

# OUT OF SIGHT

Research into the living conditions and decision making process of irregular migrants in the main cities of The Netherlands, Germany and Austria



IOM International Organization for Migration



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As intergovernmental body, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; and uphold the human dignity and well-being of migrants.

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Publisher: International Organization for Migration

P.O. Box 10796

2501 HT The Hague

The Netherlands

Tel: +31 70 31 81 500

Fax: +31 70 33 85 454

Email: [missionthehague@iom.int](mailto:missionthehague@iom.int)

Internet: <http://www.iom-nederland.nl>

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# GENERAL INTRODUCTION

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Realising that a common approach to managing migration was necessary, the leaders of the EU set out at the October 1999 European Council in Tampere (Finland) the elements for a common EU immigration policy. The approach agreed in Tampere in 1999 was confirmed in 2004 with the adoption of The Hague programme, which sets the objectives for strengthening freedom, security and justice in the EU for the period 2005-2010. Within the The Hague programme, the EU has set a goal for a balanced approach to migration management, dealing both with legal and illegal migration. Since then, a common EU policy on the return of irregular migrants has been put in place<sup>1</sup>. In all communications from the EU, the respect for the rights and dignity of third country nationals, including in an irregular situation in the Union remain a guiding principle. Thus, EU policy is in favour of voluntary return above forced return: “Where there are no reasons to believe that this would undermine the purpose of a return procedure, voluntary return should be preferred over forced return and a period for voluntary return should be granted”<sup>2</sup> One of the major challenges of the majority of EU member states is an unknown but growing number of irregular migrants who are supposed to leave the EU territory but are difficult to trace and therefore almost inaccessible for assisted voluntary return to their country of origin. In spite of the restrictive immigration policies large numbers of irregular migrants have continued to come to and stay in the EU countries. In addition, a substantial number of asylum-seekers whose asylum request was not honoured are not leaving the territory of the member state but disappear in the growing ‘grey areas’ of the major big cities of Europe.

Migrants in an irregular situation are vulnerable and prone to exploitation in many ways, especially migrants living ‘in hiding’. Housing problems, harsh labour conditions as well as the extreme form of sexual or other forms of exploitation are well-known phenomena. The municipalities attracting most irregular migrants are confronted to and address this problem<sup>3</sup>, i.e. by creating a platform for local organizations and actors. However, migrants in an irregular situation are not registered in terms of residence. When they have entered the territory illegally, they are not registered at all. They live in the margins of society, distrustful of any authority. As a consequence, they are difficult to reach within the regular channels and dependent on assistance from legally residing relatives, charity organizations and NGO’s willing to supply assistance. Furthermore, the municipality administration is directly confronted to the often desperate situation of irregular migrants living in destitute.

## **The Project ‘Return Initiative Irregular Migrants’**

In July 2007 IOM started a project ‘Return Initiative Irregular Migrants’ in the Netherlands, Germany and Austria. Through the ‘Randstad Return Initiative’ (RRI) project, IOM in the Netherlands has gained experience and formed networks of organizations in touch with irregular migrants since 2002. Based on these experiences, the project was developed to be implemented in a more European context. The general objective of the project was to

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<sup>1</sup> COM(2005) 391 final, DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common standards and procedures in Member States for returning illegally staying third-country nationals

<sup>2</sup> ibidem

<sup>3</sup> Rotterdam zet door. Op weg naar een stad in balans, December 2003; Papierlozen in Amsterdam, Raadsnotitie, GroenLinks Amsterdam, March 2004;



contribute to the increase of humane and orderly voluntary return of irregular migrants staying illegally in the EU, in particular Austria, Germany and The Netherlands by strengthening the mechanisms and cooperation within these countries to facilitate their voluntary assistance, in particular those who are difficult to access and are residing in the major cities.

To achieve this objective a low-barrier access was created to illegally residing migrants in the cities of Munich, Vienna, Amsterdam, Rotterdam, Utrecht, The Hague. Through counsellors originating from the main countries of origin, irregular migrants were provided with return counselling, stimulated to reflect on their future perspectives and given support in preparations and arrangements of voluntary return. Furthermore several organizations were approached and worked together with IOM in the reaching out to the target group, thus improving co-operation in the cities and the services given to migrants.

A second purpose of the project was to increase the knowledge on the situation of irregularly residing migrants in the selected countries by collection of data and exchange of good practices, in view of exchange of experience, improvement of methodology and (inter)national policy.

Austria, Germany and the Netherlands have participated in the second pilot study of the European Migration Network „Illegally Resident Third Country Nationals in the EU Member States: State Approaches towards Them and Their Profile and Social Situation“<sup>4</sup>. The study identified significant research gaps, notably the little information available on the economic and social situation of illegally resident/working immigrants. A few sociological studies deal with this topic, in particular a number of qualitative case studies. The disadvantage of these case studies is that it is not possible to generalize. In most cases it is not known how the irregular status came about. Research gaps are evident when it comes to the question of who these irregular immigrants are (age, sex, education, profession, nationality) and how they manage to survive without possessing the legal documents for residence and/or work. Very little information is available on the impact of irregular immigrants on the host society as clear indicators and the corresponding data are missing.

The precarious situation in which irregular migrants find themselves calls for offering the possibility to a dignified return and perspectives to rebuilding a life in the country of origin. In addition, the social problem that the big cities are facing with often homeless irregular migrants living on the margins of society can partly be responded by increasing their access to information and counselling including opportunities of voluntary return assistance. Many of irregular migrants do not have adequate access to such assistance.

The situation per member state of the EU can differ widely concerning the respective national policy towards migration, Assisted Voluntary Return programmes and the operational responsibilities of IOM. The project did an attempt at paving the way towards a common approach to communities of migrants residing irregularly in different countries, based on best practices and comparison of approaches and of characteristics of migrant communities. The national regulations and the attention given by politics to the issue of migration has a great influence on the way migrants, regular and irregular, are approached, the channels in which they are led and the assistance they can get or are refused. A common approach was sought but at the same time each country would bring in their own elements following the national possibilities and situation.

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<sup>4</sup> The research was undertaken in 2005 in Austria, Germany, Italy, Ireland, Sweden, Greece, Belgium and the Netherlands.

This resulted in a survey report composed of three different parts<sup>5</sup>. Each country followed the same division in contents and questionnaire but the target groups differed as well as the methodology for implementation of the project. The differentiation was due to the very different political and social situation, in each country and, for the Netherlands, in each city. The differences influence the status of irregular migrants in national law and their legal possibilities of surviving: in Germany irregular migrants can apply for a status as ‘tolerated’. It also influences the informal means of surviving as one city has more to offer than the other: in Amsterdam NGO’s are well organized and can give better support to migrants including irregular ones. The choice of target group is of importance: the irregular Kosovars in Austria live within their own community and do not depend on assistance from Austrian organizations, making them extremely difficult to reach.

In November 2008 the project partners held a meeting to discuss the results of the project and the outcomes of the surveys. Comparison between the country reports gave some differences in approach and strong points per report. The Netherlands gathered data through the native counsellors, while in Germany the researcher and counsellors gathered data apart and in Austria the survey was done by researcher and counsellor together. All agreed that the native counsellors make it easier to access the target group and gain their trust. Austria chose a single nationality as target group. This has given the possibility to make an assessment in the country of origin as well as in the host country and to focus on a well delimited group. Germany has made a good effort to translate the collected data into figures as well as a narrative, which in some aspects gives a very clear picture of the situation of irregular migrants. The Netherlands has taken good advantage from experience with working with native counsellors and has gathered significant narrative data on the factors of influence to the decision making process regarding return.

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<sup>5</sup> The report ‘Reaching out to the Unknown’ was originally finalized and printed in March 2008. The present report has been actualized for the year 2008.



# REACHING OUT TO THE UNKNOWN

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Native counselling and the decision making process  
of irregular migrants and rejected asylum seekers on voluntary return

**Research report IOM The Netherlands**  
December 2008

**Researcher**  
Joris van Wijk



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IOM International Organization for Migration





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## ABBREVIATIONS

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AZC	Asielzoekerscentrum (Asylum centre)
COA	Centrale Opvang Asielzoekers (Central Agency for the Reception of Asylum Seekers)
DT&V	Dienst Terugkeer en Vertrek (Return and Departure Service)
EU	European Union
G4	'Grote 4' (4 big cities Amsterdam, Rotterdam, The Hague and Utrecht)
GGD	Gemeentelijke Gezondheidsdienst (Municipal Public Health Service)
IOM	International Organization for Migration
LP	Laissez Passer
NC	Country of origin speaking Native Counsellor
IND	Immigratie en Naturalisatiedienst (Immigration and Naturalization Service)
NMI	Netherlands Migration Institute
NGO	Non-Governmental Organization
SIOD	Social Intelligence and Investigation Department

# 1. INTRODUCTION

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## 1.1 Voluntary return of rejected asylum seekers and irregular migrants

The return of rejected asylum seekers and irregular migrants has - both on a national and on a communitarian level - over the last decade been a major political issue within Europe (Noll 1999; IOM 2003; Phuong 2004; Black et. al. 2004, EMN 2006; IOM 2006). After the denial of a refugee status, asylum seekers are supposed to return to their country of origin. 'Failed' asylum seekers can forcibly be repatriated from the host country, or decide to return voluntarily. The same applies to irregular migrants who never applied for asylum. For rejected asylum seekers and irregular migrants themselves, voluntary return is preferred above forced return. This is also the case from the perspective of the host country. It is a more humane alternative to forced repatriation and a means of strengthening the integrity of regular asylum and immigration programmes (IOM 2003). Moreover, voluntary return is more cost-effective than forced repatriation. The European Union acknowledges illegality in nation states as a problem and promotes programmes that facilitate the voluntary return of migrants. The Council Meeting of Justice and Home Affairs in Luxembourg on 12 October 2005 stated that: "Voluntary return is an important component of a balanced, effective and sustainable approach to the return and, where applicable, reintegration of unsuccessful asylum seekers" (Council of the European Union 2005).

Voluntary return is in most instances facilitated by the International Organization for Migration (IOM). IOM acts as an intermediary for foreign nationals who wish to leave the Netherlands voluntarily. In general, those migrants who have applied for asylum in the Netherlands relatively recently, are during their procedure informed about the return options and packages offered by IOM. Within the asylum facilities information about return packages is available and promoted. A large group of less recent rejected asylum applicants and irregular migrants who have never applied for asylum however, are not 'automatically' informed about the possibilities IOM can offer with regard to voluntary return. This is particularly the case for migrants who live in the margins of society such as homeless persons, drug addicts and victims of trafficking.

The Dutch policy document on return - *de terugkeernota*<sup>6</sup> - published by the Ministry of Justice in 2003, raised the problem of approaching those undocumented migrants who live outside the scope of the authorities. Rejected asylum seekers and irregular residents who have never (or for long time not) been in touch with the authorities are difficult to approach and therefore not or ill informed about the possibility of voluntary return. At the same time local and national government have an interest in adequately informing this group. Firstly, government policy papers and academic literature agree that irregular migrants are prone to exploitation in many ways. Secondly, according to academic literature a relation exists between illegality and survival-crime (Van der Leun 2001, Leerkes 2007). From these perspectives it is constructive to reach out to this group of migrants and inform them about the possibilities of voluntary return. Especially from the perspective of local government it is

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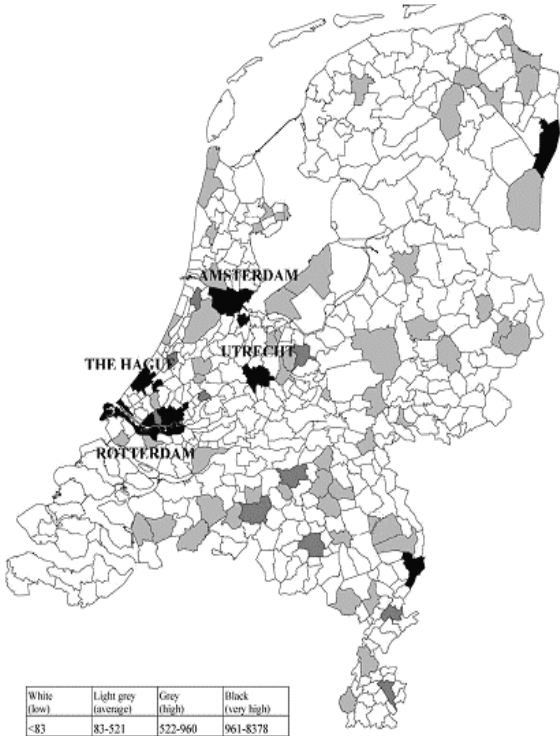
<sup>6</sup> Directorate-General for International Affairs and Immigration, Ministry of Justice, "measures for a more effective implementation of Dutch Policy on return.", AVT03BZ73283, The Hague 21 November 2003.



important that IOM is be ready and low-key available to inform and assist this group with voluntary return.

From academic literature it is known that undocumented migrants in the Netherlands mainly reside in the metropolitan agglomeration that in Dutch is generally referred to as ‘*de Randstad*’. This comprises mainly the area of the four cities Amsterdam, Rotterdam, The Hague and Utrecht (‘G4’). Research by Leerkes, Engbersen & Van San (2007) graphically exposes how irregular migrants are mostly centred in this *randstad*-region.<sup>7</sup>

**Figure 1: Spatial distribution of irregular migrants across the Netherlands:**



Source: Leerkes, Engbersen & Van San (2007)

<sup>7</sup> The authors however do also note that irregular residence is not merely an urban phenomenon, for the highest *relative* concentrations of irregular immigrants were found in both the most and least densely populated areas. In rural areas, irregular residence is primarily connected with the demand for seasonal workers in the horticultural and agricultural sector. The increased degree of illegal residence in the south of the province of Limburg (D) is, in part, due to drug tourism from bordering EU member-states. Finally, a substantial proportion of the irregular immigrants is found in municipalities with detention and deportation centres for irregular immigrants and rejected asylum-seekers - for example, in Zevenaar (north of B), Ter Apel (near C) and Rijsbergen (near D).

## 1.2 The project

In 2002 IOM the Netherlands first implemented a project together with the Pauluskerk in Rotterdam under the name “Return from the Netherlands and reintegration of (rejected) asylum seekers from Russia, Ukraine, Belarus and the Caucasian States” (IOM 2003). This can be regarded as the kick-off - or predecessor - of the later ‘Randstad Return Initiative’ projects and the current ‘Return Initiative of Irregular Migrants’ project. From 2003 onwards the main objective of the Randstad Return Initiative (RRI) has been to reach out to rejected asylum seekers and irregular migrants living in the four big cities who are difficult to get in touch with via conventional counselling. In other words, the goal of the project is to reach out to the ‘unknown’ migrant and try to interest, inform and facilitate him/her with regard to voluntary return. For the original project IOM contracted a country of origin Russian speaking counsellor. Evaluation of the project proved that this counsellor because of her cultural background and knowledge of language was able to create an atmosphere of confidentiality with (potential) returnees. There were indications that asylum seekers and irregular migrants in this atmosphere of confidentiality more easily took steps to voluntarily return. The low-key access with almost no cultural barriers proved to be successful. An external evaluation of Rodenburg et. al. (2004) concluded that a further development of the project would be desirable.

Since 2003 IOM has been working on expanding and fine-tuning the native counselling methodology. In the RRI project in 2006 and the current RIIM project starting in 2007, new native speaking counsellors (NC’s) with a variety of backgrounds and language knowledge were contracted. As the following table shows eight NC’s cover most of the languages spoken by rejected asylum seekers and irregular migrants living in the Netherlands:

**Figure 2: Background Native Counsellors RRI-II project**

Country of origin	Spoken languages	Target regions/countries
Burundi	Kirundi, Kinyarwanda French, Lingala, Swahili, English	Sub Sahara Africa
China	English, Mandarin	China
China	Cantonese, Mandarin, English	China
Ukraine	Russian, Ukrainian, English	Central and Eastern Europe Balkan, Caucasus
Rwanda	Kinyarwanda, Kirundi, Swahili, Russian, French, English	Sub Sahara Africa
Iraq	Arabic, Kurdish, Turkish, English	Middle East
Eritrea	Amharic, Tigrinya, Arabic, English, French	Horn of Africa
Morocco	Arabic, French, Moroccan-Arabic	Maghreb region

The target group of the project concerns migrants who do not live in the regular asylum-housing facilities and who are usually difficult to be accessed for the purpose of return counselling. In the project document this target group is more specifically defined as follows: “Unsuccessful asylum seekers, other migrants whose application for permanent residence was rejected or irregularly residing migrants.” Ever since the start of the RRI and RIIM project particular emphasis is given on informing and assisting persons for whom return preparations can be particularly complex such as drug addicts, persons with health problems, unaccompanied minors (or those who recently turned adult) and victims of human trafficking.

The approach of reaching out to the target group is twofold. Firstly, the NC’s are responsible to individually work in a flexible manner to establish contact with migrants from the target group. Secondly, the NC’s create and maintain contact with a network of 160 local organizations that support rejected asylum seekers or irregular migrants in the four big cities. These can be local NGO’s that specifically work with the target group, such as emergency shelters or migrant organizations. Yet, also individual gatekeepers who in the side line of their work may get into contact with the target group are approached. In this respect one can think of shopkeepers, street doctors, priests, imams or legal advisors. The NC’s and their network partners cooperate and refer (potential) returnees to each other, thereby trying to assist migrants as much as possible. The local NGO’s feel supported when the NC assists with the return process of ‘difficult’ cases such as persons with multiple problems like illegality, homelessness, addiction and victimization. At the same time the regular contact with the NGO’s help NC’s to develop and keep up a network in the respective migrant community.

After having established initial contact with clients, the NC’s usually make a follow-up appointment to further discuss the return process with the client in local offices in the four cities. In The Hague and Utrecht IOM makes use of the facilities of a local branch of the Dutch Council for Refugees. In Rotterdam IOM uses of the facilities of the Pauluskerk; a location frequently visited by drug addicts, homeless people and prostitutes. In Amsterdam IOM has a separate IOM office in a tranquil part of town. Whenever clients prefer to meet the NC at a different location such as a train station or a bar, the NC in most cases agrees. Depending on the wishes of the client and the agenda of the NC’s, meetings can also take place over the weekend or in the evening hours.

After the NC has informed and discussed the possibilities of return with a client, it is up to the client whether (s)he wishes to proceed having contact with the counsellor. When the client decides not to return, the NC closes the case and takes no further steps. When the client is in doubt or wishes further advice, the NC’s assist a client in a most flexible and creative way. The NC could for instance refer clients to other organizations that might take away any problems (legal, medical) faced by the client. The NC could also assist the client by searching information or intermediating between the client and family members.

When a client informs the NC that (s)he wishes to return, the case is directed to District Officers. These are IOM colleagues who work in close cooperation with the NC’s and manage the organization and administration of the return process. When a client has special needs (medical problems, victim of trafficking) expertise from specialist-units within IOM are contacted. In the last phase of the return process, the Central Unit in The Hague assists arranging a Laissez Passer (LP) and the Logistical Unit at Schiphol Airport books a flight.

A flow chart of the return process within the RRI context can be illustrated as follows:

1. NC: approaches and informs potential client →
2. District Officer: subscribes client in IOM-system →
- (3. Specialist unit) →
4. Central Unit: arranges LP →
5. Logistical Unit: organizes flight →

### 1.3 Results

In this paragraph a brief presentation of the results of the project in the Netherlands will be outlined. The figures are given on both results of the RRI II as well as the RIIM project as the research is based on contact and interviews within both projects, until October 2007. For comparison of figures, the first period is given from May 2006 until December 2007 (RRI and RIIM projects combined) besides the period from January to November 2008 (RIIM figures only).

A returnee under the RRI or the RIIM project is any returnee whose return process can be linked to the activities of a NC. This means that a returnee is administrated within the RRI-project when:

- o initial contact with the returnee is established by a NC, or
- o the returnee is assisted by a network partner of the NC, or
- o the returnee states to a District Officer that (s)he once received information from a NC, or
- o the NC has assisted a District Officer with the process of return from a client in detention

In the first period from May 2006 to December 2007 a total of 458 migrants departed under the RRI/RIIM project, an average of 23 per month. The second period from January until December 2008 shows a total of 435 returnees, an average of 36 per month. The higher average is partly due to a broader definition of the target group under the RIIM project, where all irregulars can be registered opposed to rejected asylum seekers under the RRI project. The figures further show a shift in nationalities with an important increase of returnees under Brazilians and a decrease of Ukrainians and Chinese departing under the project.

**Figure 3: Number of returnees under RRI II and RIIM from May 2006 - December 2007 divided by nationality**

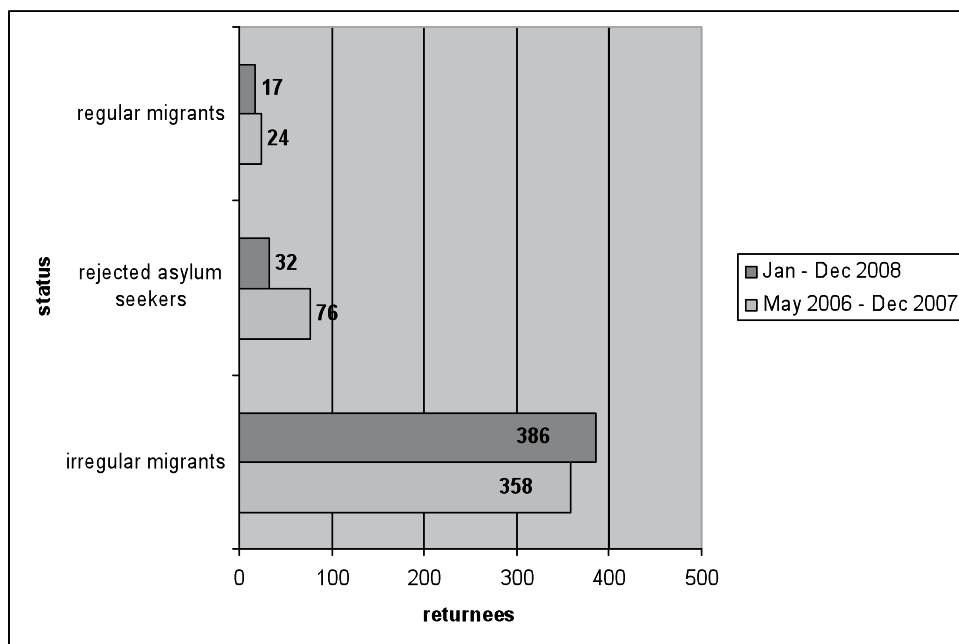
Nationality	returnees
Ukraine	141
China	76
Brazil	32
Russia	31
Ghana	29
Bulgaria	15
Nigeria	13
Georgia	10
India	9
Iraq	8
Others	94
<b>Grand Total</b>	<b>458</b>

**Figure 4: Number of returnees under RIIM from January 2008 – December 2008 divided by nationality**

Nationality	returnees
Brazil	138
Ukraine	94
China	58
Ghana	23
Philippines	16
Iraq	12
Russia	8
Suriname	5
Uzbekistan	5
Sierra Leone	4
Others	72
<b>Grand Total</b>	<b>435</b>

From May 2006 to December 2008 a total of 893 returnees were registered under the RRI and the RIIM projects. As can be seen in the figure below 83 per cent (744) of these returnees were irregular migrants. Most of them (726) never applied for asylum or any other kind of residence permit. 12 per cent of the returnees were rejected asylum seekers. In the sideline NC's also assisted a further 41 persons (5%) regular migrants to return. These persons were predominantly asylum seekers with a temporary status.

