Immigration Policy*. In *Policy Recommendations for EU Migration Policies*. Brussels: King Baudouin Foundation.
- Martiniello, Marco and Andrea Rea. October 2003. *Belgium's Immigration Policy Brings Renewal and Challenges* [online]. Washington, D.C.: Migration Information Source. www.migrationinformation.org

SOPEMI. 1999. *Trends in International Migration*. Paris: OECD
SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>

IX. Regularisation in Luxembourg

Background

As a small country with a small population (440,000), migration has been an important factor in the social and economic development of Luxembourg. Since unemployment was virtually non-existent during the last 25 years, Luxembourg has never had an explicit immigration policy, although that is starting to change due to issues of funding the pension system, a slowdown in the economic development of the country, and the arrival of refugees to the country during the 1990s. In the early 1990s the country received several thousand refugees from Bosnia, and since there was no legislation on asylum, they were allowed to stay as long as they could find housing and a job. After refugees from Kosovo also began arriving, the country introduced implemented strict laws on asylum and implemented its first regularisation programme (Kollwelter 2003).

Legal channels of admission into Luxembourg

There are currently no quotas on the numbers of immigrants allowed into the country. There is also no specific legislation dealing with family reunification, nor is there long-term resident status.

- **Work permits:** there are three types of work permits. Type A is valid for one year and one employer; type B is valid for four years and one sector of activity, and type C is valid for five years and for all sectors of activity.
- **Residence permits:** are valid for five years.

Table 14: Foreign Population in Luxembourg, 1990-2000

Year	Foreign Population	Total Population	Foreign population as percentage of total population
1990	113,100	378,000	29.9
1995	138,000	405,000	34
2000	162,000	437,000	37

Source: UNPD (2002); SOPEMI (1999)

Demographic context and the undocumented population

Foreigners account for 37 percent of the population in Luxembourg, with most coming from EU member states. Most of this population are people who cross the border every day from France, Belgium and Germany (Kollwelter 2003). In 2001, there were 12,100 new arrivals, mostly from France, Portugal, Belgium and Germany. This is up slightly from 11,765 in 2000 (SOPEMI 2003). Luxembourg is the country with the lowest percentage of third country nationals (about 6 percent in 2003) in the EU (Waringo 2003). There are no reliable figures of the number of undocumented migrants currently in the country—the European Industrial Relations Observatory on-line places an unofficial estimate of 5,000 in 1999 (EIRO 1999a).

Luxembourg's Regularisation Programme

As a reaction to the increasing numbers of refugees the country was receiving was in the 1990s, and because the government was receiving pressure from NGOs and some trade unions, the country decided to establish a "one-shot" regularisation programme in the Spring of 2001 directed at undocumented immigrants and rejected asylum seekers (EIRO 1999a, 1999b). Applicants needed to prove either that they were in the country before July 1, 1998; had been working illegally since January 1, 2000; or, in the case of refugees from Kosovo, that they had arrived before January 1, 2000. The regularisation programme ran from May 15 to July 31 2001. 1554 applications were accepted concerning 2,894 people, three-fourths of whom were from the Former Yugoslavia. As of December 31 2002, 1,839 people had received a positive response, and of those 64 percent received work and residence permits (Le Gouvernement de Luxembourg 2003).

The OECD considers this regularisation programme to be particularly innovative, as it was implemented in close consultation with sectors most affected by labour shortages, who wanted to place the regularized persons in vacancies in their industries. These included the Craftsmen's Federation, the Chamber of Agriculture and the federation of hotel, restaurant and café owners. In addition, the government stated that it would not punish employers who had hired unauthorized immigrants as long as they declared them and paid any outstanding social contributions (SOPEMI 2003).

Still, there have been criticisms of the programme. First, the number of applications to the programme was quite low, given that the number of asylum seekers alone probably amounts to several thousand people. Second, the programme has been criticized for excluding a number of refugees from the Yugoslav Republic Montenegro, since the arrival date was set before a bombing campaign in the FRY had led to more refugees arriving (Waringo 2003). Furthermore, regularisation through securing employment was more difficult than anticipated, and the labour market in general only accepted small numbers of people with out documents (EIRO 2001). In addition, the difficulties of some nationalities to present a passport was cause for concern among employers' associations, since if an immigrants lacked a passport, s/he would not be able to work legally.

References

- European Industrial Relations Observatory On-Line. 1999a. *LCGB Calls for Regularisation of Position of Foreign Workers without Residence/Work Permits* [online]. Dublin: European Foundation for the Improvement of Living and Working Conditions: www.eirofound.eu.int
- European Industrial Relations Observatory On-Line. 1999b. *OGB-L Immigrants' Department Submits Specific Demands*. [online]. Dublin: European Foundation for the Improvement of Living and Working Conditions. www.eirofound.eu.int
- European Industrial Relations Observatory On-Line. 2001. *Regularisation of Illegal Immigrants Makes Slow Process* [online]. Dublin: European Foundation for the Improvement of Living and Working Conditions. www.eirofound.eu.int
- Kollwelter, Serge. 2003. *EU and US Approaches to the Management of Immigration: Luxembourg* [online]. Eds. Jan Niessen et al. Brussels: Migration Policy Group: www.migpolgroup.com
- Le Gouvernement du Grand-Duché de Luxembourg. 2003. *La regularisation des sans-papiers* [online]: www.gouvernement.lu/dossiers/justice/sanspapiers/

- Ministry of Labour and Employment. 2003. *Rapport d'activité 2002* [online]. Luxembourg: Grand-Duche du Luxembourg.
www.gouvernement.lu/publications/rapportsactivite/rapports2002/2002ra_travail/Travail_Emploi_2002.pdf
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD
- SOPEMI. 2003. SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]: <http://esa.un.org/unpp/p2k0data.asp>
- Waringo, Karin. *National Employment Strategies towards Migrants and Asylum Seekers in Luxembourg: The Plan d'Action pour l'Emploi and other Programmes and Policies*. Working Paper. Brussels.
- Waringo, Karin. 2003. *Migration Policies in Luxembourg* [online]. www.emzberlin.de/projekte-_e/pj32_1pdf/MigPol/MogPol_Luxembourg.pdf