**Figure 5: Number of returnees under RRI and RIIM from May 2006 - December 2008 divided by status**



The table clearly indicates that more irregular migrants use the services of NC's than rejected asylum seekers. A variety of reasons may explain this disparity. In the first place the number of irregular migrants living in the G4 is significantly higher than the number of rejected

asylum seekers. Obviously this increases the chance for NC's to establish contact with irregular migrants. Secondly, irregular migrants in general have fewer channels to obtain information on IOM than rejected asylum seekers. It is likely that rejected asylum seekers know IOM via contacts with the Dutch Council for Refugees, the Central Agency for the Reception of Asylum Seekers (COA) or social workers. When they consider return, they probably directly visit a District Office and do not seek contact with a NC. Consequently, more irregular migrants are registered as RRI or RIIM-returnees. Thirdly, as will be further discussed in paragraph 3.4.1, in the period between the fall of 2006 until 2008 a substantial number of rejected asylum seekers awaited the outcome of the (debate on) regularization. During that period many postponed thinking of return as a viable option. Fourthly, as will be further discussed in paragraph 3.5.2, the disparity might also be explained by the fact that the migration motives of asylum seekers differ from the migration motives of irregular migrants.

Apart from presenting the number of returnees via the RRI and RIIM projects, other figures are also important to measure the output of the project. IOM's mission is to facilitate humane and orderly migration. This means that it is IOM's main objective to inform (irregular) migrants with regard to voluntarily return and - in case a migrant indicates he/she wants to return - to facilitate and streamline the process of return. Rather than pushing migrants to return, it is the NC's mission to introduce voluntary return as a viable option and raise interest in return. Consequently, the success rate of the work of NC's does not primarily depend on the number of migrants that actually return, but (above all) on the number of migrants that are informed about the possibility of return. In order to objectify whether the actions of the NC's have been successful or not, the number of initial contacts<sup>8</sup> between NC's and *potential* returnees are an important indicator. The country of origin seems to be of influence on the number of contacts compared to actual returns. Between July 2007 and September 2008 185 Chinese migrants contacted the Chinese counsellors, 78 of them actually departed. For the Ukrainian migrants, 130 contacted the Ukrainian counsellor and 120 actually departed which is a rate of 42 per cent of departures for Chinese migrants against 92 per cent for Ukrainian migrants.

Figure 6: Number of initial client contacts January<sup>9</sup> - December 2007 divided per city

City	First contact with potential returnee
Amsterdam	188
The Hague	168
Rotterdam	268
Utrecht	64
<b>Total</b>	<b>688</b>

Figure 7: Number of initial client contacts January –December 2008 divided per city

City	First contact with potential returnee
Amsterdam	171
The Hague	206
Rotterdam	353
Utrecht	127
<b>Total</b>	<b>857</b>

<sup>8</sup> An 'initial contact' is every unique first contact between a NC and a client. Follow-up contacts between NC's and clients are not counted.

<sup>9</sup> Registration of the number of initial contacts started only January 2007. This is the reason why no figures from May 2006 - January 2007 are available.

The figures represent the number of first contacts as well as the distribution across the four cities. As can be noted there are substantial differences. Why the differences exist is difficult to pin down. At least the following factors are in all probability relevant.

- The four cities differ considerably in size. Although precise figures lack, it is likely that the bigger cities house more irregular migrants than the smaller cities.
- The distribution of nationalities among the four cities differs. The figures suggest that some nationalities are more likely to return via the RRI and RIIM projects than others, for example Ukrainians in Rotterdam and The Hague and Brazilians in Amsterdam. As mentioned above, Chinese migrants have a high rate of initial contacts compared to the number of actual returns. Obviously this affects the distribution of returnees among the four cities.
- Different NC's operate in different cities. Some NC's have better networks in the one city than in the other.
- Local policy with regard to irregular migrants and rejected asylum seekers may differ from city to city. For example the number of emergency shelters or the level of intensity of police inspections may impact how many undocumented migrants wish to return.
- Economic possibilities are important for migrants to survive. Around The Hague and Rotterdam the agricultural sector is an important employer for migrants living regularly as well as irregularly in the Netherlands.

#### **1.4 The research**

Both RRI and RIIM projects aim at data collection for the purpose of increasing the knowledge on the situation of irregularly residing migrants. Furthermore exchange of good practices, in view of exchange of experience, would improve the methodology and result in recommendations for (inter)national policy.

In order to realize the above mentioned aims, the following research question is defined:

*What determinant factors and conditions influence the decision making process on voluntary return of irregular migrants and rejected asylum seekers living in the four big cities in the Netherlands? What factors and conditions are most critical?*

Engelhard (2004) observes in the IOM project "Return Migration and Health" that relatively little research is available about the decision making process of rejected asylum seekers in the Netherlands. Most literature relating to migration deals only with the 'outward journey' and not the return. Also a more recent report of the European Migration Network (EMN) (2006: 11) notes that "research into return migration from the Netherlands of asylum seekers who have exhausted all legal remedies is scarce". With the report in hand IOM tries to fill the existing gap. This report firstly provides researchers and policy makers working in the field of (return) migration evidence based information about the decision making process on return. Secondly, suggestions for counsellors and their executives how to advance the native counselling methodology are presented.

## **1.5 Reader's guide**

After having discussed the methodological framework of this report in chapter 2 , in chapter 3 an overview is presented of the multitude of determining factors and conditions that shape the decision making process on voluntary return. In this chapter will be explored what push-, pull-, stay- and deter-factors irregular migrants and rejected asylum seekers encounter in the process of voluntary return. A model is presented in which all relevant factors can be outlined. Chapter 4 provides a general conclusion.





## 2. METHODOLOGICAL FRAMEWORK

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### 2.1 Terminology and definitions

Before discussing methodological aspects and answering the research questions, the underlying terminology used in this study will be defined. The following terms need a further introduction: ‘irregular migrants’, ‘rejected asylum seekers’ and ‘voluntary return’.

#### *Irregular migrants*

IOM defines irregular migration as “migration that takes place outside the norms and procedures established by States to manage the orderly flow of migrants into, through, and out of their territories.”<sup>10</sup> Following this definition, in the context of this report an irregular migrant is understood to mean a person who enters and/or stays in a state without legal documentation. Moreover, in the context of this report it is understood that an irregular migrant has never applied for asylum in the Netherlands. In this document the terms ‘irregular migrant’ and ‘undocumented migrant’ will be used interchangeably.

#### *Rejected asylum seekers*

Following UNHCR/IOM (1997), a rejected asylum seeker is understood to mean a person who after due consideration of his claims to asylum in fair procedures, is found not to qualify for a refugee status, not to be in need of international protection and who is not authorized (any more) to stay in the country concerned. For the purpose of this text, it is generally assumed that asylum procedures are fair and fully-fledged (see Noll 1999: 271). This means that for the benefit of the argument it is not doubted if claims are rejected for good reasons or not. This however does not imply that the subjective perception of claimants is not considered. On the contrary: as will be argued after, the subjective perception of potential returnees about the outcome of their procedure may be of vital significance regarding their decision to return or not.

#### *Voluntary return*

IOM states that a voluntary decision to return consists of two elements (IOM 2006: 12). Firstly, there should be freedom of choice, which is defined by “the absence of any psychological, physical or material pressure”. Secondly, the decision has to be a well informed one. This means that “the migrant should have sufficient and correct information available on which to base his decision to return.”<sup>11</sup> Over the last years it has continuously been debated to what extent the term ‘voluntarily return’ corresponds with reality (EMN 2006). How ‘voluntary’, it is argued, is voluntary return if the other option is to live in illegality or to be forcibly repatriated? Blitz, Marzano & Sales (2005: 183) go as far as stating that “the context in which voluntary return programmes take place seriously compromises their voluntary nature.” They opt it is more appropriate to talk of a new category of ‘non-voluntary’ return. In the framework of this report, it is not feasible to discuss the pros and

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<sup>10</sup> <<http://www.iom.int/jahia/Jahia/pid/358>>, seen November 2007.

<sup>11</sup> Slightly different, the website of IOM offers the following description: “The concept of voluntary return requires more than an absence of coercive factors. A voluntary decision is defined by the absence of any physical, psychological, or material coercion but in addition, the decision is based on adequate, available, accurate, and objective information.” <<http://www.iom.int/jahia/Jahia/pid/358>>, seen November 2007).

contras of this highly politicized terminology in detail. It is acknowledged that although irregular migrants and rejected asylum seekers have limited leeway to decide whether they return or not, they still have their own agency about what they perceive best for their (near) future.

## **2.2 Data collection**

The data collection for this study took place from May 2006 to October 2007. The research itself is executed from September 2007 to January 2008. During 2008 and until the end of the project RIIM, additional information was gathered from the counsellors. When relevant, this information has been added to the text. In this study the following sources of information are used:

### Quick scan of literature

A quick scan of available literature on the decision making process of rejected asylum seekers and irregular migrants who wish to voluntarily return from the Netherlands to their country of origin is made and analysed.

### Counselling reports

All encounters between NC's and (potential) clients are registered. Based on the conversations NC's have with clients, they produce reports in which they describe the personal situation of (potential) clients and the steps taken to further assist and inform them. For this research about 700 reports of individual clients are analysed.

### Interviews with NC's

By means of semi structured interviews further information is obtained to complete the information from the counselling reports. By means of a topic list the researcher has conducted eight semi structured in depth interviews with NC's. Furthermore, the researcher has organized a group meeting with the NC's and upheld a large number of short individual contacts with the NC's.

### Participating observation with NC's

On several occasions the researcher has joined NC's while they had meetings with their clients. In doing so the researcher could observe how the NC's approached clients. Because of the language barrier the researcher faced, it was deemed to be of no use to expand the use of this method.

### Steering Committee

Quarterly meetings with a steering committee composed of representatives of the Ministry of Justice and representatives of the four big cities provided up to date information about local and national policy. The researcher has benefited from the input given by the members of the committee.

The extensive dataset that is created, sketches an interesting and rich representation of the various factors that are at play when irregular migrants or rejected asylum seekers consider returning. In the sideline of their operational tasks the counselling activities of the NC's offer a unique insight in the decision making process of migrants that a non-native speaking researcher would not easily obtain.

## **2.3 Ethical considerations**

When researching the situation of undocumented migrants various ethical considerations are at play. Clients provided the NC's with information about their personal situation. These details were not primarily reported for the purpose of research, but for the purpose of being assisted with their return process. Not always have the NC's specifically mentioned that they in the sideline of their operational activities gathered information for the purpose of research. Since all information provided by the clients is treated anonymously (also all names presented in this study are alter egos), this however does not constitute an insurmountable problem. Any information that might for any reason cause damage to the position of individual migrants is set aside and not used.

NC's have on a regular basis been confronted with confidential information about the background of clients and their asylum procedures. Sometimes NC's for instance received information about applied strategies to be granted asylum. Clients sometimes told that they had applied for asylum under a false name or a false nationality. During their work NC's were also confronted with information about illegal behaviour or criminal acts by their clients. Some NC's for example heard information about human smuggling, passport forgeries or fraud-schemes. Working for IOM, NC's have an impartial and neutral position. Confidentiality between NC and client is crucial. This implies that NC's do not report potential criminal offences to the police when they pick up information in the course of their work. This differs when the NC's receive information that could potentially harm people or is of such a serious nature that they feel an obligation to report. NC's have never been in the position they felt they had to report any information to the police.

## **2.4 Constraints**

In the RRI/RIIM-project particular emphasis is given to persons for whom return preparations can be particularly complex, such as drug addicts, persons with health problems, unaccompanied minors or those who recently turned adult and victims of trafficking. Because of definition problems it has not been possible to register how many people from this specific group were contacted and how many of them returned. Defining an (ex)unaccompanied minor is relatively easy. But when to define someone as a drug addict? Should (s)he use hard drugs, or is the use of soft drugs sufficient to belong to this focus group? And what should the frequency of use be? And even if one agrees on the definition of a drug addict, the NC's would still have problems to determine whether someone does indeed fulfil the conditions set. How could the NC based on one or two conversations possibly know if someone is a frequent user or not? The same problems more or less apply for victims of trafficking. Is someone a victim if (s)he has reported to the police being a victim, or only when a criminal court has identified someone as a victim. In the end, the NC's agreed to specifically search for clients at locations that are known to be visited by drug users and (potential) victims of trafficking. Clients were however not specifically registered as drug addicts or victims of trafficking.

Finding and registering information for the purpose of research in the sideline of operational activities sometimes proved difficult and time consuming. During the daily work of the NC's, the operational activities (establishing contact with the target group, informing them about return and providing assistance) had priority. In this context it was not always easy to explore and identify extra information about a client for the purpose of research. All time invested in registering data on behalf of the research could not be invested in operational activities. Various questionnaires were developed to assist NC's in structuring information for the

purpose of research, but in actual practice it turned out to be difficult to design a so-called 'closed' questionnaire that could easily be filled in. Because of the immense variation in background, living conditions, survival strategies and family structures of the clientele, it was virtually impossible for the NC's to categorize and quantify any of these conditions. Apart from 'hard' data such as nationality, age and gender, most collected data are therefore of a qualitative nature. The research method further implicates that a substantial part of the client descriptions are made up of patches of marginal or incomplete information. When a NC speaks half an hour with a client it is unfeasible to sketch a detailed picture about client's background and future plans. Complete and in depth life histories therefore lack. On the other hand - as is noted above - the gathered information is very rich in nature because of the unique advantage that NC's were able to enter a world that a non-native speaking researcher would not easily obtain.

## 3. DETERMINANT FACTORS ON VOLUNTARY RETURN

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### 3.1 Introduction

In this chapter the first research question will be answered. This question is: What determinant factors and conditions influence the decision making process on voluntary return of irregular migrants and rejected asylum seekers living in the four big cities in the Netherlands? What factors and conditions are most critical?

So as to improve voluntary return assistance of undocumented migrants it is useful to analyse what factors influence and affect the decision-making process of migrants in relation to voluntary return. In this chapter a snapshot is presented of the almost innumerable variety of factors the clients of NC's have coped with in the process of deciding to return or not. At first sight, one might expect that migrants predominantly base their decision on a rational cost-benefit analysis. However, as will be clarified in this chapter, also less rational and less individual considerations are at play. Previous studies indicate that the return decision is complex. It is often made on the basis of multiple factors that are hard to extricate even for the person making the decision (Black et. al. 2004:12). In order to disentangle and structure the variety of factors at play, in paragraph 3.2 the terms push-, pull-, stay- and deter-factors will be introduced. This is followed in paragraph 3.3 by a description of conditions that may shape return on a macro- and micro-level. Discerning the various factors at play may allow the reader to obtain a better understanding of the complexity of the topic.

In paragraph 3.4 and 3.5 the multitude of factors and conditions that shape the decision making process with regard to return of clients within the RRI/RIIM-project are presented. The list of factors and conditions is neither complete nor absolute. It represents the richness of features that shape and influence the decision on voluntary return. The world of migration is a world of rumours and rumours create hope. In their daily practice of counselling, the NC's are confronted with clients who adopted a range of tactics whereby they hope to prolong their stay in the Netherlands. Paragraph 3.5.3 sketches a palette of the various strategies that were applied by RRI/RIIM-clients.

In paragraph 3.6 a model is outlined that may serve as a tool to conceptualize and visualize the various factors that are at play for migrants who are to decide on return. All relevant conditions a client could be confronted with can be placed within this model. As an illustration case studies of eight different (potential) returnees with widely differentiating problems are presented.

### 3.2 Push-, pull-, stay- and deter-factors

In this study the widely used push-pull-paradigm will serve as a theoretical point of departure. Traditionally, push-factors are seen as those factors that make migrants leave their country of origin and pull-factors as those that attract migrants to a country of asylum. When discussing return migration, the perspective of the push-pull-model changes. Then push-factors can be defined as those factors that make migrants wishing or requiring to leave the host country. Accordingly, pull-factors see to the factors that make migrants wanting to return to their country of origin. When push-factors in the host country and pull factors in the country of origin are absent, it is likely that relatively *few* migrants will return.

Surprisingly, research on return migration mainly focuses on these push- and pull-factors. Factors that make people decide *not* to return are relatively rarely researched. Apart from push- and pull-factors, two other closely linked factors that also impact the decision making process of migrants are therefore introduced in this report. These are ‘stay’-factors and ‘deter’-factors. ‘Stay’-factors can be defined as the opposite of push-factors. These are those factors that make a person wishing to stay in the asylum country. ‘Deter’-factors should be regarded as the opposite of pull-factors; those factors that withhold a person to return to his/her country of origin. The common lack of interest in depicting these factors is surprising, since potential stay- and deter-factors might just as much play a role in the decision making process regarding return as potential push- and pull-factors. When stay-factors in the host country and deter-factors in the country of origin are absent, it is likely that relatively *many* migrants will return.

Based on the written reports and the interviews with the NC’s, a range of discriminating features that shaped the decision making process of clients within the RRI/RIIM-project with regard to return can be distilled. In many instances certain conditions do not exclusively have the effect of either a pull-, push-, stay- or deter-factor. Depending on the personal situation of the client, his/her country of origin and the extensiveness of his/her social network, the effect on return migration of certain conditions can differ. When a client for example faces health-problems, this could constitute a *push*-effect because (s)he has no entry to medical care in the Netherlands. Health problems could also constitute a *stay*-effect when a client believes that (s)he is better off staying with family members who live in the Netherlands than returning to the country of origin. The presence of family members living in the country of origin might however *pull* a client with health problems to return. Unavailability of certain medication in the country of origin on the other hand could *deter* a client with health problems to return. To conclude, it is impossible to specifically label what effect certain conditions have on the decision-making process. Interlaced with case-material, in this paragraph an analysis is made to what extent certain conditions or circumstances had either a push-, pull-, stay- or deter-effect on the decision making process of clients.

### **3.3 Conditions on a micro- and a macro level**

For conceptual reasons it is useful to make a division between conditions on a micro- and conditions on a macro-level. Conditions that (may) shape the return process on a micro-level can be defined as those conditions within the private domain of the migrant. When identifying conditions at a micro-level, the situation of the individual migrant is a starting point. Focus is on his/her personal, social and physical wellbeing and the interplay between the individual migrant and partners, family members, the social network.

When distinguishing conditions on a macro-level that (may) shape the return process, not so much events or relations within the private domain of the migrant are studied. Instead, features in the public domain are of key interest. The effects and impact of local or (supra)national policy on the decision making process of migrants are studied. As will be discussed soon after, alterations or adjustments on a local, national or even international policy level can directly impact the decision making process of migrants whether or not to return. Apart from policy-effects, also the effects of economic- and security issues - in either the host country or the country of origin - are analysed.

Making a strict distinction between conditions on micro- and macro-level is not always easy, or even possible. When a client says he is frustrated because he faces problems in finding work at the informal labour market, this could for example be considered to be a condition on

micro-level. The personal wellbeing of the client influences his decision with regard to return. At the same time, one could argue that the client would most probably face less problems if - based on national policy - police and other tracing services would inspect the informal labour market less strict. In that case the frustration is regarded to be a consequence on macro-level.

Although it is acknowledged that strictly discerning the two levels is not always possible, in the following paragraphs a division (still) is made for the sake of the argument. As a guideline is taken that only direct links between policy, economy, or the security situation are brought under conditions at a macro-level. Thereby it is accepted that certain choices in this respect might (still) be arguable.

### **3.4 Conditions at a macro-level**

The data used in this study clarify that features in the public domain can be of key interest for the decision making process of individual migrants. Three main features at a macro-level can be differentiated. Firstly, policy (changes) can affect the decision making process. These policy changes may take place on a local, national or European level. Secondly, the security situation in the country of origin may impact the decision. Thirdly, the economic situation in the country of origin can be regarded as an important factor.

#### **3.4.1 Policy**

*Local policy* can affect the decision-making process of migrants with regard to return. The expanding or keeping intact of emergency shelters for undocumented migrants may for example serve as a stay-factor. When an irregular migrant is not forced to live on the streets, but - instead - may sleep in an emergency shelter, (s)he is less likely to feel a push to leave. Based on the data used in this study it is difficult to assess whether shelters do actually act as a stay-factor. Hardly any clients specifically mentioned to the NC's that they stayed in the Netherlands as long as there were emergency shelters available.

The findings clearly demonstrate that *European policy* can constitute a push-effect for irregular migrants in the Netherlands. There is a direct link between the legalization of Polish migrant workers in the EU and the rise of Ukrainian irregular migrants returning via IOM. Many Ukrainian migrants who used to work illegally in greenhouses or construction told the NC's that they were not able to compete with legal Polish workers. The Ukrainian workers got unemployed, lost their savings and wished to return. The European policy to open up the labour market for Polish workers constituted a direct push-factor for Ukrainian workers.<sup>12</sup>

The findings suggest that European policy may also constitute a stay-effect. Within the European context, various government strategies have over the last years been deployed to try to reduce the number of irregular migrants or asylum seekers crossing the European borders. Visa regimes have become stricter, walls have become higher and ships are patrolling in international waters trying to stop immigrants from entering Europe. As a consequence, migrants have to take more risks, invest more time and spend more money in trying to enter Europe. Migrants who manage to enter Europe through means of such high investments are not likely to return easily. A woman from Burundi for instance had paid 4.000 Euros to travel via Norway, Sweden and Denmark to the Netherlands. Her asylum claim was rejected. When the NC spoke her, she had been living in the Netherlands for about a year. Although she

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<sup>12</sup> For a more elaborate description of the competition between Ukrainian and Polish workers, see the case study on Ukrainians in paragraph 3.6.



assessed her own position as futureless she decided not to return. She thought she had paid too much to give up living in Europe. De facto, the high investment of money acted as a stay-factor. In general migrants are more likely to start considering return once they have earned more money in Europe than they have spent on coming.

The research data indicate that especially (changes) in *national policy* influences the decision making process of migrants. National policy constitutes push-, stay- and even pull-effects. Clients' decisions were shaped by asylum policy and the (debate about) a regularization scheme for rejected asylum seekers. Also (intensification of) investigation activities on undocumented migrants proved to affect the decision making process.<sup>13</sup> Furthermore, clients indicated that the policy with regard to alien custody and resettlement schemes influenced their attitude on return.

### Asylum policy

Evidently, the most direct influence of policy for an individual asylum migrant is a failed procedure. After a negative outcome of the procedure, the asylum seeker typically loses the rights to housing, social benefits and insurance. It goes without saying that this factor is of vital importance for rejected asylum seekers. Failed asylum claims constitute one of the most important push-factors to leave. From having a legal status, the right to housing, a weekly fee etcetera, the migrants become undocumented and are formally required to leave the country. Because of policy changes the rate of rejections of asylum claims has over the last years increased in various ways. The most important alteration in the Netherlands has been the introduction of the new Aliens Act 2000 (*Vreemdelingenwet*), effective since April 2001. The procedure is accelerated, mainly by limiting the possibilities for appeal. Another significant change has been the shift in final authority for appeals in asylum cases to the "*Raad van State*" (Council of State), the Netherlands highest administrative court. In general this has led to a more restrictive cast to Dutch asylum law.

The findings indicate that the circumstances under which asylum seekers have to await the outcome of their procedure may have a push-effect. Asylum seekers typically live collectively in asylum centres and enjoy relatively little freedom. They are not allowed to travel outside the Netherlands and there are strict limitations with regard to work. Clients complained about the administrative pressure, and the general lack of freedom. Some clients considered the asylum procedure to be a 'mania of organization'. The weekly ritual of getting stamps, the continuing stress about the outcome of the procedure; it all fuelled the idea that migrating to the Netherlands had after all not been a very wise decision. Mainly Africans clients stated to the NC's they were annoyed with the 'organized' European life. To some, the news that they would not receive a status was a 'final blow' after a long range of other negative experiences. Strict asylum policy can however indirectly act as a stay-factor as well. As a strategy to increase their chances of receiving a status, asylum seekers sometimes present themselves during their interview with the Immigration and Naturalization Service (IND) with a bogus identity or nationality (Neumayer 2005, Van Wijk 2007). This might on the long term delay their return process or even withhold them from returning. Some of them do not wish to disclose their true identity or nationality to any authority or organization (including IOM), because they are afraid this would have negative implications. They for instance fear repatriation to the wrong country or imprisonment. Consequently - even when they wish to return - they do not indicate to Dutch authorities or IOM that they consider return and stay in the Netherlands.

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<sup>13</sup> As Leerkes et. al. (2007: 1495) note, not only national policy, but also local police priorities may influence the number of apprehensions of undocumented migrants.

### (Debate) regularization scheme

Awaiting the outcome of the parliamentary elections of November 2006 proved another key stay-factor for rejected asylum seekers. Even the least integrated migrants who hardly understood any Dutch tried to keep up to date about the outcome of the elections and the formation of the cabinet. Left wing parties promised setting up a regularization scheme (*pardonregeling*) so as to regularize a section of the thousands of rejected asylum seekers who lived in the Netherlands. The scheme would encompass a group of 26.000 rejected asylum seekers. Central and right wing parties were opposed to this idea. After a central-left cabinet was elected November 2006, it took another half year before the new government presented the conditions of the regularization scheme. In short, rejected asylum seekers who applied for asylum before April 2001 were eligible for regularization.<sup>14</sup>

Previous to the elections and in the aftermath of the elections until May 2007, the uncertainty about what was to come of the regularization scheme acted as a stay-factor. Many clients told the NC's that they wished to await the outcome of the political process before seriously considering to return. The story of an unaccompanied minor from Benin who applied for asylum in February 2001 might serve as an example. In 2003 he received notification that his claim was rejected. Ever since he had lived with friends. Sometimes he was able to work in informal economy. October 2006 he contacted the NC for advice on return. The first meeting he hesitated if it would be wise to return or not; actually he wanted to earn more money to facilitate his family after return. On the other hand, he knew that his future perspective in the Netherlands was far from optimal. The second meeting in October he told the NC he still hesitated. November 27 he told the NC he decided to return. November 30, he called the NC to cancel all actions; he had talked to some people and decided to wait a bit more and see what the new cabinet might bring with regard to regularization.

The actual implementation of the regularization scheme started in June 2007. More than 27.000 asylum seekers have received a temporary residence permit. The applications for eligibility under the scheme will close on 1 January 2009. It is not yet clear at the time of printing what the effect will be on the decision to return for those who where not eligible.

### Inspection activities

As is mentioned in the introduction, the Dutch policy document on return - *de terugkeernota*<sup>15</sup> - published by the Ministry of Justice in 2003 stated that persons who are not eligible to reside in the Netherlands should leave, either voluntarily or forced. Partly based on this document, efforts to expel irregular migrants and rejected asylum seekers from the Netherlands have over the years been intensified and reorganized. The Alien's Police (*Vreemdelingenpolitie*) together with the Royal Netherlands Military Constabulary (*Koninklijke Marechaussee*) traditionally execute the expelling of rejected asylum seekers and irregular migrants. Apart from the above mentioned organizations a new body has been set up that acts as a push-factor for irregular migrants to leave the Netherlands. In 2006 the Return

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<sup>14</sup> Under the scheme, the following foreign nationals will be granted a residence permit for the purpose of settling the estate of the 'old' Aliens Act: A) Whose first application for asylum was filed before 1 April 2001, or who reported before 1 April 2001 to the Immigration and Naturalisation Service (IND) or Aliens Police with a view to filing an application for asylum, B) Who has uninterruptedly lived in the Netherlands since 1 April 2001, and C) Who, insofar as applicable, has confirmed in writing in advance that they will unconditionally withdraw the pending proceedings when being granted a permit under the scheme. Those who have been convicted because of a serious crime are not eligible.

<sup>15</sup> Directorate-General for International Affairs and Immigration, Ministry of Justice, "measures for a more effective implementation of Dutch Policy on return.", AVT03BZ73283, The Hague 21 November 2003.

and Departure Service (DT&V) was established. This is an executive agent that focuses on achieving the (independent) return of irregular migrants and rejected asylum seekers. The intensification of government efforts to discourage employers contracting undocumented migrants constitutes a push-effect as well. The Social Intelligence and Investigation Department (SIOD) is a division within the Ministry of Social Affairs and Employment that among other tasks combats the misuse of social legislation and employment of irregular migrants.

Although most clients were not aware what type of organizations were set up and what type of work these organizations exactly exercised, they did experience that the government spent more energy in pushing them to leave the Netherlands. Various clients mentioned that they experienced stricter inspections and that they consequently encountered major problems with finding work. Since 2006 some Indian nationals for instance returned because of the stricter patrolling of the Alien's Police. A forty year old Indian man also told the NC that the stricter inspections were his primary reason to leave the Netherlands. He himself did not fear the inspections that much, but he noticed that potential employers did not dare to contract irregular migrants any more. Client had been living as an irregular migrant in the Netherlands for three years. All these years he had been working on a market. He had rented a room for 160 Euros from an Indian friend and most of the money he earned he sent as remittances to his family in India. The last months before contacting the NC he could not find any work any more. He wanted to leave since he paid more for housing and food than he could earn by working.

Because of the more strict police surveillance irregular migrants feel chased. They feel they in some way have to act and sometimes leaving is an option. One Moroccan client had lived as an irregular migrant in the Netherlands for sixteen years, of which seven in prison. He told the NC he had mainly been engaged in burglaries. When the NC met the man in 2005 he did not want to hear about returning. Two years later however, he said that he wished to return. He complained about the police chasing him all the time and hoped to find peace of mind in Morocco.

#### Alien custody

Fear to be detained or living in detention sometimes constitutes a serious push-factor. Take the example of the mother of an Uzbek family of six who was arrested and detained September 2006. Since it had been impossible to repatriate her she was released from detention April 2007. Directly after she left the detention centre she called the NC to ask for advice. She thought about returning because after all she went through she also feared for the future of her daughter. Her daughter had just turned eighteen. Especially after her experience in alien custody the mother wanted to leave, because she feared that her daughter would one day also run into the police and be detained.

**Wake up call**

In 2004 (during the RRI-I project) a NC met a Congolese man and his family who had been living in the Netherlands for thirteen years. They had applied for asylum, but their claim was rejected. They were able to survive in the Netherlands, because family members living in Canada, Belgium and Germany supported them financially. The NC and the head of the family very frequently contacted each other and made plans for return. Then suddenly, without notifying why, the client decided to stop preparing for return. The NC and the client kept having contact and a year later - in 2005 - the client told returning still crossed his mind. He saw no future for his children in the Netherlands. What would become of them when they would turn eighteen? He was told by the NC that he and his family could receive financial support of several thousands of Euros to build up a new life in Congo. But still, the client made no final decision. Another year passed. Then, in 2006, his fourteen year old son was arrested while threatening someone with an (empty) gun. He was detained for three months. This experience was a wake up call for the father. Suddenly he realized the vulnerable position he and his family were living in. The experience highlighted the vulnerable position he and his family were in. He realized that because of their illegal status all members of the family ran the risk of getting detained in alien custody. After three years of doubt he decided that returning was their best option.

Although alien custody obviously first and foremost constitutes a push-effect, to some clients it also has a stay-effect. As long as someone is detained (s)he cannot work and cannot save for substances to take home. When someone deems it crucial to return with a certain amount of money, (s)he is not willing to cooperate with return, even when (s)he is detained. Then there is a group of migrants that feel they are always better off suffering in the Netherlands than suffering in their country of origin. As one African client told a NC: "I can eat in this country, why would I leave?" If the pure basics of food, water and a place to sleep are sufficient to make someone stay, detention does not constitute a push-effect. Rather the opposite: as one NC noted, some clients feel more comfortable in the relative tranquillity of prison than living the hectic lifestyle outside. Although some of the detention centres of undocumented migrants in the Netherlands have been criticized for its living conditions (Van de Griend 2006), some migrants apparently do not consider the conditions to be that bad. When such migrants get arrested and detained they sometimes give false names and just wait a couple of months until they are discharged. Just after a forty year old Chinese irregular migrant was arrested by the police he told the NC he wished to return. The second meeting between the client and the NC took place at the 'notorious' detention boat in Rotterdam. The client said he had changed his mind and had no desire to return any more. Living conditions in the detention centre had been less tough than he had imagined and he preferred to stay a couple of months more. He decided to frustrate the return procedure, hoping to be discharged at a certain moment.

**Resettlement assistance**

Various organizations offer assistance packages for migrants who voluntarily return. Mostly these projects are financed by Dutch government and consequently these projects can be regarded as an outcome of Dutch policy. IOM provides an airline ticket for irregular migrants wishing to return. Rejected asylum seekers may on top of that also receive a financial contribution. In cooperation with other NGO's IOM may also offer assistance to set up small businesses or intermediate between returnees and potential employers. Persons who never applied for residence in the Netherlands are not eligible for the financial contribution of IOM. In most instances they are not eligible for other projects either. The assistance packages are primarily designed to take away deter-factors (and create pull-factors) in the country of origin. Based on the data used in this study it is not possible to indicate in how far the offered packages are decisive with regard to return. That resettlement assistance packages to some degree affect the decision making process on return, seems however to be expected.

### **3.4.2 Security situation in country of origin**

When in a country of origin peace has come after a period of war, or a regime change after a dictatorship, such events are likely to speed up the process of voluntary return. When war and insurgency in some parts in the country of origin are ongoing, it is less likely that migrants return than when war is over. A study by Blitz et.al. (2005) clearly demonstrates that the Afghan community in the UK did not want to return because of the insecure situation in their home country. The study indicated that they in the first place longed for political stability and security, only then to be followed by economic stability and improvements in infrastructure. Not just in Afghanistan, but in various other countries of destination, the overall security situation has over the years been that bad that voluntary migration has not been considered as a serious option. In 2007, returning to Iraq was less appealing than returning to the former battlegrounds of Sierra Leone or Liberia. Many clients from Iraq, Somalia and some parts of Sudan therefore told the NC's that they thought their country to be too dangerous and instable to return to. The minority of Iraqis who *do* return are Kurds from the relatively secure northern region.

At the same time, originating from an insecure country can create less of a push to leave the Netherlands. When a country faces ongoing violence or an overall hazardous situation, the Dutch government may put a so-called categorical protection policy in place for these regions. This means that forced removals do not take place. This policy *de facto* acts as a stay-factor for some clients. A client from the Turkmen community from Bagdad for instance decided not to voluntarily return, because he knew that he did not run the risk to be forcibly expelled.

The subjective perception of a client about the security situation in his country of origin does not have coincide with the perception of Dutch government. In other words: even tough an asylum claim is denied by Dutch government, the client might still deem his/her country to be too dangerous to return to. The situation of 31 year old rejected asylum seeker from Syria is illustrative. While living in the Netherlands he stayed in close contact with his father in Syria. His father told him that the son was still looked for by the secret service. This was enough reason for the son not to return. Some Chinese migrants told that they did not dare to return to China since they had been politically active and feared prosecution. When a NC informed after the future plans of a Turkish Kurd, she got the following answer: "Return? I don't think about return. No one leaves heaven to return to hell!" Clients who truly fear their live is at stake should they return, but do not come from a country that is 'protected' by a categorical protection policy, are likely to stay.

### **3.4.3 Economic situation country of origin**

In general, a recuperated economy in the country of origin acts as a pull-factor for migrants to return. But a good economy might not always attract returnees. It may seem paradoxical, but to potential returnees the end of war in their country of origin can have a negative side-effect. It is an economic principle that prices of the few good houses that survived continuous fighting rise spectacularly. Both in Kabul (Blitz. et. al. 2005), the Eritrean capital Asmara (Koser 2002) and the Angolan capital Luanda (Van Wijk 2007), prices of housing have skyrocketed dramatically when war ended. Especially when migrants financed their travel to Europe by selling their property, it is virtually impossible to return and enjoy the same housing conditions as when they left. The financial packages offered by return programmes - varying from hundreds of dollars for individuals to thousands of dollars for families - can never meet up. Someone who might have belonged to the upper class when leaving, might

come back and find out that his former lower class neighbour now has more financial resources. This explains why earlier research concluded that owning property is considered to be a major determinant of the desire for return and not owning property acts as a deter-factor (King 2000). The Iraqi NC referred to the fact that real estate prices in Iraq can be very high. Renting an apartment costs minimally 300 USD a month, while minimum salaries are about the same amount of money. Except the fact that housing in a good neighbourhood is costly, also food and petrol are relatively expensive. As a result, clients not only consider the security situation in Iraq, but also the economic situation.

### **3.5 Conditions at a micro level**

Conditions that (may) shape the return process on a micro-level are conditions within the private domain of the migrant. When identifying conditions at a micro-level, the situation of the individual migrant is a starting point. Focus is on his/her personal, social and physical wellbeing. Also the interplay between the individual migrant and partners, family members, the social network is studied. In this chapter conditions with regard to the personal situation of potential returnees are differentiated from situations shaped by the interplay between the potential returnee and his/her social network

#### **3.5.1 Personal situation**

##### Tiredness

In many instances clients themselves could hardly pin down what specific motive was most crucial for them to leave. "I am tired" is an answer many clients give to the question why they consider return. Especially those clients without a fixed sleeping place said they were tired. Physically tired of moving around: sleeping the first nights of the week with the one friend, the last nights with the other friend and in between somewhere in a church. Moreover, many clients also indicated that they were psychologically tired. Tired of hiding from the Dutch authorities, tired of searching for work, tired of applying for asylum a second or even third time. Many face stress while trying to find work or awaiting the outcome of the asylum procedure. On top of that especially irregular migrants sometimes live a very unhealthy lifestyle. Frustrated by the fact that they cannot find a proper job and simply because they lack the financial means they live as sober as possible. As a Russian speaking NC said about Ukrainians: "They live on bread, coffee and unfiltered cigarettes." Living this live may bring them in a negative spiral. Sometimes they become sick. As a consequence of their weak health employers do not want to contract them. Uninsured and not daring to visit a general practitioner their situation worsens. Tired, frustrated and weakened they call the NC, saying that they want to return.

##### Financial problems

Many clients who returned to their country did so, because of the troubling financial situation they faced in the Netherlands. Finding work often proved much more difficult than expected. A young Ukrainian man for instance had planned to save money in the Netherlands and return within a few years. With the money saved in the Netherlands, he wanted to study in his hometown. Though he had found work, the cost of living (illegal rent, buying food) turned out to be higher than his savings. Also an Iranian man wanted to return to Iran because he was not able to find work. His motivation was more subtle though. As a musician he wanted to make a living in the Netherlands with his music, but - as he told the NC - no one wanted to listen to it. A Brazilian woman had put her future in the hands of the love between her two employers. She migrated to the Netherlands in the slipstream of a well to do Brazilian family that she

worked for as a babysitter. She did this work for about a year, but when the husband and wife broke up, she was sent away. Undocumented, without work and without a place to stay she approached a NC and told that she wished to return. A musician from Uzbekistan used to work in Germany. While he was on his way to the Netherlands to work as a street artist, his instruments were stolen in the train. Without his instruments he could not earn anything. In panic he approached a NC and said that he wanted to return as soon as possible.

No matter what nationality, many irregular migrants who come to the Netherlands for economical motives and do not succeed are at some point confronted with - as one NC described it - a 'Fata Morgana effect'. At the end of the horizon they see possibilities to find a good job, they just have to be lucky enough to encounter it, but it's there, waiting for them.... This 'Fata Morgana effect' may serve as a major stay-factor. A few cases are presented to illustrate this. An Egyptian client who has been living as an irregular resident in Amsterdam for fourteen years told the NC that returning to Egypt crosses his mind almost every year. Eventually he never takes the step, because there is just always a reason for him to stay. He works in the kitchen of a bar/restaurant. In summer he earns good money because of the tips on the terrace and at the end of year the tips are good over Christmas. The perspective of making this 'summer' and 'Christmas' money has kept him in Amsterdam season after season, year after year.... NC's had similar experiences with several undocumented African clients from Guinea, Niger, Sierra Leone. Many young African undocumented migrants survive by working as a paperboy. When they loose their job they turn to the NC's for information about return. Typically, as soon as they find the same type of job again, they withdraw their claim.

#### Health problems

Rejected asylum seekers as well as irregular migrants in many instances report that they wish to return to their country of origin because they are facing health problems. In this case health problems constitute a push-factor. A 51 year old Eritrean man with a terminal disease for example told the NC that he preferred to die in his home country. A NC was approached by a Rwandan mother of three children (aged thirteen, eleven and three). The mother had Aids and tuberculosis and wanted to return. She said she was not able to take care of the children and hoped that her expanded family in Rwanda would be. She started a return procedure, but never arrived in Rwanda. Ten days after the first contact with the NC she died. Older clients sometimes prefer the poor but secure and secluded situation in their home country above the insecure life of an irregular migrant in the Netherlands. When she was 63, a Moldavian woman moved to the Netherlands to live with her family members who have a status. Her application for a residence permit was not approved. When she was 66 years old she contacted a NC. Although she had sold her house in Moldavia, she insisted to return. She had diabetes and a high blood pressure and with these conditions she preferred to stay in her own country. She hoped to share an apartment with a friend

Health problems can also constitute a stay-factor. Migrants with diseases that are difficult to treat in the country of origin - such as HIV-Aids or cancer - often do not wish to return. A NC had contact with an Iranian woman with a brain tumour and diabetes. Her asylum claim was rejected and she had just given birth to a baby. The NC informed if she wanted to return. Referring to her health situation she said she preferred to stay in the Netherlands. Should her situation aggravate she thought to be better off in the Netherlands than in Iran.

#### Homesickness

Hardly any of the NC's noted in their written reports that homesickness constituted a major pull-factor for clients to return. When specifically asked, the NC's however - interestingly

enough - noted that homesickness for many of their clients *is* a vital factor to consider returning. They said that longing to return to the country of origin is intrinsically virtually always present as a pull-factor in the decision-making process of migrants. For many migrants it is such a logical reality that it is preferable to live surrounded by family members and friends that they do not specifically mention this as a reason wanting to return.

#### Mission accomplished

Sometimes the reason for a client to return is positive. An Angolan client for instance had just received his diploma when he contacted NC. The client had come to the Netherlands in order to study and from the moment he had reached his goal he was ready to leave. Other clients - for instance from Ghana and Ukraine - had come to the Netherlands with the objective to work, save money and send this to their relatives. They send the money either cash or via money transfer systems such as Western Union or Money Gram. Once they felt they sent enough, this constituted a 'positive' push to leave.

#### *3.5.2 Interplay with social network*

In many instances migration to Europe is a "household" or a "family" strategy (Massey 1990; Herman 2006). According to Mullan (1989: 69) migration is rarely undertaken as a completely independent event: "Rather it is often a decision made easier by being accompanied by, or received by, friends and relatives among whom a first or second-hand knowledge and information essential to facilitating the migration process is shared". Sending remittances is mostly part of this family strategy. The choice to migrate, the place where to migrate to and the objective of migration are in other words not an individual decision. To some degree this is the same with return migration; just like out-migration return-migration is also not a purely individual choice. It is just as well influenced by the household strategy. When considering return, the migrant has more on his mind than just his own perspective. Just like the household in the country of origin decides on a 'go' or 'no go' to migrate to Europe, it sometimes also decides on a 'go' or 'no go' regarding voluntary return. Various dynamics within his/her social network act either as push-, pull-, stay- or deter-factors.

#### Health problems family in country of origin

Family members living in the country of origin can constitute a pull-effect in case they have health problems. A major pull-factor for migrants to return is a sick relative. Many clients indicate that for instance a sick brother, sister or parent is their most important reason to return. An Indian client told the NC he wished to return because his mother in law had to undergo a heart surgery. The client wished to be in India when this happened, because he wanted to support his wife and family in law during this stressful period. A man from Georgia had divorced from his wife before he had travelled to the Netherlands. While he worked in the Netherlands to finance the studies of his children, his children were living with his mother. The man deemed it necessary to return to Tbilisi when he received the news that his mother had become sick. The NC assisted him with priority.

#### Death of a relative

The death of a relative in the country of origin may also have a pull-effect. Many clients made clear that they want to return in order to attend the funeral of a loved one. A Chinese man did not even await a ticket arranged by IOM, but - instead - paid his own ticket when he heard about the death of his mother. A forty year old Ukrainian man also wanted to return because of the death of his mother. Attending her funeral was not the most important reason though. He was entitled to inherit part of the house, but feared that his sister might put the house on



her name exclusively if he would not promptly return. The death of a relative may also have a stay-effect. A Sudanese man for example told the NC that he wanted to return. The next meeting however, he told that his mother in Sudan had passed away and that he wanted to postpone his flight. He first needed to save more money to finance his mother's burial ceremony.

#### Job offer in country of origin

A few clients told the NC's they were pulled to their country of origin because their family members could arrange them a job. A Sudanese man for instance was promised that he could work at the chicken farm of his brother. A Chinese ex unaccompanied minor was eleven years old when his well-to-do parents decided to send him to Europe. They thought him to be a difficult to handle child and decided it would be a good experience for their son to become more self sufficient in Europe. Before applying for asylum in the Netherlands at age fourteen, the son lived in other European countries for several years. At age twenty he decided to return, since his asylum claim was rejected and his father had offered him a position at his office.

#### Social debt

The same social network that may pull people to return (often) has the effect on migrants *not* to return. In many instances family members in the country of origin have an interest in keeping a migrant in Europe. They do not want him/her to return because this would lead them to lose the income they receive via remittances. Migrants in many instances borrow money from various family members in order to finance the trip to Europe. One migrant is 'the chosen' to migrate to Europe and (s)he is supposed to send remittances or to return with assets. Family members and friends in many instances do not directly and clearly state when and how this money should be refunded. A social, rather than a financial, debt is accumulated (Soudijn 2006: 15).

As long as the migrant has not been able to send remittances or save money, the peer pressure not to return can be enormous. An unsuccessful migrant can be a disgrace to his whole family when the investment in his/her travel never rendered. Migrants sometimes are pressurized by family-members in the country of origin to remain in Europe. The mere fear that family members back home will not accept that someone has 'failed' and returns empty handed causes stress with migrants in the Netherlands and has a stay-effect. The fear of stigmatization and being portrayed as a 'loser' after returning empty handed, can be a major cause not to return. Migrants themselves perceive that their social network will not be content if they return. Sometimes for good reasons: one client from Nigeria for instance had stolen money from his father to finance his trip. If he would return to Nigeria, he would surely need some diplomacy to smoothen the relationship with his family.