Consolidated Bibliography

Literature review and summary

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Baker, Susan. Spring 1997. *The "Amnesty" Aftermath: Current Policy Issues Stemming from the Legalization Programmes of the 1986 Immigration Reform and Control Act*. *International Migration Review*, vol. 31 no. 1: 5-27.
- Baldwin-Edwards, Martin. 2004. *Immigration into Greece, 1990-2003: A Southern European Paradigm?* Presentation for Panel: "International Migration: Promoting Management and Integration." [online]. Athens: Mediterranean Migration Observatory. www.mmo.gr/pdf/publications/publications_by_mmo_staff/UNECE%20paperV3.pdf
- Bean, Frank et al. 1990. *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*. Washington, D.C.: The Urban Institute.
- Chau, Nancy. 2001. *Strategic Amnesty and Credible Immigration Reform*. *Journal of Labour Economics*, vol. 19 no. 3: 604-633.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2002. *Coming out of the Shadows: Learning about Legal Status and Wages from the Legalized Population*. *Journal of Labour Economics*, vol. 20, no. 3: 598-628.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2000. *IRCA's Impact on the Occupational Concentration and Mobility of Newly-Legalized Mexican Men*. *Journal of Population Economics* 13: 81-98.
- Cornelius, Wayne A. 1989. Impacts of the 1986 US Immigration Law on Emigration from Rural Mexican Sending Communities. *Population and Development Review* 15: 689-705.
- Donato, Katharine, Jorge Durand and Douglas Massey. 1992. Stemming the Tide? Assessing the Deterrent Effects of the Immigration Reform and Control Act. *Demography* 29:2:139-157.
- Donato, Katharine and Rebecca S. Carter. 1999. Mexico and U.S. Policy on Illegal Immigration: A Fifty-Year Retrospective. In *Illegal Immigration in America*, eds. David W. Haines and Karen E. Rosenblum, 112-129. Westport, CT: Greenwood Press.
- European Commission. March 2004. *Eurobarometer Flash No. 155* [online]. http://europa.eu.int/comm/public_opinion/index_en.htm
- European Commission Against Racism and Intolerance. 2004. *Third Report on Greece* [online]. Strasbourg: Council of Europe. www.coe.int

- Falcao, José. April 1998. Régularisation...á la Portugaise. In *Les faux-semblants de la régularisation* [online]. Plein Droit no. 38. : www.gisti.org/doc/plein-droit/38/regularisation.html
- Garson, Jean-Pierre. 2003. Dealing with Unlawfully Resident Immigrants: Regularisations and Beyond. In *Policy Briefs and Recommendations: the Greek Presidency Conference on Managing Migration for the Benefit of Europe* [online]. Washington, D.C.: Athens Policy Initiative, a project of the Migration Policy Institute. www.migrationpolicy.org/AMPI/docs/ampiPOLICYBRIEFsmay.doc
- Jandl, Michael. March 2004 (forthcoming). *The Estimation of Illegal Migration in Europe*. Studi Emigrazione no. 153.
- Linos, Katerina. 2001. *Understanding Greek Immigration Policy*. Working Paper. Kokkalis Graduate Student Workshop.
- Mármora, Lelio. 1999. *International Migration Policies and Programmemes*. Geneva: International Organization for Migration.
- Meissner, Doris, David North and Demetrios Papademetriou. 1987. *Legalization of Undocumented Aliens: Lessons from Other Countries*. *International Migration Review* 21:3: 424-432.
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmemes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD. www.oecd.org
- Orrenius, Pia and Madeline Zavodny. 2001. *Do Amnesty Programmes Encourage Illegal Immigration? Evidence from IRCA*. Working Paper 0103. Dallas: Federal Reserve Bank of Dallas.
- Papantoniou-Frangouli, Maria and Kleio Maria Levanti. 2000. *The legalization of aliens in Greece*. *International Migration Review* vol. 34 no. 13: 950.
- Passel, Jeffrey. 1999. Undocumented Immigration to the United States: Numbers, Trends and Characteristics. In *Illegal Immigration in America*, eds. David W. Haines and Karen E. Rosenblum, 27-111. Westport, CT: Greenwood Press.
- Passel, Jeffrey, Randy Capps and Michael Fix. 2004. *Undocumented Immigrants: Facts and Figures*. Washington, D.C.: Urban Institute. www.urbaninstitute.org.
- Reyneri, Emilio. 1998. *Mass Legalization of Migrants in Italy: Permanent or Temporary Emergence from the Underground Economy?* *South European Society and Politics*.
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization. www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- SOPEMI. 1989. Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.

- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- SOPEMI. 2004. *Trends in International Migration 2003*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>
- US General Accounting Office. 1982. *Information on the Enforcement of Laws regarding Employment of Aliens in Selected Countries*. GAO/GGD 82-86. Washington, D.C.: U.S. Government Printing Office.
- Woodrow, Karen and Jeffrey Passel. 1990. Post-IRCA Undocumented Immigration to the United States: An Assessment Based on the June 1988 CPS. In *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*, eds. Frank Bean, Barry Edmonston and Jeffrey Passel, 33-76. Washington, D.C.: The Urban Institute.

United States

(Additional references)

- Bean, Frank. 2002. *Estimates of Numbers of Unauthorized Migrants Residing in the United States: the Total, Mexican, and Non-Mexican Central American Unauthorized Populations in Mid-2002*. A Study conducted for the Pew Hispanic Center. Washington, D.C.: Pew Hispanic Center.
- Cholewinski, Ryszard. 1997. *Migrant Workers in International Human Rights Law: Their Protection in Countries of Employment*. Oxford: Clarendon Press, 1997.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2000. *IRCA's Impact on the Occupational Concentration and Mobility of Newly-Legalized Mexican Men*. *Journal of Population Economics* 13: 81-98.
- Cobb-Clark, Deborah and Kossoudji, Sherrie. 2002. *Coming out of the Shadows: Learning about Legal Status and Wages from the Legalized Population*. *Journal of Labour Economics*, vol. 20, no. 3: 598-628.
- Crane, Keith, Beth J. Asch, Joanna Z. Heilbrunn, D.C. Cullinane. 1990. *The Effect of Employer Sanctions on the Flow of Undocumented Immigrants to the United States*. Santa Monica: Rand Corporation.
- Department of Homeland Security. October 2003. *2002 Yearbook of Immigration Statistics* [online]. Washington, D.C.: Office of Immigration Statistics.: <http://uscis.gov>.
- Durand, Steven. 2001. *U.S. Immigration Reform: A Legislative History* [online]. Washington, D.C.: Population Resource Center. www.prcdc.org/summaries/usimmighistory/usimmighistory.html
- Edmonston, Barry, Jeffrey Passel and Frank Bean. 1990. Perceptions and Estimates of Undocumented Migration to the United States. In *Undocumented Migration to the United States*.

- States: *IRCA and the Experience of the 1980's*, eds. Frank Bean, Barry Edmonston and Jeffrey Passel, 11-22. Washington, D.C.: The Urban Institute.
- Federation for American Immigration Reform. (2004). *What's Wrong with Proposals for a New Guestworker Programme?*[online]. Washington, D.C.: FAIR. www.fairus.org/ImmigrationIssueCenters/ImmigrationIssueCenters.cfm?ID=2250&c=15
- Immigration and Naturalization Service. 2000. *1998 Statistical Yearbook of the Immigration and Naturalization Service*. Washington, D.C.: Government Printing Office.
- Jachimowicz, Maia (2004). *Bush Proposes New Temporary Worker Programme*. Policy Beat [online], Washington, D.C.: Migration Information Source. www.migrationinformation.org
- Krikorian, Mark. January 26, 2004. Amnesty Again: This Country Should Have Learned, Apparently it has Not. *National Review Online* [online]. www.cis.org/articles/2004/markoped012604.html
- Kosegi, Scott. 2001. The H-2A Programme: How the Weight of Agricultural Employer Subsidies is Breaking the Back of Domestic Migrant Farm Workers [online]. *Indiana Law Review* 35. <http://web.lexis-nexis.com/universe/>
- Lowell, B. Lindsay and Roberto Suro. 2002. *How Many Undocumented: the Numbers Behind the U.S.-Mexico Migration Talks* [online]. Washington, D.C.: Pew Hispanic Center. Online. www.pewhispanic.org/site/docs/pdf/howmanyundocumented.pdf
- Martin, Philip, "Guest Workers: New Solution, New Problem?" A Study conducted for the Pew Hispanic Center, (Washington, D.C.: 2002).
- Massey, Douglas and Kristen Espinosa. 1997. What's Driving U.S.-Mexico Migration? A Theoretical, Empirical and Policy Analysis. *American Journal of Sociology*, 102:4: 939-999.
- Massey, Douglas et al. 1994. An Evaluation of International Migration Theory: The North American Case. *Population and Development Review*, 20:4: 699-751.
- Migration Information Source. 2004. *A New Century: Immigration and the U.S.* Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- Migration News*. Various issues: <http://migration.ucdavis.edu/>
- Orrenius, Pia and Madeline Zavodny. 2001. *Do Amnesty Programmes Encourage Illegal Immigration? Evidence from IRCA*. Working Paper 0103. Dallas: Federal Reserve Bank of Dallas.
- Orrenius, Pia and Madeline Zavodny. 2004. *What are the consequences of an amnesty for undocumented immigrants?* Working Paper 2004-10. Atlanta: Federal Reserve Bank of Atlanta.
- Papademetriou, Demetrios. March 2004. *The Mexico Factor in US Immigration Reform* [online]. Washington, D.C.: Migration Information Source. www.migrationpolicy.org

Portes, Alejandro, Jose Itzigsohn, and Carlos Dore. 1994. Urbanization in the Caribbean Basin: Social Change during the Years of Crisis. *Latin American Research Review* 24: 7-44.

Rytina, Nancy. 2001. *IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2000*. Washington, D.C.: Office of Policy and Planning Statistics Division U.S. Immigration and Naturalization Service.
http://uscis.gov/graphics/shared/aboutus/statistics/IRCA_REPORT/irca0114int.pdf

Woodrow, Karen and Jeffrey Passel. 1990. Post-IRCA Undocumented Immigration to the United States: An Assessment Based on the June 1988 CPS. In *Undocumented Migration to the United States: IRCA and the Experience of the 1980's*, eds. Frank Bean, Barry Edmonston and Jeffrey Passel, 33-76. Washington, D.C.: The Urban Institute.