Especially African men are reluctant to return when they have not been able to earn any money. Particularly when other men in their village return(ed) from Europe as 'rich' men. As one irregular migrant who was living in a shelter said: "I am like half a man. My mother will say: 'other children return with goods and money, but you didn't. What have you done all that time?'" Since family members only hear the good stories about life in Europe, it is hard to understand how their relative in Europe could be unsuccessful. Sometimes they blame the relative for being lazy or spending all his money. The Chinese NC noted that some migrants have a weblog and write that life in the Netherlands is tough and rough. Still however, especially in the villages, family and friends cannot understand that migrants want to return. This makes that not only African, but also Chinese clients sometimes prefer to stay in order to be able to pay off their social debt. A twenty year old rejected Chinese asylum seeker had

been working in a restaurant for three years. He told the NC that he was from a relatively well-to-do family and that there was no direct deterring factor that withheld him from returning. He preferred to stay in the Netherlands though and work for some years more in the informal economy. He said he would only return when he had saved enough money for his intended marriage.

When migrants feel they can not meet up to the expectations this might lead to the situation that they start lying to their family members back home. NC's noted that young rejected asylum seekers whose parents had paid the trip to Europe to enable their children to study feared going back without a diploma (see also Van Wijk 2007). Although the children are not entitled to go to school any more, they sometimes communicate to their parents they are doing fine. Ultimately, the pressure to succeed may lead to completely losing contact with family members and not even daring to return anymore. One NC for example encountered this situation with a Congolese client. The client was a rejected asylum seeker who had been living undocumented in the Netherlands for three years. He had visited many lawyers and NGO's and every time he heard the same thing: you do not stand a chance of receiving a status or starting a new procedure. When the client contacted the NC he firmly claimed he did not want to return. The chief reason not wanting to return was the fact that he feared his family would regard him as a loser upon arrival. He was depressed and was an excessive drugs user. He had not been in touch with his family in Congo for three years. During the conversation with the NC it turned out he had an aunt who lived in Belgium. The NC suggested calling the aunt. Client agreed and the NC explained the situation of her cousin. The rationale behind this was that the aunt could perhaps act as an intermediate between the client and his family members. After the first telephone contact the aunt insisted to come to the Netherlands and meet up with her cousin. After this meeting she called the parents and explained the situation of her cousin. Also living in Europe, she was able to explain and inform the parents why their son had ran into problems and had not been able to build up a successful life in Europe. The parents did not need much more explanations and wanted to speak to their son. They asked him to come home. Only seven months after the first contact with the client the NC could 'close the file.' Two weeks after his arrival in Congo the client called the NC. He had been received very well by his parents and other family members.

Other migrants found creative ways of saving their honour. A rejected asylum seeker from Uganda was able to carry on living in the Netherlands by working as a cleaner in five houses. The proprietors of these houses noticed the social pressure he was facing and loaned him some money to send to his family. He wished to return after he had paid off the debts.

#### Financial debt

Although African migrants who cannot meet up with the expectations of their family sometimes have a financial debt, they mainly perceive their problem as a 'social debt'. Predominantly fear of the possible social consequences causes African migrants not to return. Although Chinese migrants are also confronted with social pressure, many of them also have a financial debt that deters them to return. It is commonly known that Chinese migrants pay high smuggling fees in order to reach the Netherlands. Sometimes payment takes place in the country of destination, but as Soudijn (2006: 101) notes, payment of the smuggling fee usually takes place in China before leaving. Migrants borrow money from family members or lend money from loan sharks at a high interest rate to finance their trip. This alternative method is called 'pre-financing'. In this case, the transfer is often done by relatives or friends who are willing to act as a guarantor for the migrant. Either way - borrowing money in China or in the Netherlands - the smuggled migrants upon arrival have to start working to pay off

their debts. Other than in the African context the debt is perceived more as a financial, than a social debt. This is especially the case when the collector is relatively unknown to the migrant or when the amount of money is high. One Chinese woman for instance told the NC that she and her husband were indebted 20.000 Euros to their family members. Although she sometimes considered returning to China, she told that she first had to pay off her debt by working in Europe.

Another type of financial debts often related to Chinese migrants are gambling debts. It is a known fact that many Chinese have a love for gambling. Chinese migrants in the Netherlands gamble partly for joy of the game, but according to a NC sometimes also to fight boredom. They work long nights and - having no family members near them - little to do. The NC's met some migrants who gambled so much that they ended up losing all their savings. Even worse, some also created debts because of gambling. The debt can act as a push-factor when migrants try to escape the collector by retuning (fleeing) to China. If the collector however has a record of chasing down debtors and happens to know family members in China, the debt is more likely to act as a stay-factor. The migrant will see the need to stay in the Netherlands and try to pay off his debt. Gambling debts can also have the effect of a deter-factor. Some migrants moved to Europe in order to escape collectors in China. Knowing that the collector would be waiting for them withholds him to return. A NC was brought into contact with an undocumented Chinese man who was detained in alien custody. His pregnant girlfriend lived in Rotterdam in an asylum centre. They had just planned to move to Italy when the man was arrested. The NC discussed the possibility to return with the man, but he was not interested. He said he had debts in China. He first wanted to earn enough money so that he could pay off. The NC and the client agreed that the man could call the NC when he would be in the position to return. Half a year later he called and returned.

#### Emotional 'debt'

A third type of debt that can withhold clients from returning is an emotional debt. Clients sometimes feel they are to blame for not keeping in touch with family members. This constitutes a stay-effect. An Iranian man for example lived in the Netherlands from 1993 onwards. He applied for asylum and received a status, but because of psychological problems he had forgotten to apply for an extension. When he met the NC he was 45 years old and undocumented. He told the NC that he saw no future any more in the Netherlands, but feared to return to his family in Iran. Over time he had lost contact and was anxious: how would his children react, what had become of them, how would his wife react? The client felt guilty he had not contacted his family for such a long period of time. In this case social or financial expectations did not withhold the migrant to return. It was rather the emotional blockade of the unknown and potentially negative reaction of his peers that made him doubt.

#### Human smuggling

The influence of human smugglers can constitute a push-effect. Some clients were promised the 'classical' golden European mountains by their smugglers. Upon arrival they found none. As a result they wanted to leave the Netherlands as soon as possible. A tragic example is the case of a minor Nigerian soccer player. His parents had paid a broker to bring their son to the Netherlands and introduce him to trainers and coaches of professional clubs like Ajax and PSV. When the youngster arrived in the Netherlands the 'broker' left him alone in a hotel. The youngster wanted to return to Nigeria as soon as possible. Another case was reported to the NC by the Army of Salvation. A 32 year old man from St. Petersburg (Russia) had asked for help. He had arrived eight days earlier with a short term visa. Someone in Russia sold him the visa for 2.000 Euros, promising that a friend would wait for him at a specific train station

in Amsterdam. The person waiting at the station would arrange housing and work. The client went to the station and waited for hours, but no one showed up. Since he had no money whatsoever he had been forced to sleep outside. He too, considered return.

### Social network in the Netherlands

To irregular migrants and rejected asylum seekers their social network can be of crucial significance. They lack entry to the formal social security system and in many instances fully depend on the assistance of third parties when it comes to finding housing or work. It is striking that many migrants who returned via RRI/RIIM come from relatively 'new' migration countries, such as Brazil and Ukraine. More 'traditional' migrant groups such as Turks and Moroccans hardly return via the RRI/RIIM-project. Notwithstanding that it is likely that a substantial number of undocumented Turks and Moroccans live in the G4. The overrepresentation of returnees from 'new' migration groups might be related to the fact that these migrants lack a social network in the Netherlands.<sup>16</sup>

Migrants from Central Europe and Russia have few unions or self help groups. More importantly, they also lack a strongly locally embedded network of fellow countrymen that can assist. Because they lack a network of 'rooted' fellow countrymen in the Netherlands, they encounter problems finding decent and cheap housing. Some Ukrainian clients paid as much as 900 Euros a month for a room, or 250 Euros a month for a bed in a room shared with others. In many instances they have to pay in advance. Compared to these Ukrainians, migrants from Morocco and Turkey in general know more people who are stronger embedded in Dutch society. They generally have family members or acquaintances who can help with housing or work (Staring 2001, Leerkes et. al. 2007: 1502). Turkish, but also Moroccan shopkeepers sometimes employ irregularly residing family members. Undocumented Moroccan woman mainly work as cleaners, babysitters or in bars/restaurants. The references for these jobs often come from within the social network. Since the social network takes care of the migrants, there is less of an incentive to return.

The Ghanaian community constitutes a special group of sub Sahara African migrants in this respect. Unlike most other Africans, they have quite a long history of migration to the Netherlands. Just like Turkish and Moroccans, Ghanaian migrants are less likely to sink in the swamps of illegality. The Ghanaian community is relatively well embedded in Dutch society, especially in Amsterdam. In the 1980's a substantial number of Ghanaians received an asylum status. More recently arriving Ghanaian migrants in the Netherlands hardly ever apply for asylum. Instead, they live with friends or family members who help them to find work. They borrow each other passports, refer each other to employers and generally live low profiled. Because of this assistance Ghanaians can manage to live illegally for many years without being noticed by Dutch authorities. Some clients have irregularly been living in the Netherlands since 1994. Other than Turkish and Moroccan migrants, Ghanaians however do at some moment return.

Some clients felt that the ties with their new social network in the Netherlands had grown so strong that they did not wish to return. A Moroccan man told the NC he had nowhere to return to in Morocco. He had been illegally living in the Netherlands for 25 years and had no social network whatsoever in Morocco. A Chinese man lived illegally in the Netherlands for eleven years. He had no wife or children and ceased having contact with his family in China for a

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<sup>16</sup> Another important reason might be that Moroccan and Turkish migrants prefer to return without interference of IOM. Then they make sure they are not in any way registered. Especially compared to Brazil flight tickets to Morocco and Turkey are relatively cheap.

long time. He had financed his trip to the Netherlands by selling his house. When the NC met him, he had health problems and could not work. He was living with friends. After having lived in the Netherlands for such a long time, his Chinese friends in the Netherlands were actually the only friends he had.

Other clients were caught in a classic catch 22. They had fallen in love with a Dutch man or woman and at the same time felt a desire to return to their family. They were confronted with a difficult situation. What proved stronger: the social network in the Netherlands or family ties abroad? As long as these clients doubt, they are likely to stay in the Netherlands.

### Living apart together

Cases of love and marriage become even more complex and problematic in a situation where couples or families - either by force or voluntarily - live apart together. Men typically migrate to Europe and women stay behind in the country of origin. A variety of reasons can lead marriages not to survive a migration process. Men fall in love with women in Europe, women fall in love with men in the country of origin. Less romantic, but sometimes with the same effect: men arrange a marriage of convenience in Europe or women who cannot get by without financial assistance of their man decide to marry someone else in the country of origin. When such situations lead to a divorce, this can have the effect that men do not wish to return any more. One client for example indicated he had left his partner behind in country of origin and got engaged in a new relationship in Europe. He never contacted his former partner any more. Obviously, returning would mean facing an angry (former) family in law.

Apart from the deter-effect of the family *in law*, also the consequences of *family law* in the country of origin may withhold men to return. In Morocco for example, women with children can go to court after a divorce and force their ex-husband to pay maintenance allowance. As a consequence, ex-husbands who have not paid maintenance allowance while living in Europe are on return confronted with an obligation to pay several months or even years of maintenance allowance to their former wives. Someone who has not returned in fifteen years, may for instance be obliged to pay around 6.000 Euros. The NC said that indebted husbands used to be arrested on arrival in Morocco. Nowadays (ex) husbands are not directly arrested any more, but they do have to present themselves at court. Evidently, if they do not present themselves, they run the risk to be arrested.

Clients also faced situations in which (execution of) alien policy forced them to separate. A Ukrainian woman and her daughter contacted the NC after they had been living in the Netherlands as irregular migrants for two years. The husband/father worked illegally until he was arrested by the Alien's Police. He was to be expelled. The woman and daughter did not dare to live in their house any more. Without the salary of the husband/father they were not able to afford it either. Because the husband/father was to be expelled, they wanted to return as soon as possible as well. An undocumented woman from Cameroon with two children was more or less in the same position. Her husband was expelled. He and his family wanted her to return with the children. Other than the Ukrainian woman, she did however not want to return.

### Children

Individual migrants more easily decide to return than families with children. Children mainly act as a stay-factor. Some migrants have children who are born in the Netherlands. The children speak Dutch, visit a Dutch school and have Dutch friends. Parents named a range of practical problems they feared should they return. They for example fear that their children would not be able to build up a successful social life in the country of origin. Sometimes they

neither speak nor write the language and have little knowledge about the local culture and habits in the country of origin. Parents also often foresee that finding a good - and affordable - school for the children would be difficult. At the same time families with children are more often assisted by NGO's and churches than single migrants. Such assistance may have a stay-effect.

#### Migration motive

As is mentioned in paragraph 1.3 about 83 per cent irregular migrants returned via RRI/RIIM compared to 12 per cent of rejected asylum seekers. Apart from a range of other factors, an important explanation could be that the migration motive of clients might affect the decision on return. A migrant who temporarily wishes to work in the informal economy is better off staying undocumented than applying for asylum. Economic migrants feel more comfortable living a low-profile life as an irregular migrant than live in the highly regulated 'big-brother-world' of asylum procedures, asylum centres, stamping ceremonies etcetera. For most Ukrainians and Ghanaians their primary reason for coming to the Netherlands was to temporarily work. They either wished to return because they had saved enough money, or because it turned out to be too difficult to save money. The same more or less applies to Indian and Pakistani migrants who hardly ever apply for asylum. They also mainly come to the Netherlands for economical reasons. Strict police inspections at the places where they use to work (markets, shops, greenhouses) deter employers to employ undocumented migrants. Consequently the migrants faced unemployment and wished to return.

Asylum seekers in general have more of a long term view on migration. Although there are indications that some asylum migrants migrate to Europe for economic reasons, the majority does not have a short term agenda of finding work, saving money and returning home. They mainly fled insecure countries and are strongly opposed to return. After receiving the news that their claim is rejected, they sometimes have the feeling that they 'uselessly' invested much time and energy in the procedure. This may act as a stay-factor. Since rejected asylum seekers have invested much time and energy to receive a status, they do not easily accept return as a viable option. Before coming to terms with reality that return might be their best option, they first want to try their luck by other means and strategies. The next paragraph some of these strategies are presented.

#### **3.5.3 Rumours**

The world of migration is a world of rumours. In many instances information that circulates in migrant networks is incorrect and incomplete. Most rumours in the country of origin make people wanting to leave their country of origin. In Ukrainian villages fairytales about life in Europe still exist. One of the myths a NC heard was the following: Every Thursday people in the Netherlands place microwaves, televisions and refrigerators at the side of the road, because they buy new equipment nearly every week. Rumours often create a disparity between reality in the host country and the expectations migrants have prior to arrival.

In a similar way, rumours also influence and guide migrants living in the Netherlands. Within the extensive social network (potential) returnees continuously pick up and spread tips, tricks and tactics how to better their situation. Migrants tend to have a stronger believe in positive news than in negative news. Any string of hope might trigger a migrant to adopt some sort of strategy. The combination of rumours and hope is a recipe to stay. In this paragraph a palette of rumours is presented, as well as a variety of strategies applied by clients to (try to) prolong their stay in the Netherlands. The reader will learn how naïve, creative, but also how

vulnerable irregular migrants and rejected asylum seekers trying to survive can be. Some try to do everything in their power to raise their chances of being granted a status or to avoid being deported. As is noted before, for assistance with finding a job or housing, migrants virtually always have to turn to third parties. This is the same with regard to finding information; sometimes migrants fully depend on the information from within their social network. This is especially the case for low educated people who do not speak any European language like Dutch, French or English and lack any knowledge of asylum regulations. While trying to improve their situation, migrants run into the wrong people, decide to take steps based on incorrect information, or are prepared to take irresponsible risks. The strategies they adopt make them vulnerable for exploitation. The NC's heard various hart breaking stories of thoughtless and seemingly irrational choices, deceit and exploitation. This paragraph illustrates some of the adopted strategies the NC's heard off.

### Regularization scheme

Particularly rumours and hope about the upcoming regularization scheme has kept many clients staying in the Netherlands. For as long as no final clarity was given, clients expressed hope. Over the years, asylum seekers got used to waiting and hoping. After a rejected claim many still expressed hope and waited. The combination of rumours and hope made clients who did not stand any chance to fall under the regularization scheme stay in the Netherlands. A Chinese NC for instance spoke with a man who had lived in illegality for almost ten years. He never applied for asylum and had several convictions for minor offences. Ever since the start of the political discussion about the regularization scheme it has been clear that persons who never applied for asylum would never fall under the scheme. Still, the client told the NC he first wanted to await the outcome of the political discussion about the regularization scheme before considering returning. He had heard from a friend that he still might stand a chance. As the NC said: "Many clients do not rely on the rules, but on the rumours."

#### **Better sure than sorry**

End 2006 a Chinese rejected unaccompanied minor contacted a NC. He told the NC that he had family members living in China and - although he had not shown the Immigration Services (IND) - that he possessed a passport. He was from a relatively well-to-do family and had come to the Netherlands in 2003 "just to see more of the world". Since he had become undocumented, he said he wanted to return and signed a return contract. Just a few days later he contacted the NC and said he had heard rumours about an upcoming regularization scheme and withdrew his cooperation. He wanted to await the outcome of the political discussion.

Not only Chinese clients reacted this way. After their claim was rejected a Kurdish family moved to Sweden. They applied for asylum, but were sent back via a Dublin claim. The NC explained that they would not stand a chance to get regularized, because the IND had sufficient proof that they had left the Netherlands. Still, they did not consider returning, because - as the father said - "one never knows".

The regularization or 'pardon regeling' was actually implemented in 2007 and criteria for eligibility were made clear. The scheme was meant for asylum seekers having applied for asylum before 1<sup>st</sup> of April 2001, the start date of the New Alien Act. In March 2008 the reception center for asylum seekers of 'Ter Apel' registered an unexpected increase of applications from Chinese migrants: some 800 applied in no more than a week time, turning the center's system upside down. Rumour was that if you applied for asylum before the 1<sup>st</sup> of April, you could still be eligible for the regularization scheme. A rumour said that the Queen would resign on 1<sup>st</sup> of April in favour of her son and a general amnesty would be declared. The Chinese NC's reported stories of Chinese migrants leaving everything behind in the town

of residence to report to the reception centers. Apparently an advertisement had been published in a Chinese paper stating that a criteria for the regularization scheme was an asylum application before the 1<sup>st</sup> of April but the year 2001 was never printed.

Strangely enough, the political discussion about the regularization scheme for some clients had the effect of a push-factor. Not because the information the clients received was false, but because it was inadequate. Via their network some clients were at a certain moment aware of the fact that they would not be eligible for regulation under the general regularization scheme when they were sentenced for a crime. In the collective mind of the migrant community this led to the following formula: crime + punishment = no regularization. What most migrants however did not know, is that this is only the case if one is sentenced for a so-called '*misdrif*', a serious crime. Being sentenced for minor criminal offences (*overtredingen*) such as fare dodging does not exclude people from falling under the regularization scheme. Lack of adequate knowledge led people to return. Some returned even when they might have had a chance to fall under the regularization scheme. An Iranian client for instance had a criminal record. Even before parliament had made the decision what requirements were necessary to fall under the regularization scheme, he told the NC that he wished to return. He was convinced not to fall under the regularization because of his criminal record.

#### Financial allowances

Another persevering rumour among migrants is that returnees who use the services of IOM can receive financial allowances of up to thousands of Euros. This has in the past indeed for some specific groups of rejected asylum seekers been the case. At the moment of writing rejected asylum seekers who apply for return via IOM and reside in an asylum centre can receive grants of up to two thousand Euros. For most of the clients in the target group however, there are hardly any financial benefits. Rejected asylum seekers who do not reside in asylum centres are eligible to receive two hundred Euros plus a small supporting contribution for inland travel upon arrival. Irregular migrants who never applied for asylum are only eligible to receive the supporting contribution for inland travel. When NC's tell irregular migrants that they are not eligible for a substantial financial allowance, this is sometimes received with much frustration. An irregular migrant from Guinea Conakry who worked as a paperboy, for example wanted to return. He informed with the NC how much money he could receive from IOM. When the NC said that IOM would only be able to finance the ticket, the man was not interested anymore. Friends had told him that he might receive up to 2.500 Euros.

#### Trust the wrong people

Ukrainians are relatively easy to deceive because they often neither speak Dutch, nor English. Sometimes they only speak a little bit of German. Fellow countrymen can easily take advantage of their vulnerable position by making false promises. This is exactly what a Ukrainian man living in The Hague has done. He contacted about ten Ukrainian men and told them he could arrange work for a couple of weeks. He wanted a fee in advance for his intermediating role. All migrants agreed to pay him and on a Saturday morning they were brought in a minibus to a small village where a new road was constructed. One part of the road was open, machines were on the side, but since it was Saturday no one was working. The middle man ordered the migrants to start removing tiles from the road. He left after telling that a Dutch supervisor was soon to come. The men started working and the villagers gazed at the bizarre stage play of ten Ukrainians removing tiles from a new road that had been constructed just the day before. They asked what the Ukrainians were doing, but communication failed. The police arrived soon after and found out that all men lacked proper



documentation. They were all sent to alien custody. The intermediate who set up to whole scheme was never found.

#### Wound yourself

Especially low educated African rejected asylum seekers who have invested much time, money and energy in their trip to Europe do not easily take a negative outcome of their procedure for granted. They go far in creating new circumstances in order to lodge a second or even third claim. A young African woman for example applied for asylum in the Netherlands in 2002. Her claim was rejected in 2005. She confided the NC that she wanted to start a second claim, knowing that this would only be possible if she presented 'new' evidence. Her plan was as follows: although this had not happened in reality, she was planning to tell that she had been raped in her country of origin before heading for Europe. She wanted to tell during the interview that she had not dared to tell this intimate story during the first interviews. To support her claim - she told the NC - she had recently cut herself with a knife in her genital area. She hoped this would raise her chance of receiving a claim. When the wounds would be scarred she planned to apply for asylum. Shocked by her story the NC advised her to visit a doctor.

Another African NC was faced with a more or less identical story. A 42 year old African woman contacted the female NC. When the client and the NC entered the consulting-room the client started blinding the windows. She took off by telling that she had lived in the Netherlands for six months without applying for asylum. In tears she showed burn injuries all over her body. It turned out that she had been advised by fellow countrymen how to apply for asylum. They had told her she had to show some sort of proof that her life had been in danger in the country of origin. She had decided to burn herself in order to raise her chances during the application. She did not know what to do and asked the NC for advice. The woman had severe health problems because of her wounds. The NC tried to calm her down and arranged that she could visit a doctor.

#### Act like a madman

One NC who had frequent contact with a female African rejected asylum seeker noticed that her behaviour could change rapidly. Whenever the woman spoke to representatives of the Dutch authorities or NGO's, she faked to be mentally ill. When she met a doctor or psychologist she fainted, acted absent and sometimes cried. Yet, when the NC spoke with the woman, she acted normal. She recounted that she purposely acted like a madman. Doing so, she hoped to receive a residence permit on medical grounds.

#### Have a baby

A nineteen year old woman from Burundi applied for asylum in 2002. Shortly before her first interview she met two Congolese men who suggested her to tell the IND that they were her brothers and came from Burundi as well. This is what she did. The Congolese men had prepared their interview very well and told a sound story. The young woman however had not prepared the interview and was confronted with a negative decision. Both Congolese men advised her to apply for asylum in the UK. This is what she did and within four months she was sent back to the Netherlands via a Dublin claim. Based on rumours that she could receive Dutch nationality when she had a baby in the Netherlands, she started a relation with a Congolese man with a temporary residence permit. Her plan worked out and within a year she had a baby. She contacted the NC in tears when the baby was two months old. She just found out that neither she, nor the baby would receive Dutch nationality.

### Marry a Dutch national

A 'golden' strategy for irregular migrants to prolong or even sustain their stay in the Netherlands is to find and marry a Dutch partner. There are signals that certain migrant groups specifically target certain communities in the Netherlands for the purpose of marriage. NC's heard for example that catholic Burundian and Tanzanian women regularly visit Protestant church services hoping to meet a religious man. Protestant men, it is thought, are more faithful than Catholic men. NC's report that many of these strategies are not successful. To start with, quite some migrants have insufficient knowledge of the Dutch legal system with regard to marriage. Irregular migrants who wish to marry a Dutch national have to return to their country of origin. At the Dutch embassy they have to apply for a temporary visa to return to the Netherlands, the so-called '*Machtiging Voorlopig Verblijf*'. When NC's tell clients about this procedure, this is new to many. Then it also regularly occurs that migrants are abandoned by their Dutch partner before they can marry. They invested time and energy in a relationship that did not stand. Cases of women who were abandoned from the moment it turned out that they were pregnant are not exceptional. The result of such a failed strategy is that the woman encounters even more problems: she does not only have to take care of herself, but also of her baby.

### Fake passport

Irregular migrants who are fortunate enough to arrange or buy false passports are best off. Among Ukrainian migrants especially passports from the Baltic States<sup>17</sup> are popular, since these countries are part of the European Union. Just like some migrants from the Baltic States Ukrainians speak Russian and therefore employers and government authorities hardly question the validity. Getting a hand on such a passport however, is not easy. One has to be prepared to contact obscure people and pay up to 5.000 euro's. These prices are normally inaccessible for stranded irregular migrants.

### Move on

Various clients who did not want to return, said that they rather tried their luck in some other country. Rejected asylum seekers sometimes try to apply for asylum a second time. Via their friends and family members they receive information about new 'hot spots'. Iraqis are likely to try their luck in Scandinavian countries, the UK or Germany. Many Iranian migrants wish to migrate to Canada. Especially the UK is popular among Somalis. Many rejected asylum seekers from West Africa consider migrating to Southern European countries such as Spain or Italy.

Also irregular migrants try their luck in other countries. Irregular Moroccans for example have a tendency to move to Brussels or other Belgium cities. Their social network takes care of them and police inspections are (thought to be) less strict. Ukrainians - just like Africans - sometimes plan to move on to Southern European countries, hoping to find work. Quite some Ukrainians who returned to Ukraine, foresaw that they would move on from Ukraine to the Northeast of Russia, hoping to find work in the gas- and oil sector.

### Rumours with a deter-effect

Rumours may also constitute a deter-effect. Several Chinese clients were reluctant to return to Fujian province, since they were told by fellow countrymen that they would be fined upon arrival. It was said that the administration of Fujian province fined returning migrants who worked abroad after having illegally departed the province. Apart from Fujian province, this

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<sup>17</sup> Estonia, Latvia and Lithuania

is also said about “Wenzhou”, a region where many traders come from. To what extent this practice actually exists or not, the Chinese NC’s could not tell. But as long as these stories circulate within the Chinese community and as long as this perception exists, the rumour acts as a deter-factor. Another deterring rumour that circulates is that migrants who return via IOM are on return searched (‘stripped’) by border police. The police is said to be interested in collecting the IOM-allowance. Especially on certain airports in Ukraine, India and Congo this is said to happen. The NC’s have no knowledge to what degree these practices occur. Again, the fact that these stories go around, do affect the decision making process with regard to return.

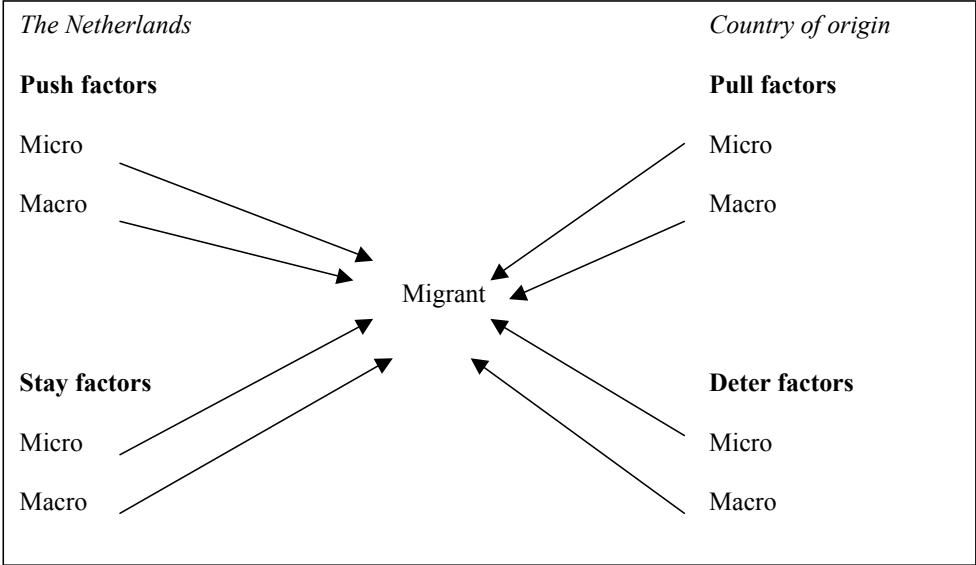
### **3.6 Towards a model**

After having described what relevant conditions and factors influence the decision making process on return, the next step to answer the research question is to present what factors and conditions are most critical. Black et. al. (2004: V) note that existing literature on voluntary return suggests that non-economic factors generally weigh more heavily than economic factors, and that pull factors in the country of origin are more important than push factors in the country of destination. The same authors remind us however that literature also stresses how the decision to return is likely to involve discussions at a household and community level. Voluntary return, they conclude, is indeed a very complex issue.

Because of this complexness identifying *the most* critical factors and conditions is extremely difficult. Based on the type of data presented in this study it is hardly feasible. The qualitative nature of the data make that it is not possible to specifically classify what factors are most determining. One could even question if the issue could be solved when the data would be more quantitative in nature. The case studies indicate that every migrant has his/her highly particular and individual background and migration history. What factors are most critical with regard to the decision making process on return differs from person to person. As a general rule not one single condition, but a vast variety of conditions affect the decision making process on return.

Virtually all rejected asylum seekers and irregular migrants are hovered between a variety of push-, pull-, stay- and deter-factors when it comes to voluntary return. They may hope to find work, to find housing, or to be granted a status. At the same time they may fear to be detained, to be expelled to their hazardous country of origin, or to be confronted with negative reactions of their social network. They may be advised and pressurized by friends and family members living in the country of origin and the Netherlands to take a certain decision. They may have financial, medical or psychological problems. In other words, clients of the target group are generally confronted with a multitude of relevant aspects, both on micro and macro level.

Rather than trying to classify what factors primarily affect the complete target group, it is useful to map what variety of factors the individual migrant may be confronted with. For that reason a ‘push-, pull, stay- and deter-model’ is introduced. In this model all relevant factors that influence the decision making process on return can be mapped. The division between factors on a micro- and macro-level predominantly serves a conceptual objective. This division however may also have practical value.



By filling in the model with the various factors and conditions that influence the decision making process of an individual migrant, a clarifying representation of his/her situation can be created. To demonstrate the difficult and indistinct situation irregular migrants and rejected asylum seekers can face, eight cases that were dealt with by NC's are presented in this paragraph. The cases represent a cross section of the clientele that the NC's work with. Cases from Africa, the Middle East, China and Eastern Europe are selected, since these are the regions where most clients have their roots. Note that cases of irregular migrants as well as cases of rejected asylum seekers are presented.

**Case 1: Family Khatibi - Iranian rejected asylum seekers**

When the NC meets him in 2006, the Iranian rejected asylum seeker Mr. Khatibi has been living and working illegally in Amsterdam for almost five years. He says he himself, his wife and his two children can manage financially. He considers his living conditions not luxury, but reasonable. The couple knows however there hardly is a future for their undocumented children in the Netherlands. MR. Khatibi is stressed. Although he is aware that he has to start all over again and strongly dislikes the Iranian religious regime, Mr. Khatibi sometimes seriously considers returning. He notes that he and his wife will probably manage financially and economically when they return. "But what about the children?", he wonders. Because they have lived in the Netherlands for such a long time they hardly speak Farsi. All their friends live in the Netherlands. And then there is this discussion about the general regularization scheme....He thinks he better waits for a while....

*The Netherlands***Push factors**Micro

Father has stress

Macro

Threat to be expelled

*Iran***Pull factors**Micro

Father wishes to return

Macro

-

Clients

**Stay factors**Micro

Social network children / school

Macro

Hope regularization

**Deter factors**Micro

Children do not speak Farsi

Macro

Iranian religious regime

**Final decision:** The Khatibi family never contacted the NC again.**Case 2: Mr. and Mrs. Wu - Chinese irregular migrants**

Mr. Wu was thirty years old when he arrived in the Netherlands in 2001. He has been working illegally in a restaurant in The Hague ever since. His wife has been living as an irregular migrant in The Netherlands since 2004. She also works illegally. In the spring of 2007 Mr. Wu is arrested during a police inspection. He is detained in alien custody. The NC meets Mr. Wu for the first time when he is in detention. He feels his situation is a blind-alley and wishes to return. Mrs. Wu continues working while her husband is detained. She fears to be arrested as well and is hesitant about her future plans. On the one hand she considers it logical to return because her husband feels like returning. She also looks forward meeting up with her sixteen year old daughter. On the other hand she recounts to the NC that her marriage is not really good and that she considers to divorce from her husband. She knows she can never make the same money in China as in the Netherlands. She also fears that her husband will start gambling again once he has returned in China. In the past he made a lot of debts. He left China without paying off creditors and they might still be waiting for him.

*The Netherlands***Push factors**Micro

Husband wishes to return

Macro

Strict police inspections

Husband is detained

*China***Pull factors**Micro

Wife wishes to visit her daughter

Macro

-

Clients

**Stay factors**Micro

Wife has a job and earns well

Wife is hesitant/marital problems

Macro

-

**Deter factors**Micro

Husband has to pay of creditors

Macro

Worse economic perspective

**Final decision:** Mr. and Mrs. Wu returned to China

**Case 3: Boris - Ukrainian irregular migrant**

Boris is forty years old and does not speak any Western European language. After having worked illegally in Poland for seven years for a salary of about ten euros a day, he had decided to migrate to the Netherlands. He had heard from a Ukrainian friend who worked in greenhouses near The Hague that he could easily make ten euros an hour. Boris travelled to The Hague. Soon after his arrival he found a place to sleep: he paid 250 Euros a month for a room that he shared with another migrant. Things however did not work out the way he had planned. When he contacted the NC he had been searching for work for two months, but without success. Employers were not keen on contracting Ukrainians, fearing to be fined. In two months Boris spent all his savings he had build up in Poland. He is frustrated, knows that he drinks too much and tells the NC he sometimes considers suicide. When he told friends of his plans to present himself to the police in order to be deported, they gave him the cell phone number of a NC. Boris wants to return, though he has nothing to go back to. He sold his house ten years ago in order to buy the false documents he needed to travel to Poland. His parents died. He hopes he can live for a while with his sister and move on to Siberia. He has heard that workers can earn up to 1.000 Euros a month.

*The Netherlands***Push factors**Micro

No work in NL, frustrated

Macro

Strict police inspections

Client

**Stay factors**Micro

-

Macro

-

**Final decision:** Boris returned to Ukraine*Ukraine***Pull factors**Micro

-

Macro

Labour market in Russia

**Deter factors**Micro

No housing

Macro

Unemployment in Ukraine

**Case 4: Ahmed - Iraqi rejected asylum seeker**

23 year old Ahmed arrived in the Netherlands in 1998 together with his father. Father received an asylum status and Ahmed is still in procedure when he meets the NC. After the American invasion, father returned to the (northern) Kurdish part of Iraq. Father runs a successful business and lives with his wife and other children. Ahmed in the meantime, has a hard time in the Netherlands. He has psychosomatic problems, frequently uses hard drugs and is involved in petty crime. He has repeatedly been imprisoned for short periods and does not stand a chance to be regularized. More than once father has asked Ahmed to return. Father claimed the northern region of Iraq was safe, economically booming and that the family members could take care of Ahmed and get him back on track. Ahmed's psychiatrist in the Netherlands strongly advises Ahmed not to return. Ahmed himself also has reservations to return to Iraq because of the overall hazardous situation.

*The Netherlands***Push factors**Micro

Mental problems, drug abuse

Macro

No regularisation possible

Client

**Stay factors**Micro

Psychiatrist advises to stay

Macro

-

**Final decision:** Ahmed returned to Iraq*Iraq***Pull factors**MicroFamily wants him to return, offer support  
HomesickMacro

Safe Kurdistan, economic boom

**Deter factors**Micro

-

Macro

Hazardous overall situation Iraq

**Case 5: Kennedy - Nigerian irregular migrant**

Forty year old Kennedy travelled from Nigeria to The Netherlands with the help of human smugglers in 2001. He never applied for asylum, but tried - without much success - to find work in the informal economy. When the NC meets him, Kennedy has been living in The Hague in a shelter for a year. He is sick and thinks he has problems with his liver. He can however not receive treatment in the Netherlands since he is not insured. The NC arranged that Kennedy could visit a 'street doctor' in the Netherlands. Although the doctor noticed some problems, he concluded that it was safe for Kennedy to travel. Kennedy told the NC he considered returning. He has informed his family about this plan and they accept and support his choice. Kennedy however has not been completely honest about his situation. He never told that he has saved no money whatsoever and tells the NC he cannot return empty handed. In Nigeria he used to work as a shoe repair man and he wants to start his business again.

*The Netherlands***Push factors**Micro

Sick, lack of work, frustrated

Macro

Medical treatment impossible

Client

**Stay factors**Micro

-

Macro

Possibility to sleep in a shelter

If the sickness becomes life threatening, he is safe in NL

**Final decision:** Kennedy returned to Nigeria*Nigeria***Pull factors**Micro

Family welcomes him and offers support

Macro

-

**Deter factors**Micro

Return empty handed

Macro

Lack of work

**Case 6: Sergej - Ukrainian irregular migrant**

29 year old Sergej has a university degree. The degree alone did not bring much prosperity so in 2002 he decided to travel to the Netherlands hoping to make some money. He found work as a handyman. He sent virtually all his savings to his newly wed wife in Ukraine so she could buy a house. 2006 would turn out to be the worst year in his life. He became sick and moreover received news that his wife made plans to divorce from him. On top of that, it turned out that his wife had bought a house with his savings on her own name. He felt betrayed, became depressed and told the NC he saw no future any more in the Netherlands. All he wanted was to return. On return he would live with his mother, try to get healthy and put his life on track again.

*The Netherlands***Push factors**Micro

Sick, depressed

Macro

-

Client

**Stay factors**Micro

-

Macro

-

**Final decision:** Sergej returned to Ukraine*Ukraine***Pull factors**Micro

Homesick, live with mother

Macro

-

**Deter factors**Micro

No house, problematic relation with (ex) wife

Macro

Bad economic situation

**Case 7: Angelo - Angolan rejected asylum seeker**

23 year old Angelo applied for asylum in the Netherlands as an unaccompanied minor in 2002. When he meets the NC he lives illegally in Amsterdam and knows he does not stand a chance to fall under the regularization scheme. During his stay in the Netherlands he saved about 4.000 Euros. He kept this money in a plastic bag in his drawer. One day he was caught by the police and sent to alien custody. To safeguard his money, he called a friend to collect the money from the drawer. When he was released from detention, Angola asked the friend to return the money, but the friend had spent half of it. On the one hand Angelo wants to leave the Netherlands. He had hoped to study, but knows that this would never happen without documents. His parents want him to return and his father - who has a good job in administration - says he can probably arrange a job. On the other hand, Angelo has a Dutch girlfriend and only wants to return once his friend has paid him the 2.000 euros. He also picked up a rumour that a special regularization scheme for ex unaccompanied minors would soon be presented.

*The Netherlands***Push factors**Micro

No perspective for future

Macro

Rejected asylum claim  
No regularization possible  
Fear of detention

Client

**Stay factors**Micro

Dutch girlfriend, collect money from debtor

Macro

Hopes for regularization scheme fro UMA's

*Angola***Pull factors**Micro

Family wants him to return, father can arrange job

Macro

Economy is booming

**Deter factors**Micro

-

Macro

Corrupt / disorganized country

**Final decision:** Angelo still lives in the Netherlands**Case 8: Abdoul - Nigerien irregular migrant**

Abdoul was referred to a NC by the Niger consulate. He arrived in Netherlands three months earlier after a staggering eight month journey via Morocco, Spain, France and Belgium. All in all he had paid about 5.000 USD for his trip. Life in Europe was much tougher than he had imagined. Abdoul speaks only French and he had difficulties finding work. Sometimes he slept on the street, sometimes he could sleep at a friends place. Before heading for Europe he had imagined he would earn about 2.000 Euros a month. Once in Europe he came to realize this would never happen. He was broke and told the NC he was ashamed to return to his family empty handed. Abdoul told the NC he wanted to return. In Niger he used to work as a tailor and with the 350 euros he plans to start a tailor shop again. A church offered Abdoul 350 euros. A date was set and a ticket arranged.

*The Netherlands***Push factors**Micro

Frustration, lack of work,

Macro

Invested much time and money to enter Europe

Client

**Stay factors**Micro

-

Macro

-

*Niger***Pull factors**Micro

-

Macro

-

**Deter factors**Micro

Shame / 'failed' migrant

Macro

Poverty in Niger

**Final decision:** Abdoul never showed up at the airport.



Apart from using the model to portrait the situation of individual migrants, it can also be used as a tool to clarify and visualize why certain migrant groups tend to voluntarily return on a larger scale than others. Figures 3 and 4 in paragraph 1.3 indicate that many Ukrainians tend to return via RRI/RIIM, whereas relatively few Iraqi return<sup>18</sup>. This disparity can be elucidated by mapping the determining conditions of these two nationalities in the push-, pull-, stay-, deter-model.

#### Case study Ukraine

Hard data about the number of undocumented Ukrainians living in the Netherlands lack. Most Ukrainians in the Netherlands come from the Western part of Ukraine, from the provinces L'viv, Ivano-Frankivs'k, Ternopil and Volyn. The economic situation in this part of Ukraine is worse than in the East. Moreover, Ukrainians from the Eastern part focus on Russia when they consider migrating. Since the migrants from Western Ukraine live relatively close to the border they do not have to invest much time or money in travelling to Europe. Sometimes they manage to cross the Ukrainian-Polish and Polish-German border on their own. Shadowy travel agencies also sell packages for 1.000 up to 2.000 USD to travel by bus with a Schengen visa.

Ukrainians hardly ever apply for asylum. The migration process serves as a typical case study of economic migrants. In many cases the migrants are however not the typical young single men that come from the African continent, but men in their thirties, forties of even fifties with a family. They themselves could benefit from the free education offered by the Soviet communist government. Because of the expanding corruption in Ukraine the quality of most types of education has deteriorated. Parents want to make sure their children can visit the best universities. The best universities however, are the most expensive. Hence, parents search methods to save money and migration is one of these methods. This explains why most of the Ukrainian migrants are relatively old. They hope to save money in the Netherlands and send remittances in order to financially support the studies of the children.

In the early years of 2000 Ukrainians generally encountered few problems finding illegal work. They could send remittances and in some instances at the same time even save enough money to buy a car. They mainly worked in greenhouses or construction. Based on (false) promises of recruitment agencies or romanticized tales from former migrants newly arrived migrants entered the Netherlands with the idea that they could earn more money than they could in reality. Some told the NC that arrived with the idea that they could earn 1.500 to 2.000 Euros a month. The expectations were in many instances too high. Theoretically it is possible to make good money by working twelve hours a day, six days a week for a salary of five Euros an hour. Reality however proved unrelenting: many could not find an employer who wanted to employ them for that many hours. They ended up spending time searching for labour than actually working. Working only ten days a month was not exceptional.

Things got worse from 2004 onwards, when the Ukrainians encountered tough competition from Polish migrants who could legally enter and work (in) the Netherlands. Coupled with stricter inspections, employers preferred to employ legal staff. Employers were only willing to contract irregular migrants for very low salaries. Sometimes they only offered two euro's an hour. In the meantime the migrants who spoke no Dutch and had no social network that could provide cheap housing paid disproportionately high rents. Numerous Ukrainian clients who contacted IOM had been fired. After having consumed most of their savings while unsuccessfully trying to find new work they wished to return.

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<sup>18</sup> At the time of printing, the number of Iraqis returning with assistance of IOM has increased. This is probably only partly due tot the termination of the categorical protection policy for Iraqis in November 2008.

### Case study Iraq

It is estimated that in 2003 roughly 40.000 Iraqi citizens resided in the Netherlands. The majority (25.000) is composed of Kurdish citizens, Arabs (12.000) follow and Christians (4.000) make up the rest. They virtually all applied for asylum and reside mainly in the G4 (Forum 2003).

Between 1945 and 1965, the first Iraqis came to study in Western and Eastern Europe. In 1968, a faction within the Ba'ath Party, with Saddam Hussein at its top, conducted a coup. The party's main goal was to create a new Iraqi society by spreading the so-called 'eternal message' of pan-Arabism. At this time, the international emigration of mainly Kurds increased. The first patch of Iraqi refugees in the Netherlands came as a result of the First Gulf War between Iraq and Iran in the 1980's. Immediately after the Second Gulf War in 1991 refugees started to leave Iraq as failed uprisings against Saddam Hussein by the Kurds and Shiites were met by repression and ongoing human rights violations. Many Iraqi (rejected) asylum seekers in the Netherlands fled their country during this Second Gulf War or the decade that followed. A new group of Iraqi migrants entered the Netherlands because of the invasion of the 'coalition of the willing' that started in 2002 (Van Liempt 2007: 82-85).

Most Iraqis in the Netherlands come from the northern part of Kurdistan. It was very difficult to depart directly from this region. There was no international airport in the area, hardly any other infrastructure and there were only very few countries with which Iraq maintained diplomatic ties. People leaving Iraq first had to travel to a neighbouring country before they could continue their journey. Many travelled via Iran to Turkey. From Turkey they flew directly to the Netherlands. Another option was to travel with human smugglers who transported them overland (mainly in the back of lorries) to the Netherlands (Van Liempt 2007). In short; the journey was unpleasant, sometimes dangerous and expensive.

Iraqi migrants in the Netherlands are relatively well educated. Those were the ones who could afford to go to the West in the first place. Still, most people had to use their savings, sell their house, car, land, or family jewellery to finance a trip to Europe (Van Liempt 2007). Not just single men, but also complete families moved to Europe. A study by Choenni (2002) states that three quarters of the first Iraqi arrivals were men initially travelling by themselves. Only after they arrived and applied for asylum they were joined by their wives and children.

As a consequence of the ethnic cleansing activities that have over the years taken place in Bagdad and other Iraqi cities, some migrants in Europe cannot return to their old house. Many neighbourhoods that used to be a mixture of Sunnites and Shiites have turned mono-ethnic. Even if a house is still listed as property, returning to the house is virtually impossible.

Since almost all Iraqi migrants applied for asylum, they live(d) in asylum centres. While awaiting the outcome of their asylum claim they were not allowed to work. Because of the ongoing violence and overall hazardous situation in Iraq, a categorical protection policy has been in place for central and southern Iraq. Consequently, rejected Iraqi asylum seekers from these regions could not be expelled. (note: The categorical protection policy was ended in November 2008, see footnote 17).