Proposed Legislation

S 1387. *Border Security and Immigration Reform Act*. Available from the World Wide Web:
<<http://thomas.loc.gov/cgi-bin/query>>

S 1461. *Border Security and Immigration Improvement Act*. Available from the World Wide Web:
<<http://thomas.loc.gov/cgi-bin/query>>

S.1545. *Development, Relief and Education for Alien Minors Act of 2003*. Available from the World Wide Web: <<http://thomas.loc.gov/cgi-bin/query/D?c108:1:/temp/~c108LEh8EJ::>>>

S.1645. *Agricultural Job Opportunities, Benefits, and Security Act of 2003*. Available from the World Wide Web: < <http://thomas.loc.gov/cgi-bin/query/D?c108:2:/temp/~c1087V7Thm::>>>

S 2010. *Immigration Reform Act of 2004*. Available from the World Wide Web:
<<http://thomas.loc.gov/cgi-bin/query>>

S 2381. *Safe, Orderly Legal Visas and Enforcement Act of 2004*. Available from the World Wide Web:
<<http://thomas.loc.gov/cgi-bin/query>>

HR 440. *Unity, Security, Accountability and Family Act*. Available from the World Wide Web:
<<http://thomas.loc.gov/cgi-bin/query>>

Fact Sheet: Fair and Secure Immigration Reform, January 7, 2004 [online]. Washington, D.C.: The White House. Available from the World Wide Web:
<<http://www.whitehouse.gov/news/releases/2004/01/20040107-1.html>>

United Kingdom

(Additional references)

Anderson, Bridget. 1999. *The Devil is in the Detail: Lessons to be Drawn from the UK's Recent Exercise in Regularising Undocumented Workers*, Working Paper, University of Warwick.

- Baldaccini, Anneliese. 2003. *EU and US Approaches to the Management of Immigration: United Kingdom* [online]. eds. Jan Niessen, Yongmi Schibel and Raphaele Magoni. Brussels: Migration Policy Group. www.migpolgroup.com
- Dobson, Janet, Khalid Koser, Gail McLaughlin and John Salt. 2001. *International Migration and the United Kingdom: Recent Patterns and Trends*. RDS Occasional Paper no. 75 [online] London: Home Office. www.homeoffice.gov.uk/rds/pdfs/occ75.pdf
- Dudley, Jill, Gill Turner and Simon Woollacott. August 2003. *Control of Immigration: United Kingdom Statistics 2002*. HOSB 10/03 [online]. London: Home Office. www.homeoffice.gov.uk/rds/pdfs2/hosb1003.pdf
- Guild, Elspeth. 2000. *The Regularisation of Illegal Immigrants in the United Kingdom*. In *Regularisations of Illegal Immigrants in the European Union*. eds. J. Apap et al. Brussels: Bruylant Publishers.
- Home Office. *Information about the Highly Skilled Migrant Programme* [online]. www.workingintheuk.gov.uk/working_in_the_uk/en/homepage/schemes_and_programmes/hsmp.html
- House of Lords Select Committee on the European Union. November 2002. *A Common Policy on Illegal Immigration* [online]. London: The Stationary Office. www.parliament.the-stationery-office.co.uk/pa/ld200102/ldselect/ldcom/187/187.pdf
- Immigration and Nationality Directorate. December 2002. *Immigration Directorates' Instructions: Domestic Workers in Private Holds—the Regularisation Programme* [online]. London: Home Office. www.ind.homeoffice.gov.uk
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development. www.icmpd.org/uploadimg/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Migration Information Source. May 2002. *Immigration, Labour and Race in the United Kingdom*. [online]. Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- Secretary of State for the Home Department. 1998. *Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum* [online]. London: The Stationary Office. www.archive.official-documents.co.uk/document/cm40/4018/summary.htm

Greece

(Additional references)

- Baldwin-Edwards, Martin. 2001. *An Analytic Commentary on the Greek Regularisation Bill, 2000*. MMO Working Paper No. 1 [online]. Athens: Mediterranean Migration Observatory. www.uehr.panteion.gr
- Baldwin-Edwards, Martin. 2004a. *Albanian Emigration and the Greek Labour Market: Economic Symbiosis and Social Ambiguity*. *South East Europe Review*.

- Baldwin-Edwards, Martin. 2004b. *Immigration into Greece, 1990-2003: A Southern European Paradigm?* Presentation for Panel: "International Migration: Promoting Management and Integration." [online]. Athens: Mediterranean Migration Observatory. www.mmo.gr/pdf/publications/publications_by_mmo_staff/UNECE%20paperV3.pdf
- Baldwin-Edwards, Martin and Constantina Safilos-Rothschild. 2000. Immigration and Unemployment in Greece: Perceptions and Realities. In *Unemployment in Southern Europe: Coping with the Consequences*. ed. Nancy Bermeo. London: Frank Cass.
- European Commission Against Racism and Intolerance. 2004. *Third Report on Greece* [online]. Strasbourg: Council of Europe. www.coe.int
- Fakiolas, Rossetos. 1997. *Recent Efforts to Regularise Undocumented Immigrants in Greece*. WP/97/40. European Foundation for the Improvement of Living and Working Conditions.
- Fakiolas, Rossetos. 2003. Regularising undocumented immigrants in Greece: procedures and effects. *Journal of Ethnic & Migration Studies*. vol. 29 no. 3: 535-557.
- International Organization for Migration. 2003. *World Migration 2003: Managing Migration—Challenges and Responses for People on the Move*. Geneva: International Organization for Migration.
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development. www.icmpd.org/uploading/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Lazaridis, G. and J. Poyago-Theotoky. 1999. Undocumented Migrants in Greece: Issues of Regularisation. *International Migration*, vol 37 no. 4: 715-738.
- Linos, Katerina. 2001. *Understanding Greek Immigration Policy*. Working Paper. Kokkalis Graduate Student Workshop.
- Lykovardi, Kalliopi. 2002. *General Overview of Discrimination in Greece* [online]. Geneva: International Organization for Migration. www.iom.fi/anti-discrimination/pdf/Greece%2011%20January%202003.PDF
- Lykovardi, Kalliopi and Eleni Petroula. 2003. *EU and US Approaches to the Management of Migration: Greece* [online]. Eds. Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.com/uploadstore/Greece.pdf
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD. www.oecd.org
- Papantoniou-Frangouli, Maria and Kleio Maria Levanti. 2000. *The legalization of aliens in Greece*. *International Migration Review* vol. 34 no. 13: 950.

Samokhalov, Vselvod. 2004. *Greece and Migrants: The Process of Integration*. Working Paper. Athens: International Center for Black Sea Studies.