Placed within the model, one can see that the decision making process of Ukrainians is fairly comprehensible. The driving force for the single men to leave is lack of work and the discomfort related to being undocumented. The driving force to return is to join family members who stayed in Ukraine.

<b>Ukraine</b>	
<i>The Netherlands</i>	<i>Ukraine</i>
<p><b>Push factors</b></p> <p><u>Micro</u> Loneliness, frustration, high rents</p> <p><u>Macro</u> Lack of work Strict police inspections</p>	<p><b>Pull factors</b></p> <p><u>Micro</u> homesick, family living in Ukraine</p> <p><u>Macro</u> -</p>
Client	
<p><b>Stay factors</b></p> <p><u>Micro</u> Hope to find a proper job</p> <p><u>Macro</u> -</p>	<p><b>Deter factors</b></p> <p><u>Micro</u> -</p> <p><u>Macro</u> Poor economic situation</p>
<p><b>Most likely final decision:</b> Return to Ukraine</p>	

Compared to the Ukrainian community, the decision making process for the Iraqi migrant group is more complex. Some parts of Iraq are relatively safe, while other parts are extremely insecure. Many migrants invested a great deal of time and energy in travelling to the Netherlands. Some sold virtually all their belongings. Most Iraqis applied for asylum. They may be eligible for the regularization scheme or they may still live in an asylum centre. Depending on their origin it may be impossible for Dutch authorities to expel them because of the categorical protection policy. In many instances complete families migrated from Iraq to the Netherlands, the neighbourhood where they lived may have become dangerous to them. As aforementioned, prices of housing are high in Iraq.

<b>Iraq</b>	
<i>The Netherlands</i>	<i>Iraq</i>
<p><b>Push factors</b></p> <p><u>Micro</u> -</p> <p><u>Macro</u> Rejected asylum claim</p>	<p><b>Pull factors</b></p> <p><u>Micro</u> -</p> <p><u>Macro</u> Economic growth (Kurdistan)</p>
Client	
<p><b>Stay factors</b></p> <p><u>Micro</u> Family members living in NL High smuggling fee is paid</p> <p><u>Macro</u> Potential regularization scheme Categorical protection policy</p>	<p><b>Deter factors</b></p> <p><u>Micro</u> House sold / wrong neighbourhood Language problems for children</p> <p><u>Macro</u> Insecurity / war Extremely expensive</p>
<p><b>Most likely final decision:</b> Stay in the Netherlands</p>	

## 4. GENERAL CONCLUSIONS

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### 4.1 Research question

This report is meant to offer better knowledge of rejected asylum seekers and irregular migrants living in the four big cities in the Netherlands. This concluding chapter provides a summary of the foregoing chapters.

In order to realize the above mentioned aims, the following research question has been defined:

*What determinant factors and conditions influence the decision making process on voluntary return of irregular migrants and rejected asylum seekers living in the four big cities in the Netherlands? What factors and conditions are most critical?*

### 4.2 Determinant factors on voluntary return

In order to answer the research question a division is made between push-, pull-, stay- and deter-factors for conceptual reasons. When discussing return migration, push-factors can be defined as those factors that make migrants wishing or requiring to leave the host country. Accordingly, pull-factors see to the factors that make migrants wanting to return to their country of origin. Stay-factors can be defined as those factors that make a person wishing to stay in the asylum country. Deter-factors withhold a person to return to his/her country of origin. When analysing factors at a micro-level the private domain of the migrant is the starting point. When analysing factors at a macro-level, features in the public domain are of key interest.

Disentangling the determinant factors and conditions with regard to voluntary return of the RRI/RIIM clientele proved very complex. Identifying *the most* critical factors and conditions is extremely difficult. The qualitative nature of the data makes it impossible to specifically classify what factors are most decisive. What factors are most critical with regard to the decision making process on return differs from person to person. As a general rule not one single condition, but a vast variety of conditions affect the decision making process on return. Most clients were hovered between a variety of push-, pull-, stay- and deter-factors, both on micro and macro level. Rather than classifying what factors primarily affect the decision making process on voluntary return, a ‘push-, pull, stay- and deter-model’ is introduced in which all relevant factors that influence the decision making process on return can be mapped. This model helps to structure and visualize the multitude of relevant factors that are at play for an individual migrant.

Based on the analysis it is possible to map a range of factors that had a push-, pull-, stay-, or deter-effect on the target group of the RRI/RIIM project. Because some factors can constitute different effects, it is possible that these factors are record twice or more.

## Push-, pull-, stay- and deter-factors RRI-II clientele

*The Netherlands*

**Push factors**

Micro

Tiredness/frustration  
 Financial problems/lack of work  
 Health problems (individual client or family)  
 Mission accomplished  
 False promises human smugglers  
 Lack of social network in the Netherlands  
 High rent

Macro

Opening up labour market in EU  
 Stricter asylum policy  
 'Many of organization' asylum regime  
 Stricter inspections  
 Alien custody

*Iraq*

**Pull factors**

Micro

Homesickness  
 Health problems family member  
 Death of a relative in country  
 Job offer

Macro

Resettlement assistance  
 Improving or safe security situation  
 Improving or good economic situation

### Client

**Stay factors**

Micro

'Fata Morgana effect' / hope  
 Health problems (individual client or family)  
 Death of relative (save money)  
 Social network in the Netherlands  
 Children  
 Rumours

Macro

Availability of emergency shelters  
 Stricter entrance regime EU  
 Stricter asylum policy  
 (debate) regularization scheme  
 Alien custody  
 Categorical protection policy

**Deter factors**

Micro

Social debt  
 Financial debt  
 Emotional debt  
 Divorce from wife/husband  
 Rumours

Macro

Worsening or bad security situation  
 Worsening or bad economic situation

The analysis indicates that the influence of the social network of migrants is very important. Social or family ties can seriously affect the decision making process on return. When a migrant has a strong social network in the Netherlands (s)he is more likely to stay. Apart from giving emotional support the network can assist with finding work and housing. When family members in the country of origin have high expectations of the migrant, this is likely to constitute a stay effect as well. When family members in the country of origin however have health problems or have passed away, this is more likely to make a migrant return. Clients who are single for instance, can more easily make choices than clients with family members living in the Netherlands. Single clients only have to take care of themselves. Especially when the children go to school and when the family has been living in the Netherlands for several years, the decision making process with regard to return becomes much more complicated. The findings suggest that just like the decision to migrate to Europe, leaving Europe is also a decision that is strongly influenced by the social network.

Not surprisingly, the security and economic situation in the country of origin also heavily impact the decision on return. Especially the deter-effect a worsening security situation - like in Iraq - in general withholds migrants to seriously consider returning. There are indications that a rising economy in the country of origin does positively affect return, but the relation between the economic situation and return seems less strong than the security situation and return.

Given that especially client's social network and the situation in the country of origin determine the decision making process on return teaches policy makers to be modest about the possibilities to manage return migration. The impact policy changes have on the actual decision making process of an individual migrant is limited. This does however not imply that policy does not at all influence return migration. The analysis proves that - among many other factors - policy changes can (in)directly affect the decision making process on return. Opening up the labour market for Polish workers has had a direct push-effect on Ukrainian irregular migrants wanting to leave the Netherlands. The findings suggest furthermore that strict border patrols in the EU may have a stay effect on migrants. Once they managed to enter the EU after having invested much time, energy and financial means, they are less likely to consider returning. The (debate) about the regularization scheme had a significant stay-effect, whereas intensified police- and labour inspections acted as a push-factor.

With some prudence it is possible to create typologies of clients. The client most likely to return, is someone who is confronted with hardly stay- or deter-factors and many push- and pull factors. This means (s)he:

- has not other relatives in the Netherlands.
- has not invested (time, money, risk) in his/her travel
- has not applied for asylum
- has stayed only for a couple of years in Europe
- has regular and open contact with family members in his/her country of origin
- comes from a country with good economic and security perspectives

The client most likely to stay, is someone who is confronted with hardly any push- and pull-factors and many stay- and deter-factors. This means (s)he :

- has relatives living in the Netherlands who have a status
- has invested much (time, money, risk) in his/her travel
- applied for asylum (especially before 2001)
- stayed of more than five years in Europe
- lost contact with family members in his/her country of origin
- comes from a country with bad economic and security perspectives

It goes without saying that in the actual target group just a very small percentage of irregular migrants and rejected asylum seekers can be positioned in one of these two templates. The overwhelming majority is caught in a situation where they are on the one hand pushed to leave and pulled to return, and on the other hand triggered to stay and deterred to return.

Nevertheless native counselling has proven to be a successful tool to reach out to and assist irregular migrants and rejected asylum seekers with regard to voluntary return. Their specific cultural background and language knowledge enables them to assist migrants in a tailor made way. Given the multitude of factors that may influence the decision making process of potential returnees, the guidance and objective information NC's offer can be most helpful for the target group.

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# RIIM-PROJECT MUNICH

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Results of the Field Research  
Dec. 2007 - Oct. 2008

**Research report IOM Germany**

**Researcher**  
Sarah Tietze



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IOM International Organization for Migration





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# 1. INTRODUCTION

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German migrations policy is quite restrictive compared to the policies of its neighbours. This has consequences for the policies on voluntary return and the situation of irregular immigrants. The following paragraph gives a condensed overview on German migrations policies since the 1950ies with special focus on voluntary return and illegal immigration. 1.2 will introduce the RIIM-Project in Munich. In 1.3 the results will be summarized and 1.4 will explain the way the research was conducted.

## 1.1 The Situation in Germany

### *1.1.1 Migration Policy and Voluntary Return*

The promotion of voluntary return entered the realm of German migration policy measures rather late. Large scale migration of non German migrants had started in post war Germany with the so called “Guest Workers Programme” in the 1950ies and 1960ies. The country was in dire need of workers as the rapid economic growth was threatened by labour shortages. Therefore, active recruitment of mostly male workers was conducted in Southern Europe and North Africa through bilateral agreements with these countries (Borkert/Bosswick 2007: 3-4). Although the idea behind the “Guest Worker Programme” had been that the foreign workers would only stay temporary, the rotation scheme was never enforced and many of them decided to settle permanently in Germany. In 1973, in the wake of the oil crisis and its repercussions on the German economy, the so called “Anwerbestopp”, a halt of recruitment for non EU nationals, was introduced (Borkert/Bosswick 2007: 4). This was the first time, that promotion of voluntary return became part of national migration policies. Through the Anwerbestopp and promotion of voluntary return, re-entry into Germany became very difficult if not impossible. The only ways that remained open were via family reunion, which allowed spouses and children under 16 of migrants residing in Germany to join them. The unintended consequence of these measures was that migrants decided to stay in Germany for good, rather than taking a chance and return home, only to be stuck there without a possibility for re-entry.

In the 1970ies it became apparent, that many migrants were here to stay. The question of their integration into society, that had been largely overlooked previously, could not be ignored any longer. This led to the establishment of a “Commissioner for the Promotion of Integration of Foreign Employees and their Families”, but despite these efforts, German policy towards migrants remained restrictive and social integration did not make much progress. The main reason for this development was that Germany did not view itself as an immigration country. Therefore, measures were introduced in the 1980ies to reduce the foreign population. This led to the establishment of the Reintegration and Emigration Programme for Asylum-Seekers (REAG) in 1979. It was organized by the IOM and aimed to give refugees travel assistance and transport allowance as an incentive for migrants to return back to their country on a voluntary basis. In 1989, the Government Assisted Repatriation Programme (GARP) was introduced, which offers financial start-up assistance for migrants who opt for voluntary return. Both programmes were merged in 2002.

In 1983 another attempt to foster voluntary return was made, when a law promoting the repatriation of foreigners came into force which subsidized voluntary return financially by granting the foreign workers’ a share of their future German pension under the condition that

they moved back home. About 250,000 migrants returned under this scheme, far less than the government had hoped for. Although the recruitment stop led to decreasing figures when it came to employed foreign workers, the family reunion allowed 3 million people to move to Germany until 1980. Family reunion was the most significant immigration source to Germany during the 1990ies. Children born to these families in Germany, the so called second generation, were not granted German citizenship and remained legally foreigners.

In the 1990ies it became apparent, that the several possibilities of legal immigration were accompanied to a varying degree by irregular movements. Especially the supply driven asylum system became increasingly linked to illegal migration and trafficking (Borkert/Bosswick 2007: 7). Also some applicants chose to go into hiding after an unsuccessful asylum claim. Regarding the right to asylum, significant restrictions were introduced during the same period of time. The Social Democratic Party (SPD) in December 1992 agreed to a compromise for an amendment of article 16a of the German basic law. An important reason for this was the massive pressure within the party from the level of local communities which had to cope with the problems of inadequate resources for taking care of the majority of asylum seekers. Among other regulations, the right to asylum became restricted by the safe third country rule. As a consequence of this, legal access to the German asylum procedure was possible only via an airport. The third country rule was rendered nearly ineffective by the fact, that the vast majority of the 811,000 asylum seekers between 1993 and the end of 1999 entered illegally and hid their entry path (Borkert/Bosswick 2007: 8). An illegal entry is not prosecuted, if it is followed by an immediate asylum application. As a consequence of these regulations and an intensification of the border controls, a market for traffickers developed, as their skills became necessary to cross the German borders.

In 1991 the conservative Government under Helmut Kohl introduced a new foreigner's law, which guaranteed return to Germany for foreigners with permanent residence status and entitled migrants residing in Germany for 15 years to naturalization. Previously, naturalization was granted mainly at the discretion of the foreigner's authorities. But the provisions for naturalization were still restrictive. Naturalization was understood by the government as a "final step of a successful integration process", a concept upheld by conservative politicians until today.

In general though, German foreigners' policy had continued its restrictive course during the 1990ies. The focus on repatriation and deportations remained strong. In 1996, more than 300.000 refugees from Bosnia- Herzegovina lived in Germany. About 80 per cent of the refugees obtained a toleration status only, exempting them from deportation but denying them a residence permit (Lederer 1997: 309). After signing a readmission agreement with Bosnia in November 1996, more than 200,000 refugees were repatriated to Bosnia-Herzegovina until autumn 1998. For Albanian refugees from the Kosovo, a general readmission agreement has been signed on 10 October 1996 by the German and the Yugoslavian government. In mid-1999, still approx. 180,000 tolerated Albanians from Kosovo lived in Germany, most of them having entered illegally (Lederer 1999: 35). Both large groups of war refugees from former Yugoslavia were effectively excluded from access to asylum and were in their vast majority locked into the precarious status of being tolerated.

A new immigration law, which had been debated for years, was accepted as a compromise by all parties in May 2004. After several breakdowns and follow up talks, accompanied by a heated public debate, the new immigration law finally came into force on 1 January 2005. This new law introduced several innovations to Germany's migration management, reducing the various residence titles of Germany's past migration schemes to the number of two, a

limited residence permit and an unlimited settlement permit. The ban on the recruitment of unqualified labour and persons with low qualifications was maintained. With regard to humanitarian immigration, refugee status is also granted in case of non-state and gender-specific persecution, pursuant to the EU asylum directive.

The 9/11 attacks also left their mark on the new immigration law. The compromise introduced an extended deportation order which can be issued by state or federal authorities on the basis of an ‘evidence-based threat prognosis’. Legal redress is limited to a single appeal to the Federal Administrative Court. Mandatory expulsion was introduced for foreign nationals who are members or supporters of terrorist organizations. Discretionary expulsions can also be imposed on religious extremists like ‘hate preachers’ in mosques. If a deportation cannot be effected due to obstacles to deportation (e.g. risk of torture or the death penalty), the person in question has to report to the authorities on a regular basis.

The new immigration law reduces the complicated and bureaucratic process significantly, as the dual application process with the foreigner’s authorities for a residence permit and with the labour authorities for a work permit is replaced with a single process at the local foreigner’s authority. It also unifies the regulations on residence permits for refugees (under the Geneva Convention) and asylum seekers under the provisions for “humanitarian immigration”, therefore abandoning the discrimination of people who do not meet the narrow criteria for asylum. For the first time in Germany’s legislative history, regulations for immigration, labour market access, the stay of foreigners and the integration of resident migrants are combined to an integrated legislative act, differentiating according to the purpose of residence only.

### ***1.1.2 Illegal Immigration***

Not many facts are known about illegal migration in Germany. The main reasons for this are the extremely restrictive policies in this field. This makes it difficult for researchers, who work in this field. That is the reason why educated guesses dominate the debate on illegal immigration even in scholarly circles, as hard facts are rare. Until today, there are no reliable estimates on the number of irregular migrants<sup>19</sup> staying in Germany. Guesses vary between 100.000 and 1.5 Million (Schönwälder, Vogel, Sciortino 2004: 27). Most scholars agree that illegal immigration has probably reached its peak in the late 1990ies and is declining or at least stagnating ever since (Schönwälder, Vogel Sciortino 2004: 33). An important reason for this development is the geographical expansion of the EU, which included countries that used to be a major source of illegal immigration like Poland, Romania and Bulgaria.

Migrants, who come to Germany illegally, are a heterogeneous group. They come from all parts of the world and they choose different patterns for entering the country: Some legally, with tourist-, student, or au pair-Visa, only to become “overstayers” when these visas have expired. Others enter illegally through trafficking. Some are rejected asylum seekers who go into hiding after their application is denied. While most irregular migrants are believed to be labour migrants, some are fleeing political prosecution or violence. Not all irregular migrants remain in an irregular situation all the time during their stay in Germany. The few studies that have been conducted in this area show that many of these people drift in and out of regular and irregular categories and also change between the categories of irregularity.

The majority of irregular migrants seem to be male or at least the majority of migrants arrested by the police because of violation of the foreigner’s law are male. The patterns of

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<sup>19</sup> To properly distinguish migrants without a legal status from tolerated migrants, the term “irregular migrant” will be used in this report. This is just for the sake of clarity and not meant to be derogatory.



migration can be very different. Migrants from countries geographically close to Germany maintain intensive contacts with their families at home and visit them regularly. Their migration history usually shows a pattern of circular migration with plans to return home. Other irregular migrants, who come from other continents, can not keep close ties to their families at home and maybe more inclined to stay in Germany for good. Then of course, a significant number of irregular migrants do not stay in one European country all the time. Many migrants travel to different countries during their Irregular stay in Europe and may end up choosing more liberal countries like France or Italy for prolonged stays.

As Germany is a rather tightly controlled country with compulsory registration for every citizen and a huge state bureaucracy that allows for the transfer of personal data between different offices, it is difficult to get by without legal papers. This also holds true for the labour market. There are centralized controls against illicit employment by the Federal Agency for Work (Bundesagentur für Arbeit) which also holds a near monopoly in job placement. It is impossible to make exact estimates about the number of illicit workers that are irregular migrants or about the jobs that they prefer. However, Schönwälder, Vogel, Sciortino (2004: 47) offer a list of criteria, that make jobs interesting for irregular migrants and vice versa for employers to hire irregular migrants: irregular migrants make for low wage costs, as there are no social insurance contributions to be paid. This is especially desirable if the work in question is labour intensive. They can also be hired and fired whenever it suits the employer, circumventing the strict job protection in Germany. They need to be protected from controls against illicit work though and, as there their arrest and deportation are probable, need to be easily replaceable. It is believed, that farming is a sector that provides jobs for irregular migrants, especially for seasonal workers. Construction is probably one of the sectors with the highest percentage of irregular migrants. It is certainly labour intensive and subject to seasonal fluctuations and a volatile order situation. When it comes to the services sector, domestic work, catering in restaurants and bars, cleaning crews and transport companies are among the jobs that are most likely to offer employment possibilities for irregular migrants. Prostitution, which is not necessarily forced prostitution, is another option.

Life as an irregular migrant in Germany is hard. Irregular migrants live in constant fear of being uncovered and face arrest, deportation or a jail sentence. If they came to Germany because of violent prosecution in their home country, they may have to fear for their life if they are sent back. The tight control due to compulsory registration makes it nearly impossible to open a bank account or to get insurance. Also, irregular migrants can not turn to the police, if they are victims of crime. This is especially worrisome, as irregular migrants are prone to be victims of forced labour and even forced prostitution. Irregular migrants are often seen as a major source of crime themselves. But there is no data that would justify the conclusion, that irregular migrants are more likely to commit crimes than other population groups, other than offences against immigration law.

Irregular migrants often live with relatives or compatriots and sometimes at their place of work or as illicit subtenants. In some cities there seems to be a separate housing market for irregular migrants, where rents are extremely high (Alt 2003: 148-149). This can amount to exploitation. When it comes to health problems that are so severe, that the consultation of a doctor is unavoidable, some irregular migrants use the insurance card of legal compatriots or they pay the doctor in cash. They try to avoid hospitals although these offer emergency care without discrimination. But in case of unpaid bills, the hospitals contact the social assistance authorities which in turn contact the aliens departments, if they discover that the person in question is not registered with them. Because of the exclusion of irregular migrants from

public services and the legal job market, ethnic and social networks are believed to be of utmost importance for this group.

Advocating and lobbying for the rights of irregular migrants is done by German NGOs, especially with a human rights or women's rights background. There is no political movement by irregular migrants themselves, unlike e.g. in France. Associations of ethnic or religious groups that come from countries which are also believed to be a source of illegal immigration treat this subject as a taboo and see themselves only as advocates for their legal compatriots or fellow believers. This is mainly due to fear of getting into trouble with the authorities. Also, a legalization program for undocumented immigrants has not been carried out, or even seriously discussed in political circles. Only the legal institute of toleration (*Duldung*) allows for the existence of "legal illegal" migrants in Germany. Toleration is not a legal residence status but a suspension of deportation only due to humanitarian reasons or the impracticability of the deportation. The extension of toleration, which usually has to be renewed every three months, is at the discretion of the local foreigner's Amt. Although the new immigration law provides for abolishing the established practice of so called "Kettenduldung", denying temporary residence status while issuing short term tolerations, the local foreigners' authorities continued this practice. Several attempts to find an agreement for issuing legal residence status to long term migrants that are in fact already quite integrated failed. On the meetings of the perpetual conference of the regional Ministries of Interior, no compromise could be found yet.

## **1.2 The project**

The fieldwork for the RIIM-project in Munich started in December 2007 and ended in October 2008. The goal was 1) to identify local organizations and individuals that regularly deal with irregular migrants. The Office for Repatriation Assistance in the Social Services Department coordinates voluntary return in Munich within the EU-funded project 'Coming Home'. The Office developed a leaflet for irregular migrants, which lists counselling and outreach projects that target this group. It was distributed by the bodies identified through the RIIM-research. 2) To conduct interviews with irregular migrants based on the RIIM-questionnaire.

## **1.3 Results**

The 84 migrants that were interviewed for the project were mostly male, between 19-40 years of age and single. The majority (70%) had toleration status, therefore it is not surprising, that 44 per cent of the sample lived of state welfare. 40 per cent were from Iraq, 11 per cent were Nigerians and 8 per cent were from Kosovo.

19 per cent had relatives in Germany, 11 per cent had children in Germany and 30 per cent had children in the country of origin. Nearly 40 per cent entered Germany with the help of traffickers.

31 per cent reported psychological problems and 24 per cent medical problems.

48 lived in hostels followed by 16 per cent that shared apartments and 15 per cent that were detained. Due to the high number of Iraqis interviewed, war (34%) was the most important reason for leaving the country of origin, followed by political problems (26%) and economical problems (10%). The main reason for coming to Germany was the possibility to ask for asylum (45%), followed by the hope to find work (16%) and reunification with family members living in Germany (8%).

As the main reason for returning to their country of origin, 38 cited the pressure to leave by the authorities and 27 per cent wanted to return because of their family back home. 75 per

cent could not think of a reason for leaving the EU. 26 per cent cited personal security as the main reason for their wish to stay in the EU while 32 per cent felt deterred from a return by the security situation in their home country.

There were huge constraints during the research, stemming mainly from the controversial nature of the subject and the general distrustful attitude of irregular migrants.

Furthermore, it is difficult to compare the situation and motives of irregular migrants, as this group is very heterogeneous.

Although Munich provides the most liberal environment for irregular migrants in Germany, the restrictive migration policy in the state of Bavaria has significant impacts through tight controls, questionable treatment of deportees and deplorable conditions in the hostels and camps.

Munich does have an agency promoting voluntary return, the Office for Repatriation Assistance. There is also an NGO-community that offers services for irregular migrants, ranging from medical help to counselling and support for victims of trafficking.

#### **1.4 The research**

In total 84 questionnaires were filled out and evaluated with statistical methods. Additionally, in-depth interviews were conducted with key informants who worked with irregular migrants or otherwise had close contacts to certain migrant groups to provide additional information and compensate for the many difficulties that arose in researching this rather clandestine and distrustful group. 42 of the questionnaires were filled out by the counsellors of the Office for Repatriation Assistance.

The questionnaire was partially altered to provide for the special situation of irregular migrants in Germany and to incorporate findings of earlier research on irregular migrants in Munich (Alt 2003, Anderson 2003). Furthermore, answers came up during research that had not been thought of by the designers of the questionnaire and therefore had to be added as extra categories during the statistical evaluation. Also, the order of the questions has been adjusted. The German questionnaire can be found in Annex I.

- After question 4 (Marital Status), question 4a was inserted, which asks about family members living in Germany, ranging from the possibility of none to parents, spouses and siblings.
- To question 10 (status) several categories were added:
  - overstayer (people whose tourist-, student-, au-pair-visas have expired).
  - pseudo-legal (forged papers make the person appear legal)
  - fictitious marriage
  - victim of trafficking
  - loss of residence permit
  - withdrawal of application for asylum.
- Question 10a was added, asking for the entry into Germany:
  - the person came alone
  - with traffickers
  - with the help of family members
  - with the help of social/ethnic networks.
- To question 11, which focuses on housing, several categories were added:
  - living with German partner
  - sharing an apartment
  - asylum/refugee camp
  - lives at place of work

- To question 13 (personal problems) the category “psychological problems” was added.
- To question 12 (establishment of first contact between counsellor and client) the possibility “referral through lawyer” was added.
- To question 14 (Main reason why client left the country of origin) the following categories were added:
  - relationship with German partner
  - family problems
  - religious discrimination
  - social/cultural discrimination
  - gender based discrimination
  - medical problems
- To question 15 (Main reason why migrant travelled to country of residence) several categories had to be added:
  - getting stuck
  - transit
  - hope for personal security
  - medical treatment
- To question 16 the categories social welfare and legal work were added (tolerated migrants are sometimes allowed to work).
- Question 16a was inserted, which focuses on the type of work done by irregular migrants. It offers several categories, e.g. catering, construction, cleaning, house warden and gardener, domestic worker etc.
- To question 17 (Main reason for considering to leave the EU) several categories were added:
  - legally obliged to leave Germany
  - end of relationship with German partner
- To question 18 (Main reason for considering to return to country of origin) the following categories were added:
  - enough money was earned to realize planned projects at home
  - reunification with family
- To question 19 (Main reason for not wanting to go back to country of origin) the following categories were added:
  - political situation
  - social/cultural discrimination
  - gender based discrimination
  - family problems
  - The category: “It’s better to stay irregular in the EU than go back home” was deleted, because it is nonsensical.
- To question 20 the following categories were added:
  - feels more at home in Germany than in country of origin
  - no possibility to obtain papers necessary to leave
  - family back home depends on remissions
  - personal security guaranteed
  - better education opportunities than at home

Besides these changes, new questions were added to the questionnaire. Some of them were proposed by the Austrian researcher, some by the German researcher.

To find out more about the spare time activities and the media use of irregular migrants, five questions were added:

- Question 21: Is the person doing sports?
  - soccer
  - basketball
  - swimming
  - fitness/Body Building
  - other sports
- Question 22: Other spare time activities:
  - visiting cultural centres/associations
  - takes part in dance/music-groups
  - learning German
  - other activities
- Question 23: Is the person active in a religious community?
  - German Christian community
  - Christian-Orthodox community
  - Foreign-language/ethnic Christian community
  - Muslim community
  - Other religious community
- Question 24: German media that were used regularly (please also ask for specific name):
  - TV
  - radio
  - paper
  - magazine
  - internet
- Question 26: Foreign media that were used regularly (please also ask for specific name):
  - tv
  - radio
  - paper
  - magazine
  - internet

Another three “open questions” were added:

- What kind of support would the person need to return to his/her home country and stay there permanently?
- What obstacles deter the persons from returning?
- Short migration history: Why and how did the person come to Germany?

Another five “observations” were added that can be filled out by the interviewer:

- Are there any signs that the person was trafficked or that he/she has contacts to organized crime?
- Family environment: Where is the family, are there plans for reunification, what are the characteristics of the migration project regarding the family?
- What persons come to Germany alone (without family support) and under what circumstances?
- The role of women and children in the migration project?
- If the person has children: Which strategies exist to secure their needs?

## **1.5 Reader's guide**

Chapter 2 will explain the methodological framework and the defining features of the sample. Furthermore, the ethnical considerations that came up during the research and the constraints that were met in the process will be discussed. Chapter 3 will present the findings of the RIIM-Project for the city of Munich. After an introduction into the social and political structures of the city, the living conditions of irregular migrants will be described based on the findings of the survey. Additionally, the conditions of several ethnic and special migrant groups will be presented. This data was largely obtained through in-depth interviews with key informants. The work of local organizations that assist irregular migrants will be described with special focus on the Office for Repatriation Assistance, the Office coordinating voluntary return in Munich within the EU-funded project 'Coming Home'. In Chapter 4 the conclusions from the research and the recommendations derived from them will be summarized.



## 2. METHODOLOGICAL FRAMEWORK

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### 2.1 Terminology and definitions

**Asylum:** the right to asylum is enshrined in the German Basic Law (Art. 16 a) and is a fundamental right. People have to be politically persecuted in their home country in order to be eligible for asylum. The Federal Office for Migration and Refugees in Nuremberg is responsible for granting asylum. The number of people who are granted asylum has been fluctuating around several hundred a year, which is low in comparison with around 30.000 applications a year.

**Ausländerbehörde:** Aliens Office of Munich. It is run by the Ministry of the interior of Bavaria, not by the city.

**Bayrisches Ministerium für Sozialordnung, Familie und Frauen:** Bavarian Ministry for Social the Social System, Family and Children.

**BAMF:** Bundesamt für Migrations und Flüchtlinge, the Federal Office for Migration and Refugees.

**Botschaftsvorführung:** Irregular migrants who hide their nationality are presented to embassies to determine their true country of origin and prepare their deportation.

**Duldung:** Toleration, temporary exemption from deportation on humanitarian grounds or because of obstacles to the deportation.

**Hostels and camps:** These expressions are used to refer to the accommodations of asylum seekers and tolerated persons. They are either housed in hostels or camps consisting of habitable containers. The government of Upper Bavaria is responsible for the housing of these people, not the city of Munich.

**Irregular Migrants:** For the sake of clarity, migrants without al legal status will be called irregular migrants. The author is aware of the negative connotations of this term.

**Irregular Migrants:** This group consist of irregular migrants and migrants with toleration.

**Kreisverwaltungsreferat:** District Administration Authority of the city of Munich

**Overstayer:** Migrant, who enters Germany legally with a student-/au-pair-/tourist-visa but stays illegally after visa ran out.

**Sozialreferat:** Social Services Department of the city of Munich.

**Übermittlungspflicht:** Legal obligation of civil servants to inform the authorities about irregular migrants according to §87 of the residence act.

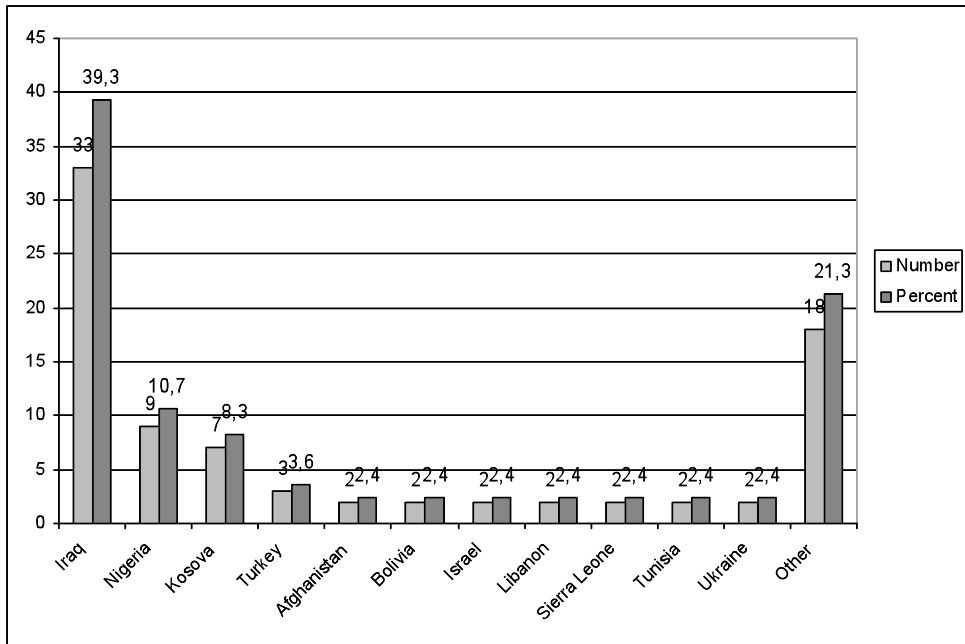
### 2.2 Data collection

72 of the interviewees were male, 12 were female.

The composition of the sample regarding nationality was very diverse. The following chart only represents the nationalities that were represented by more than one person. Iraqis were by far the largest group, making up nearly 40 per cent of the sample.

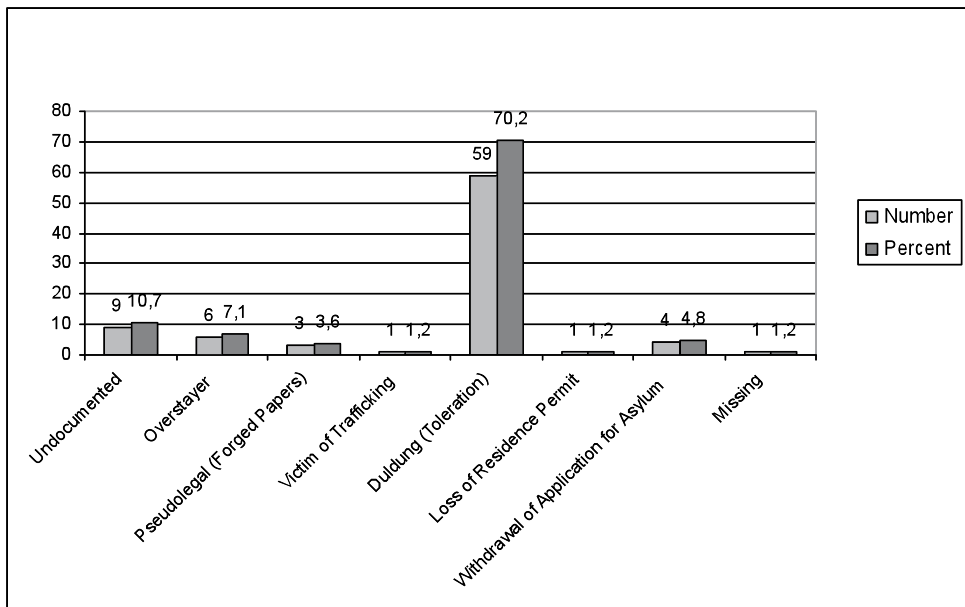


Figure 1: Country of Origin



The Majority of the interviewees were tolerated, therefore not residing legally in Germany but temporarily exempted from deportation for various reasons.

Figure 2: Legal Status



## **2.3 Ethical considerations**

There were concerns by the counsellors of the Office for Repatriation Assistance, that the confidentiality of their client's data was compromised. They were especially worried about the fact that they filled out questionnaires retrospectively with the help of their files, but had no possibility to ask the client in question for permission. Furthermore, the IOM-number for each client the from Office for Repatriation Assistance that had left Germany with IOM was recorded on the questionnaire, which theoretically compromised the anonymity of the clients, as IOM could have found out the name of these clients with the help of their records. At the request of the Office for Repatriation Assistance, the IOM-numbers were replaced with consecutive numbers. The questionnaires that were filled out by the Office for Repatriation Assistance are therefore still distinguishable from questionnaires filled out by the researcher, but can not be tracked back to the original clients by IOM.

Several NGOs that were approached during the research mentioned concerns about endangering interviewees by publishing data on their way of life. Irregular migrants are subject of fierce prosecution in Bavaria, which prides itself on its restrictive migrant policy. Some NGOs feared that the information gathered with the help of this project could be used by the authorities to toughen the prosecution of irregular migrants.

## **2.4 Constraints**

### **The unscientific character of the questionnaire**

The questionnaire did not live up to scientific standards. For example in the original questionnaire, the age groups were not clearly distinguished from each other. Due to the time constraints regarding the research it was also not possible to design a preliminary questionnaire and test it before starting research in earnest. This would have been necessary though, as the questionnaire was designed in the Netherlands and does not adequately reflect the situation in Germany.

### **The changing statuses of irregular migrants**

Most interviewees have had different statuses during their stay in Germany. Someone can e.g. enter the country without valid papers, then apply for asylum, go into hiding after being rejected and finally purchase forged papers. The line separating tolerated migrants from irregular migrants is also blurred. The questionnaire does only allow documentation of the current status and therefore fails to adequately reflect the complex migrations histories of irregular migrants. At best, it provides a snap shot, but this can also be misleading, as it does not necessarily document the status that the person has had for the longest period of time.

### **Access to “real” irregular migrants is extremely difficult**

Although there are numerous organizations that deal with migrants which are, at least in theory, also accessible for migrants without a legal status, this group lives a very clandestine life. This may first seem surprising, as Munich prides itself on being the most liberal community in Germany when it comes to irregular migrants. But the rigid national laws and the restrictive policies of Bavaria leave little leeway for the liberal “Munich model”.

Irregular migrants only approach organizations for help, if there is an acute crisis e.g. a severe medical problems. Informants working with organizations that deal with migrants note that “real” irregular migrants rarely approach them. They mostly deal with tolerated migrants. They related that in many cases, a friend with legal status will approach them on behalf of the irregular migrant and they will probably never deal with the person directly.

Also, many organizations that offer services that are of potential interest to irregular migrants, like free medical help for the uninsured or counselling on migration issues, decline from specifically asking their clients about their status. This is mainly for two reasons: First their own protection, as they would be liable under German law if they knowingly help a migrant without legal status. Second they do not want to drive potential clients away by pressing them about this touchy issue.

The difficulties of researching irregular migrants are also illustrated by the two studies that were already conducted on this subject in Munich. Father Jörg Alt, who had been working with the refugee service of the Jesuits for years when he took up his research, interviewed 44 irregular migrants (Alt 2003: 51). Anderson (2003: 15), who had the support of the local civil society, interviewed 22 irregular migrants.

It should also be mentioned that the composition of the ethnic groups that make up significant parts of the community of irregular migrants, has changed dramatically in the last years. Rumania and Bulgaria, which used to be a major source of illegal migration, are now members of the EU and numbers of Russians and Ukrainians in irregular situation have been plummeting. This has two consequences: First, the number of irregular migrants living in Munich should have declined significantly during the last years. Second, the two studies on irregular migrants in Munich, that were published in 2003 do not reflect the current situation adequately and therefore were of limited help for this study.

Tolerated Migrants were not always willing to give information

Many tolerated migrants were also not keen on being interviewed. To them, the term interview was related with the interrogations by the BAMF-personnel while their asylum application had been running. These interviews were usually perceived as harsh and humiliating. Furthermore others felt, that giving details of their story for this survey could somehow decrease their chances of having their tolerations extended or receive a residence permit. They were not content with the affirmation, that they would remain anonymous. Some migrants that lived in hostels felt that they were “spied on” by the personnel running the hostels and feared if they would give interviews.

### **Distrust towards IOM and the EU Migration Policy in the Civil Society**

Certain individuals and organizations of the local civil society that work with migrants are very critical of IOM. Two organizations expressed strong resentments against cooperating with the RIIM-project, Café 104 and Rechtshilfe für Ausländer und Ausländerinnen e.V.. This stems mainly from concerns about the programmes for voluntary return offered by IOM. These are perceived as a euphemism for forced return. The funding of the project by the EU was another reason for mistrust as both organizations are highly critical towards European migration policies, especially FRONTEX. Other organizations also expressed criticism but cooperated nevertheless.

### **Fragmentary Information from the Files of the Office for Repatriation Assistance**

As already mentioned, 42 of the questionnaires were filled out by the Office for Repatriation Assistance. Many of them were filled out retrospectively for clients that had already left, with the client's file as the only reference point. The information that could be gathered that way was often sparse. Especially the questions that relate to the motives of the migrant for leaving/staying could often not be answered.

**Questions 21-33 were hardly answered**

There are several reasons for this. None of the questionnaires that were filled out by the counsellors of the Office for Repatriation Assistance answered these questions for the reasons mentioned above. Also during the interviews that took place in crowded environments like the deportation ward in the prison of Stadelheim, hostels or teahouses, it was only possible to get the most important questions answered. When it came to the open questions, the information that the interviewees gave was often sparse, as even tolerated migrants tend not to be very open about their personal histories for fear of negative consequences.



### 3. SURVEY ON IRREGULAR MIGRANTS IN MUNICH

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#### 3.1 Introduction

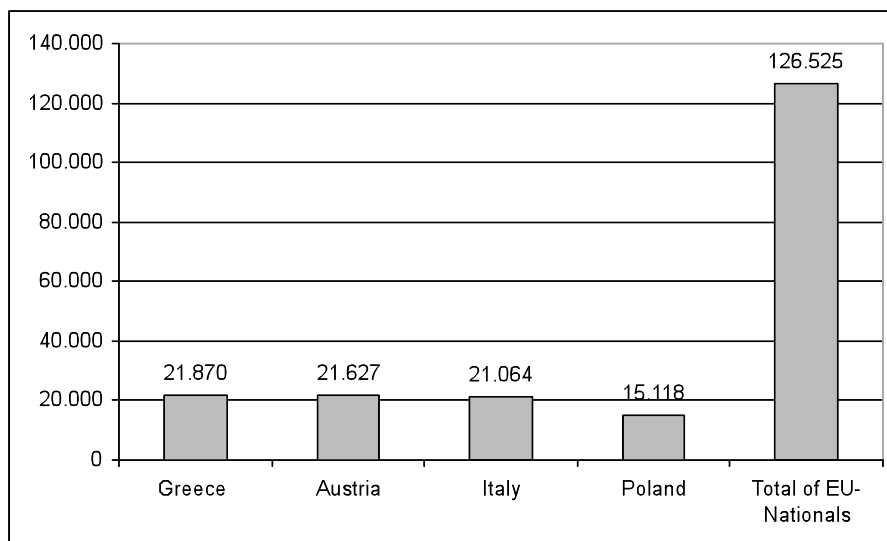
After a short overview about the social and political structure and the „Munich Model“ in 3.2, the living conditions of irregular migrants will be describes according to the findings of the survey. Additionally, the information about ethnic and other groups of irregular migrants, which was related during in-depth interviews with key informants, is presented. 3.4 describes the reasons for staying and returning according to the survey. 3.5 covers the role of local NGOs and church organizations which work with irregular migrants while 3.6 looks at the work of the Office for Repatriation Assistance, the Office coordinating voluntary return within the EU-funded project ‘Coming Home’. The conclusions from this Chapter are offered in 3.7.

#### 3.2 Social/Political structure of the city

Munich is the capital of Bavaria and the third largest city in Germany. It is also one of the richest cities with the economy running on technology, publishing and tourism. Munich is the most expensive city in Germany and has a low crime rate.

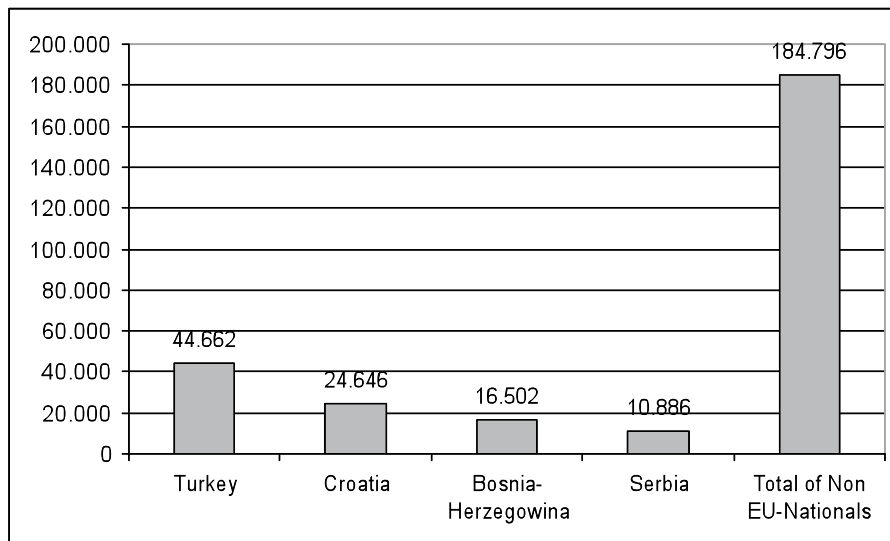
By 2007, it had 1.34 Million inhabitants of whom 311.321 were holders of foreign passports, which is 23 per cent of the population. Only Offenbach and Frankfurt a. M. have a higher percentage of foreign migrants. Munich has a considerable amount of migrants from Turkey and the Balkans, as the following statistics show. There are 126.525 EU-Nationals in Munich, who do not hold a German passport.

Figure 3: Foreign EU-Nationals in Munich (Source: Statistisches Amt München)



There are also 184.796 foreign inhabitants with Non-EU Background:

**Figure 4: Foreign Non EU-Nationals in Munich**



Besides people from Europe, there are also 35.510 Asians, comprising mostly of Iraqis (8.139), Afghans (4.217), Vietnamese (3.798), Chinese (3.557) and Indians (2.411). Of the 11.756 Americans the two biggest groups by far are US-Citizens (5.570) and Brazilians (1.726). Furthermore, there are 10.353 Africans. The largest groups are Ugandans (1.485), Togolese (1.373), Moroccans (1.131) and Nigerians (1.040).

The organization of the administration in Munich and the political situation will be briefly described in the following paragraphs. Munich is governed by the chief mayor, who is directly elected by the citizens with an absolute majority for a period of six years. The chief mayor heads the city council, which is also elected for a six year period through a combination of proportional representation and individual candidature. It consists of 80 members.