Italy

(Additional references)

Chaloff, Jonathan. 2003. *EU and US Approaches to Migration Management: Italy* [online]. Brussels: Migration Policy Group. www.migpolgroup.org

Hamilton, Kimberly. May 2002. *Italy's Southern Exposure*. Migration Information Source [online]. Washington, D.C.: Migration Policy Institute. www.migrationinformation.org

International Helsinki Federation for Human Rights. 2003. *Focus on Italy* [online]. http://www.ihfhr.org/viewbinary/viewdocument.php?download=1&doc_id=5444

Miraglia, Filippo. 2002. *New Law on Immigration in Italy*. [online]. www.noracism.org/news01.htm

Okoth, Kenneth. November 2003. *Undocumented Migration Haunts Italy's Ruling Coalition*. Migration Information Source [online]. Washington, D.C.: Migration Policy Institute: www.migrationinformation.org

Pastore, Ferruccio. February 2004. *Italy's Migration Contradiction*. Open Democracy Online [online]. www.opendemocracy.net

Piperno, Flavia. May 2002. *From Albania to Italy: Formation and Basic Features of a Binational Migration System*. Rome: CeSPI.

Reyneri, Emilio. 2003. *Illegal Immigration and the Underground Economy*. National Europe Paper no. 68 [online]. Paper presented at conference "Challenges of Immigration and Integration in the European Union and Australia." www.anu.edu.au/NEC/reyneri.pdf

Reyneri, Emilio. 2004. *Immigrants in a Segmented and often Undeclared Labour Market*. Journal of Modern Italian Studies, vol. 9 no. 1: 71-93.

Veikou, Mariangela and Anna Triandafyllidou. 2000. *Immigration Policy and its Implementation in Italy: A Report on the State of the Art* [online]. European University Institute. www.mmo.gr/pdf/library/Italy/triandaf.pdf

France

(Additional references)

Bliou, Reynald, Catherine Wihtol de Wenden and Nedjma Meknache. 2003. *EU and United States Approaches to the Management of Migration: France* [online]. Eds. Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.org

- EUROSTAT. 2003. *Analysis and Forecasting of International Migration by Major Groups, Part III*. 3/2002/E/no.17 [online]. The Hague: European Commission. <http://europa.eu.int>
- Garson, Jean-Pierre. 2003. Dealing with Unlawfully Resident Immigrants: Regularisations and Beyond. In *Policy Briefs and Recommendations: the Greek Presidency Conference on Managing Migration for the Benefit of Europe* [online]. Washington, D.C.: Athens Policy Initiative, a project of the Migration Policy Institute. www.migrationpolicy.org/AMPI/docs/ampiPOLICYBRIEFSmay.doc
- Garson, Jean-Pierre. 1992. Migration and Interdependence: The Migration System Between France and Africa. In *International Migration Systems: a Global Approach*. Eds. Mary Kritz, Lin Lean Lim and Hania Zlotnik. Oxford: Clarendon Press.
- Guiraudon, Virginie. January 1, 2002. *Immigration Policy in France* [online]. Washington, D.C.: The Brookings Institution. www.brook.edu
- Hamilton, Kim et al. 2004. *The Challenge of French Diversity* [online]. Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- Meissner, Doris, David North and Demetrios Papademetriou. 1987. *Legalization of Undocumented Aliens: Lessons from Other Countries*. *International Migration Review* 21:3: 424-432.
- Nueckens, Dimitry. 2001. *Regularisation Campaigns in Europe* [online]. Brussels: PICUM. www.picum.org
- SOPEMI. 1990. Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.

Spain

(Additional references)

- Consejo Económico y Social. 2004. *Informe Sobre la Inmigración y el Mercado del Trabajo en España*. [online]. Madrid: Consejo Económico y Social. www.extranjeria.info/inicio/index.htm
- Díez Nicolás, Juan and María Ramírez Rafita. 2001. *La Inmigración en España: Una Década de Investigaciones*. Madrid: IMERSO.
- European Commission Against Racism and Intolerance. 2003. *Second Report on Spain* [online]. Strasbourg: Council of Europe. www.coe.int
- Izquierdo Escribano, Antonio. 2002. Panorama de la Inmigración en España al Alba del Siglo XXI. In *Procesos Migratorios, Economía y Personas*. Ed. Manuel Pimental Siles. Cajamaer, Spain: Instituto de Estudios de Cajamar.
- Ministerio del Interior. 2003. *Estadístico de Extranjería Año 2002*. Madrid: Ministerio del Interior, Delegación del Gobierno para la Extranjería y la Inmigración, Observatorio Permanente de la Inmigración.

Ministerio de Trabajo y Asuntos Sociales. 2002. *Anuario de Migraciones*. Madrid: Ministerio de Trabajo y Asuntos Sociales.

Ministerio de Trabajo y Asuntos Sociales. 2005. *Proceso de Normalización de Trabajadores Extranjeros*. Madrid: Ministerio de Trabajo y Asuntos Sociales.
www.mtas.es/migraciones/proceso2005/GuiaInformacion.pdf

Ortega Pérez, Nieves. 2003. *Spain: Forging an Immigration Policy* [online]. Washington, D.C.: Migration Information Source. www.migrationinformation.org

Zapata-Barrero, Ricard. *EU and US Approaches to the Management of Migration: Spain* [online]. eds. Jan Niessen et al. www.migpolgroup.com/uploadstore/Spain.pdf

Portugal

(Additional references)

European Commission Against Racism and Intolerance. November 2002. *Second Report on Portugal* [online]. Strasbourg: Council of Europe. www.coe.int

Esteves, Alina, Maria Lucinda Fonesca and Jorge Malheiros. 2003. *EU and US Approaches to the Management of Immigration: Portugal* [online]. Eds Jan Niessen et al. Brussels: Migration Policy Group www.migpolgroup.com

Falcao, José. April 1998. Régularisation á la Portugaise. In *Les faux-semblants de la régularisation* [online]. Plein Droit no. 38. www.gisti.org/doc/plein-droit/38/regularisation.html

Fortress Europe Circular Letter. August 1998. *Undocumented Migrants in Portugal* [online]: www.fecl.org/5507.htm

Gils-Robles, Alvaro. December 2003. *Report by the Commissioner for Human Rights on his Visit to Portugal*. CommDH(2003)14. Strasbourg: Council of Europe.

Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development.
www.icmpd.org/uploading/Metropolis%20Presentation%2D9%2D2003%2DMJ%2DI.pdf

Macogno, Lorenzo. 2003. *Integration Policies in Portugal* [online]. Working paper.
www.emzberlin.de

Malheiros, Jorge. *Portugal Seeks Balance of Emigration, Immigration* [online]. Washington, D.C.: Migration Information Source. www.migrationinformation.org

Belgium

(Additional references)

- European Commission Against Racism and Intolerance. 2004. *Third Report on Belgium*. [online] Strasbourg: Council of Europe. www.coe.int
- Fischer, Matthew. 2001. *The Regularisation of Illegal Immigrants in Belgium: its Specific Character in a European Context* [online]. Lecture in the Cicero Foundation Great Debate Seminar "European Migration and Refugee Policy: New Developments." Paris: Cicero Foundation. www.cicerofoundation.org/lectures/p4fischer.html
- Gsir, Sonia, Marco Martiniello and Johan Wets. 2003. *EU and US Approaches to the Management of Immigration: Belgium* [online]. Eds Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.com/uploadstore/Belgium.pdf
- International Organization for Migration. 2003. *World Migration 2003: Managing Migration—Challenges and Responses for People on the Move*. Geneva: International Organization for Migration.
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development. www.icmpd.org/uploading/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Jamin, Jerome. 2003. *Migrants and Ethnic Minorities in Belgium*. Liege: University of Liege Center for Studies on Ethnicity and Migration.
- Kagné, Bonaventure. 2000. *Easy Scapegoats: Undocumented Immigrants in Europe: Belgian Report*. Liege: University of Liege Center for Studies on Ethnicity and Migration.
- Martiniello, Marco. 2001. *Belgium's Immigration Policy*. In Policy Recommendations for EU Migration Policies. Brussels: King Baudouin Foundation.
- Martiniello, Marco and Andrea Rea. October 2003. *Belgium's Immigration Policy Brings Renewal and Challenges* [online]. Washington, D.C.: Migration Information Source. www.migrationinformation.org

Luxembourg

(Additional references)

- European Industrial Relations Observatory On-Line. 1999a. *LCGB Calls for Regularisation of Position of Foreign Workers without Residence/Work Permits* [online]. Dublin: European Foundation for the Improvement of Living and Working Conditions. www.eirofound.eu.int
- European Industrial Relations Observatory On-Line. 1999b. *OGB-L Immigrants' Department Submits Specific Demands*. [online]. Dublin: European Foundation for the Improvement of Living and Working Conditions. www.eirofound.eu.int

- European Industrial Relations Observatory On-Line. 2001. *Regularisation of Illegal Immigrants Makes Slow Process* [online]. Dublin: European Foundation for the Improvement of Living and Working Conditions. www.eirofound.eu.int
- Kollwelter, Serge. 2003. *EU and US Approaches to the Management of Immigration: Luxembourg* [online]. Eds. Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.com
- Le Gouvernement du Grand-Duché de Luxembourg. 2003. *La regularisation des sans-papiers* [online]. www.gouvernement.lu/dossiers/justice/sanspapiers/
- Ministry of Labour and Employment. 2003. *Rapport d'activité 2002* [online]. Luxembourg: Grand-Duché du Luxembourg. www.gouvernement.lu/publications/rapportsactivite/rapports2002/2002ra_travail/Travail_Emploi_2002.pdf
- Waringo, Karin. *National Employment Strategies towards Migrants and Asylum Seekers in Luxembourg: The Plan d'Action pour l'Emploi and other Programmes and Policies*. Working Paper. Brussels.
- Waringo, Karin. 2003. *Migration Policies in Luxembourg* [online] www.emzberlin.de/projekte-_e/pj32_1pdf/MigPol/MogPol_Luxembourg.pdf

Appendix

Table I: Country Comparison Chart

Country	Year/ program	Application dates	Conditions Required	Number Applied	Number Regular- ized	Type of permit	Primary reasons for program(s)	Program analysis:
United States	1986 Immigration Reform and Control Act and Amnesty provisions	General legalization program (I-687): 5 May 1987- 4 May 1988	Continuous residence in country before Jan. 1 1982.	1.7 million	1.6 million	Permanent legal residency	<ul style="list-style-type: none"> • Public perception of high levels of undocumented immigrants in the U.S. • Select Commission on Immigration and Refugee Policy stated undocumented immigration the most urgent aspect of immigration policy reform. • Attempt to stop flow of undocumented migrants. 	<ul style="list-style-type: none"> • Not effective in deterring undocumented immigration. • Did not allow many undocumented who entered after 1982 to apply for legal status. • High level of fraud associated with application process. • Successful publicity in mobilizing immigrant communities. • Facilitated long-term upward mobility and integration of migrants. • Legalized most applicants.
		Special Agricultural Workers (SAW): 1 June 1987- 30 Nov. 1988	Residence in the U.S. and agricultural work for 90 days before May 1, 1986.	1.3 million	1.1 million	Permanent legal residency		

Country	Year/ program	Application dates	Conditions Required	Number Applied	Number Regular- ized	Type of permit	Primary reasons for program(s)	Program analysis:
United Kingdom	1998 Domestic Worker Regularisation Programme	23 July 1998- 23 October 1999	<ul style="list-style-type: none"> • Entrance before 23 July 1998; • Valid passport; • current employment as domestic worker; • proof of ability to support oneself 		Less than 200 as of 1999	12 month temporary work permit	<ul style="list-style-type: none"> • Domestic worker organizations pressured government agencies to reform abusive situations. 	<ul style="list-style-type: none"> • Low migrant worker participation in program. • Little publicity in support of program. • Bureaucratic requirements deterred participation. • Delay in the processing of applications.

Country	Year/ program	Application dates	Conditions Required	No. Applied	No. Regularized	Type of permit	Primary reasons for program(s)	Program analysis
Greece	1998 : White Card	November 1997-March 1999 (for both programs)	<ul style="list-style-type: none"> • Presence in Greece since 27 November 1997. 	370,000	370,000	6 month residence permit	<ul style="list-style-type: none"> • Potential of social security and tax contributions from immigrants. • Attempt to regularize informal economy. • Failure of previous policies to remove foreigners. 	<ul style="list-style-type: none"> • Low public support for schemes. • Few migrants applied. • Poor data collection which makes analysis difficult. • Incompetent government oversight. • No strategy for migrant integration. • Many migrants fell back into irregular status after permits expired. • Large number of backlogs. • Greek bureaucracy unprepared for large numbers of applicants. • Alleged corruption among public officials
	Green Card (Presidential decrees 358/2997; 359/1997)		<ul style="list-style-type: none"> • White card. • Legal employment since 1 Jan 1998; • Employment for 40 days at minimum wage with social security contribution 	228,000	220,000	1-5 year work and residence permit, renewable.		
	2001 Regularization Program (L. no. 2910/2001)	2 June 2001-2 August 2001	Proof of legal status or continuous residence in the country for one year.	368,000	228,000	2-year residence and work permits. After 10 years, ability to apply for permanent residence status	<ul style="list-style-type: none"> • Correct failures of previous program; regularize underground economy. 	

Country	Year/ program	Application dates	Conditions Required	Number Applied	Number Regular- ized	Type of permit	Primary reasons for program(s)	Program analysis
Italy	1986 Regularization Program	27 Jan 1987-30 Sept. 1988	<ul style="list-style-type: none"> • Employer sponsor. • Presence in Italy prior to 27 Jan. 1987. 		118,700	Temporary work permit.	<ul style="list-style-type: none"> • Bring migrants out of the underground economy. 	<ul style="list-style-type: none"> • Requirements too difficult to be met. • Low turnout of migrants. • Little publicity to support program.
	1990 Martelli Law and regularization program		<ul style="list-style-type: none"> • Worker and students present before Dec. 31 1989. 		235,000	2-year residence permit	<ul style="list-style-type: none"> • Control underground economy. 	<ul style="list-style-type: none"> • Many migrants fell out of regular status after permits expired.
	1995 Government Decree		<ul style="list-style-type: none"> • Residence in Italy; • Employed during past six months or job offer from employer; • Have paid 3 months of social security. 	256,000	238,000	1 or 2 year residence permit	<ul style="list-style-type: none"> • Correct for shortcomings of previous program. 	<ul style="list-style-type: none"> • Difficulty of obtaining employment contracts led to falsification of applications.
	1998 Immigration Act	27 March 1998- 31 December 1998	<ul style="list-style-type: none"> • Presence in country prior to 27 March 1998; • Proof of housing; • Employers must pay taxes on wages 	308,323	193,200	Temporary permit		<ul style="list-style-type: none"> • Processing time of applications often lengthy.
	2002 Bossi-Fini Law	11 September 2002- 11 November 2002	<ul style="list-style-type: none"> • Proof of 3 months of pension contribution; • Proof of continued employment. 	700,000	634,728	Temporary one-year permit, with a six-month allowance to look for employment if a worker lost employment during that time	<ul style="list-style-type: none"> • A “humanitarian” regularization of migrant caretakers and domestic workers. 	

Country	Year/ program	Application dates	Conditions Required	Number Applied	Number Regular-ized	Type of permit	Primary reasons for program(s)	Program analysis
France	1981-82 Ministerial Order followed by other orders and decrees	6 July 1981-29 February 1983	<ul style="list-style-type: none"> • Presence before 1 Jan. 1981. • Proof of stable employment or work contract—eventually expanded to include many other categories 	150,000	130,000	Permanent residence permit.	<ul style="list-style-type: none"> • To bring undocumented immigrants out of illegality and the underground economy. • Facilitate economic and social integration of foreign families in France. 	<ul style="list-style-type: none"> • Successful advertising campaign in collaboration with immigrant organizations. • Research component that gave government information on undocumented population. • Bureaucratic challenges.
	1997-1998 Chevènement Laws and regularization program	24 June 1987-30 April 1998	<ul style="list-style-type: none"> • Continuous residence in France for 7 years and real family ties; OR • Letter with employer's intention to hire, real family ties and 5 years residence in France. 	150,000	87,000	Permanent residence permits.	<ul style="list-style-type: none"> • High profile protests by "sans papiers" movement. • Transformation in immigration policy after election of Socialist Prime Minister. 	<ul style="list-style-type: none"> • Limited scope and lengthy residence requirements have not had a large impact on irregular migration.

Country	Year/ program	Applica tion dates	Conditions Required	No. Appli ed	No. Regular- ized	Type of permit	Primary reasons for program(s)	Program analysis
Spain	1985 Law on the Rights and Freedoms of Foreigners	24 July 1985-31 March 1986	<ul style="list-style-type: none"> • Presence in country before 24 July 1985; • Applicants must have job offer. 	44,000	23,000	One-year temporary residence status with renewal authorized upon securing work permit.	<ul style="list-style-type: none"> • Immigrants viewed as temporary workers who needed regularization 	<ul style="list-style-type: none"> • Most of those who could have been eligible (50-75 percent) did not apply. • Bureaucratically slow. • Lack of infrastructure. • Inability to mobilize immigrant community. • Many reverted to undocumented status after expiration of permits.
	1991		<ul style="list-style-type: none"> • Residence and employment in Spain since 15 May 1991; • Asylum seekers whose applications had been rejected or were pending 	135,393	109,135	3-year residence permit.	<ul style="list-style-type: none"> • Control underground economy 	<ul style="list-style-type: none"> • More successful collaboration with immigrant organizations. • 26-50 percent did not renew permits. • Attracted more undocumented migration.
	1996 Royal Decree		<ul style="list-style-type: none"> • Employment in country since 1 January 1996; OR • Have a working or residence permit issued after May 1996; OR • Be a member of the family of a migrant living in Spain before January 1996 	25,000	21,300	5-year residence permit	<ul style="list-style-type: none"> • To regularize those immigrants who had not renewed documents. 	<ul style="list-style-type: none"> • With 59% of applications coming from people who were former permit holders, showed extent of immigrants slipping back into unauthorized status.
	Immigration Law 2000	21 March 2000-31 July 2000	<ul style="list-style-type: none"> • Residence before June 1 1999; • Work permit or residence permit in previous three years; OR • Application for work or residence permit. 	247,598	153,463	1-year temporary residence and work permit		

	2001	June-July 2001	<ul style="list-style-type: none"> • Presence in Spain before 23 January 2001; • Proof of incorporation into the labor market, family ties with Spanish citizen or foreign residents, no charges pending. 	350,000	221,083	1-year temporary residence permit		
Spain (cont'd)	2005— Decree 2393/2004	7 February 2005-7 May 2005	<p>For employers:</p> <ul style="list-style-type: none"> • Demonstrate that they are enrolled in and paying into Social Security • Proof that they have no history of breaking immigration laws in the previous 12 months, • Proof that they haven't been sanctioned for violating the rights of workers or immigrants. <p>For immigrants:</p> <ul style="list-style-type: none"> • proof of registration with a local municipality in Spain before August 7, 2004 and presence in Spain at the time of application. • Proof of work contract. • Clean criminal record. 	As of 2/2005, it is estimated that 500,000 may apply		1-year temporary, renewable residence permit. Length of work permit will depend on contract.	To control informal economy, and to control illegal employment of immigrants	

Country	Year/ program	Application dates	Conditions Required	No. Applied	No. Regula r-ized	Type of permit	Primary reasons for program(s)	Program analysis
Portugal	1992-1993	October 1992-March 1993	<ul style="list-style-type: none"> Open to workers and non-workers who had been in the country prior to 15 April 1992. 	80,000	38,364	Temporary residence permit	<ul style="list-style-type: none"> Agreed to tackle problem of undocumented immigrants as part of requirements for entering into compliance with the Schengen Implementing Convention 	<ul style="list-style-type: none"> Insufficient publicity and outreach. Bureaucratic incompetence in processing applications. Corruption among officials. Difficulties of applicants in meeting requirements.
	1996	June- December 1996	<ul style="list-style-type: none"> Proof of involvement in professional activity; Basic ability to speak Portuguese; Housing; Had not committed a crime 	35,000	31,000	Temporary residence permit	<ul style="list-style-type: none"> To improve on previous regularization program's shortcomings. New political party started more proactive policies in domain of immigration. 	<ul style="list-style-type: none"> Preferential treatment was given to applicants from PALOP states. Inadequate information campaign. Bureaucratic delays. Increase of trafficking and smuggling networks.
	Decree/Law 4/2001	January- November 2001	<ul style="list-style-type: none"> Presence in country; Valid work permit. 		170,000	One-year "permanence" permit, with possibility of renewal up to four times. After five years, applicant becomes eligible automatically for permanent residence.	<ul style="list-style-type: none"> Aimed at reducing trafficking networks and correcting previous program's inadequacies. Large number of undocumented and pressure of employers to regulate workers. 	<ul style="list-style-type: none"> Authorities had difficulties in implementing legislation. Requirement of employment may lead to abusive employment of immigrants.

Country	Year/ program	Application dates	Conditions Required	Number Applied	Number Regular-ized	Type of permit	Primary reasons for program(s)	Program analysis
Belgium	"One-shot" regularization program of 2000	January 2000	<ul style="list-style-type: none"> • Presence in Belgium prior to October 1, 1999 and : <ul style="list-style-type: none"> • To have had an asylum app. pending for a long time; OR • To not be able to return home for humanitarian regions; • Serious illness; • To have lived in the country for six years. 	32,662 cases representing 50,000 people	Un-known	Long-term residence permit	<ul style="list-style-type: none"> • Protests of "sans papiers" to reform immigration laws after death of a Nigerian refugee. 	<ul style="list-style-type: none"> • Opposition by general population. • Administrative delays.

Country	Year/ program	Application dates	Conditions Required	Number Applied	Number Regular- ized	Type of permit	Primary reasons for program(s)	Program analysis
Luxembourg	"One-shot" regularization program of 2001	15 May – 31 July 2001	<ul style="list-style-type: none"> • Presence in country prior to 1 July 1998; OR • Working illegally prior to 1 January 2000; OR • If refugees, had arrived before 1 January 2000 	1554 applications concerning 2,894 people	1,839 as of 31 December 2002	6-month residence permit to allow applicant to find employment, after which there is possibility of longer-term residence permits.	<ul style="list-style-type: none"> • Response to pressure from trade unions and NGOs. • Country was receiving refugees and had no clear immigration policy. 	<ul style="list-style-type: none"> • Considered an innovative program that brought together needs of immigrants and employment sectors. • Number of applicants low. • Some applicants had difficulties in producing passports. • Ultimately, labor market had difficulties absorbing large numbers of immigrants.