The self-administration of the city is divided in 11 departments. Each one of them is jointly headed by a full time employed city councillor (“Referent”) and an elected administrative officer. There are two departments that frequently deal with migrant issues: First the Kreisverwaltungsreferat (District Administration Authority), which is responsible for registration issues and runs the municipal registration office. Second the Social Services Department (Sozialreferat) which has a special office for housing and migration. This office is also responsible for the Office for Repatriation Assistance, the Office coordinating voluntary return in Munich within the EU-funded project ‘Coming Home’.

Post-war Munich has a tradition of social-democratic rule, which is remarkable as Bavaria is a conservative stronghold, where the Christian Social Union was wielding an absolute majority until 2008. Since 1989 the city is governed by a social-democratic/Green Party Coalition. Current chief mayor is Christian Ude (Social Democratic Party) who has been in this position since 1993.

Munich pursues a liberal policy concerning irregular migrants which is known as the “Munich model” and is unique in Germany. The starting point was a study by Phillip Anderson in 2003 about irregular migrants in Munich, which was commissioned by the city council. The study was used as a basis for the development of policies that are meant to ensure access to basic human rights for irregular migrants. The Munich model was developed by a working group, comprising the local authorities, the Police, NGOs and church organizations. The police left the working group soon after. Up to this day, this body meets twice a year to discuss issues relating to irregular migrants. In short, the issue of illegal migration moved from taboo subject to a normal political issue in the last 5 years.

The Munich model uses the narrow leeway that strict German laws leave the municipalities mainly in two respects:

1. Medical care for the uninsured: There are three contact points for uninsured people with health problems which are also accessible for migrants without a legal status (see 3.5 for details)
2. The aliens office can be consulted by members of the working group about specific cases without giving the identity of the migrant, thus comprising his anonymity and safety.

The Munich model, as ground breaking and innovative it may be, exists in a legal grey area. Medical personnel are exempt from the *Übermittlungspflicht* (the obligation to inform the authorities about irregular migrants) due to their professional secrecy. But many social workers and volunteers working with the aforementioned organizations do not have this privilege.

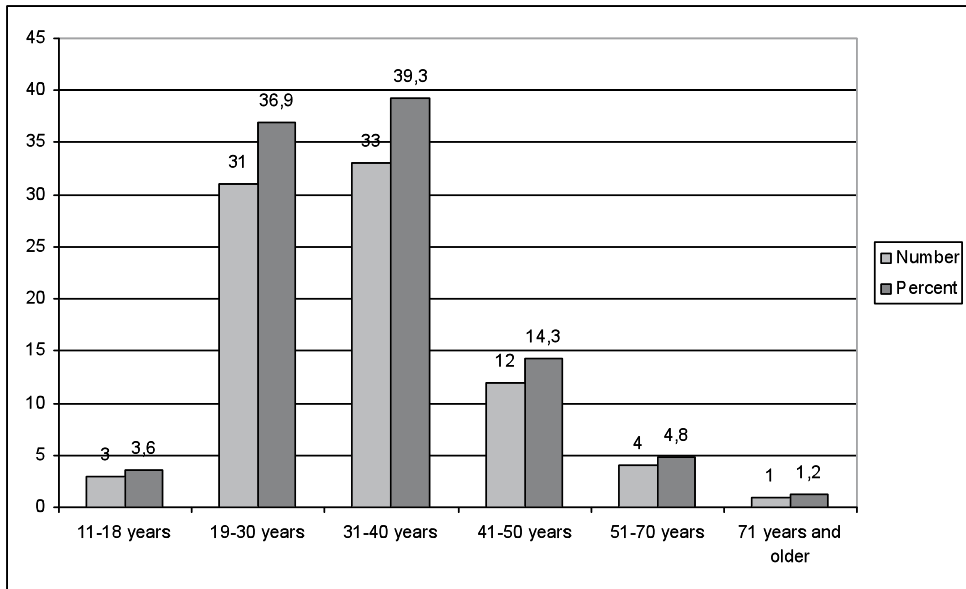
### **3.3 Living conditions of irregular migrants**

#### **3.3.1 *The survey***

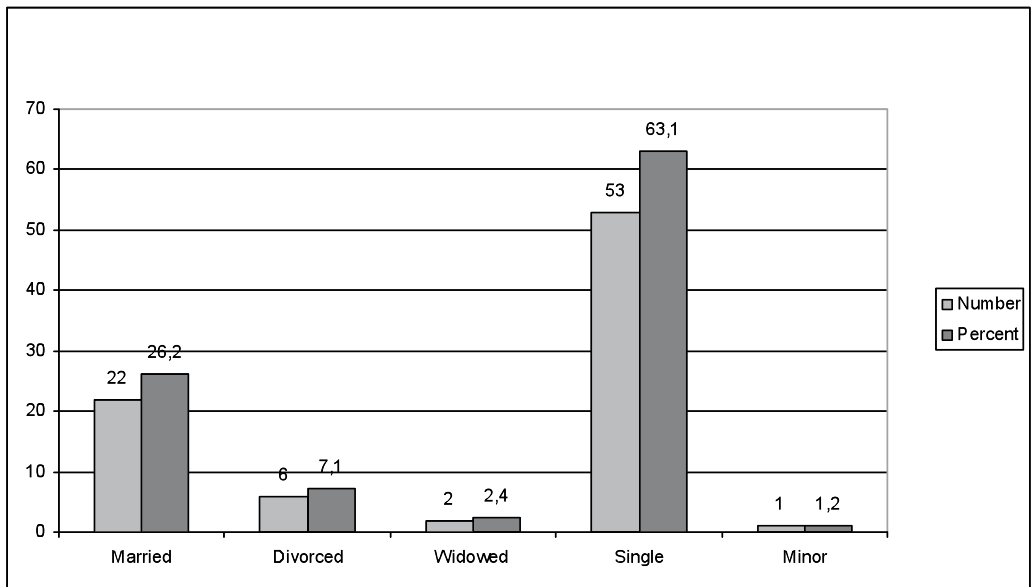
**Age and Family Status:** The age distribution demonstrates that about 75 per cent of the interviewees fall into the age span 19-40 while the second chart shows that 50 per cent of the interviewees are single.



**Figure 5: Age Distribution**

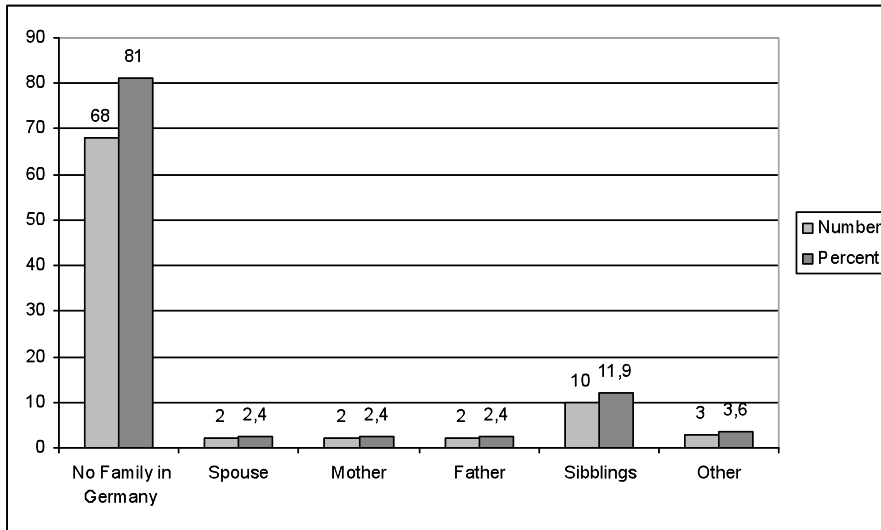


**Figure 6: Family Status**

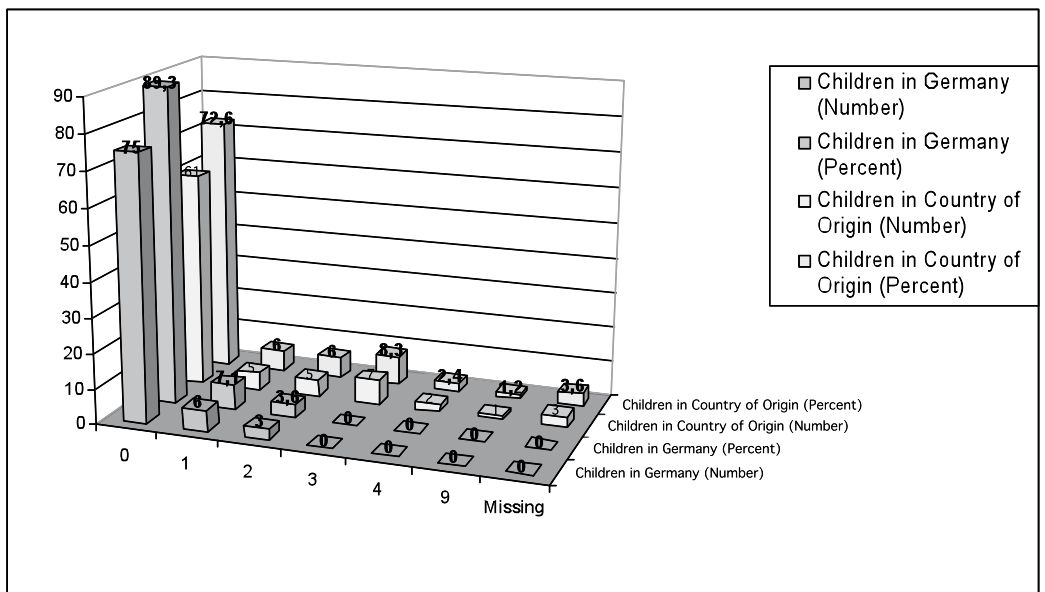


Only a minority of the respondents had family in Germany. Only very few interviewees had children in Germany and only slightly less than 30 per cent in the country of origin.

**Figure 7: Family Members Living in Germany (more than one answer possible)**

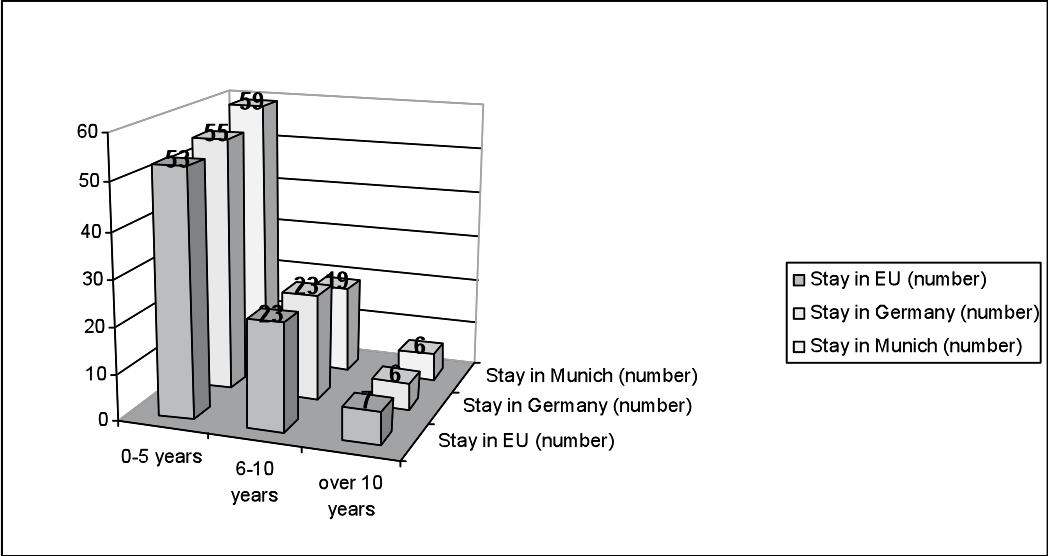


**Figure 8: Number of Children in Germany and Country of Origin**

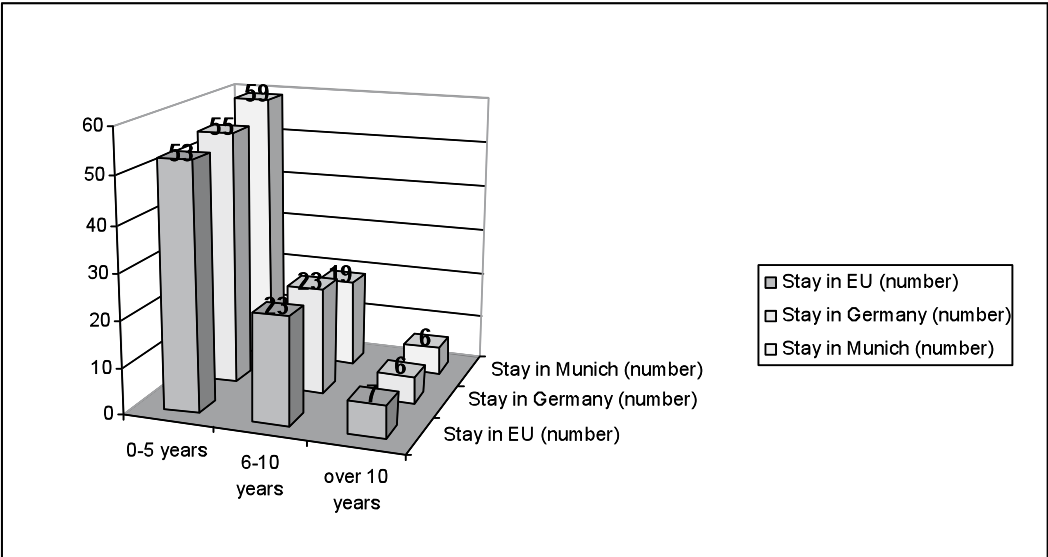


**Duration of Stay and Way of Entry:** About half of the sample had been in the EU, Germany and Munich form 0-5 years. It is also obvious from the chart, that many of the migrants came directly to Munich and stayed there. That is due to the large number of tolerated migrants that were interviewed, as they are not allowed to leave the city that they are registered in.

**Figure 9: Duration of stay in EU, Germany and Munich in Absolute Numbers**



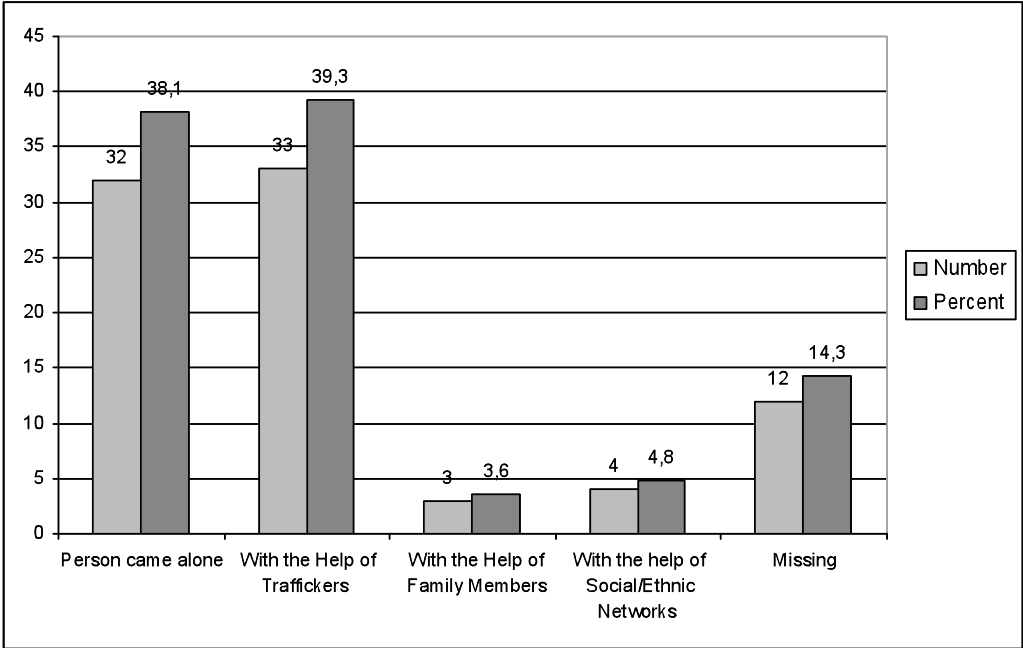
**Figure 10: Duration of stay in EU, Germany and Munich in Per cent**



The following chart shows a large amount of trafficking as nearly 40 per cent of the interviewees stated, they entered Germany illegally. It is important to note, that also many migrants who obtain toleration status after entering Germany illegally. They destroy their passports, so that they can not be deported or apply for asylum, pretending to be of a nationality that is eligible for asylum. For example Nigerians pose as Liberians. It is questionable, if all the people that stated that they came alone told the truth. The researcher

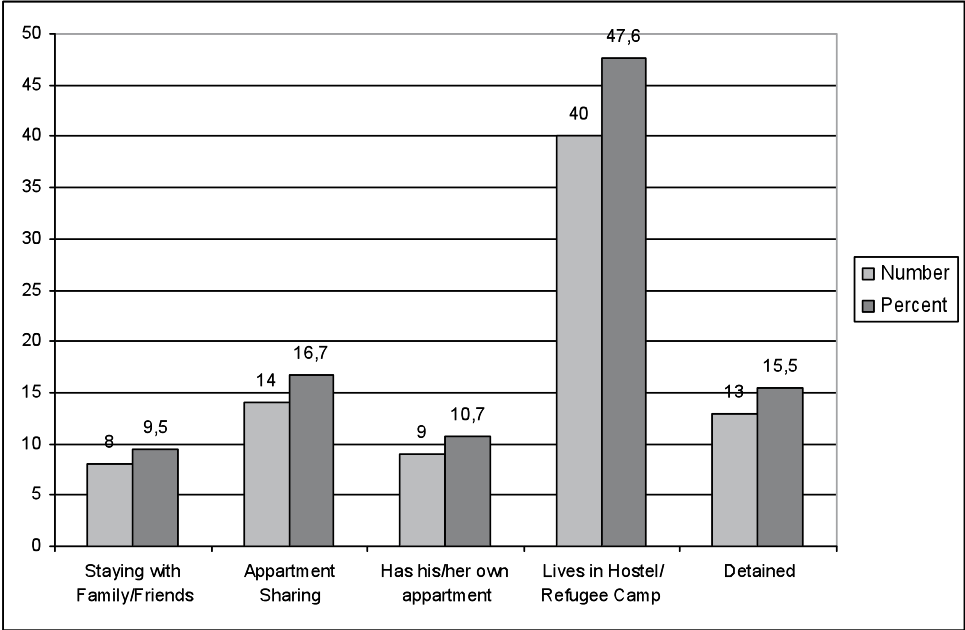
suspects, that even more interviewees came with the help of traffickers but declined to mention this fact for fear of repercussions.

**Figure 11: Entry into Germany**



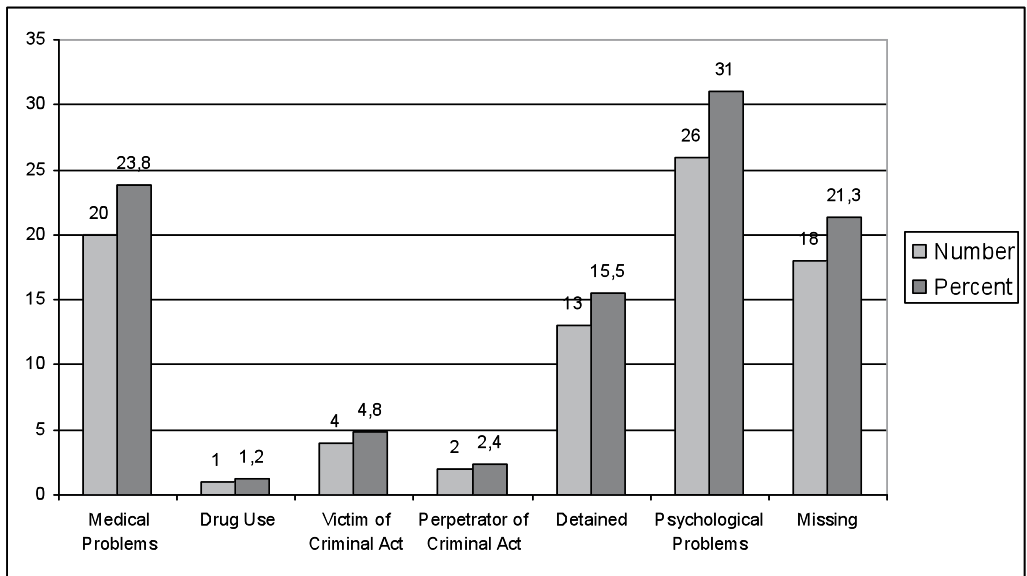
**Living Situation and Personal Problems:** As most interviewees had toleration status, it is not surprising that the majority lives in hostels or camps for migrants with unclear status. Sometimes, tolerated migrants also live with family members or friends who have a resident permit. The high number of apartment sharers can be explained with the high rental costs in Munich. As most migrants that were interviewed lived of petty jobs (legal or illicit), many could not afford an apartment of their own. The difference compared to the interviewees who stated they were living with family or friends is obviously that the latter do not pay any rent.

**Figure 12: Living Situation at the Time of the Interview**



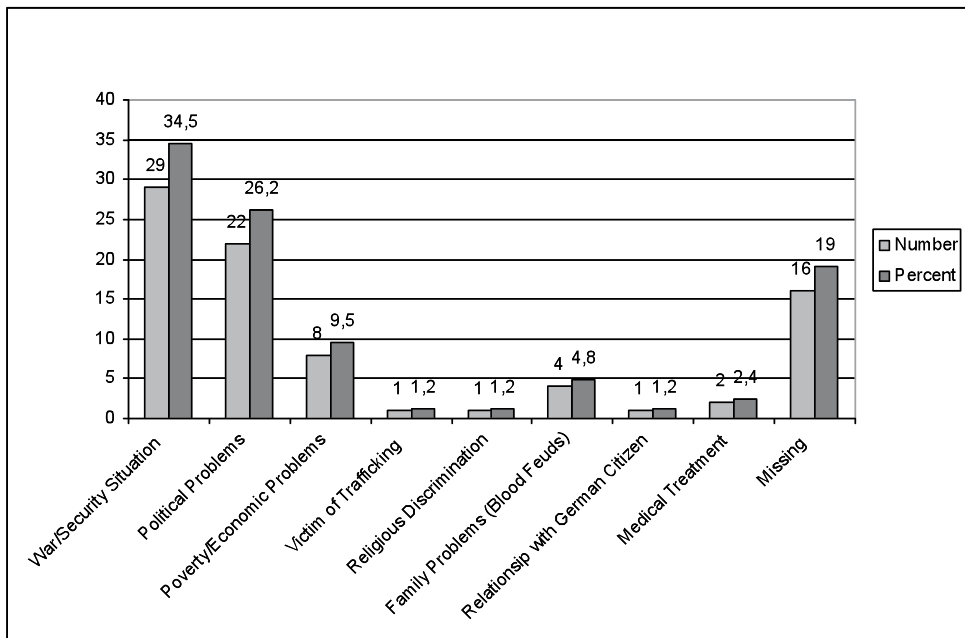
A third of the interviewees reported psychological problems, which is not at all surprising considering the strain of living in Germany as tolerated person with an unsure status, hiding as an irregular migrant or enduring detention. A little more than a quarter had medical problems, which is especially vexing for irregular migrants, as they have difficulties in approaching and paying a doctor. Nearly a quarter of the interviewees reported of not having any personal problem at all.

**Figure 13: Personal Problems**



**Reasons for Leaving Country of Origin and Reason for Coming to Germany:** When it comes to the reasons for leaving the country of origin, violence and political persecution outrank economical reasons by far. This result is obviously connected with the large number of Iraqis that were interviewed.

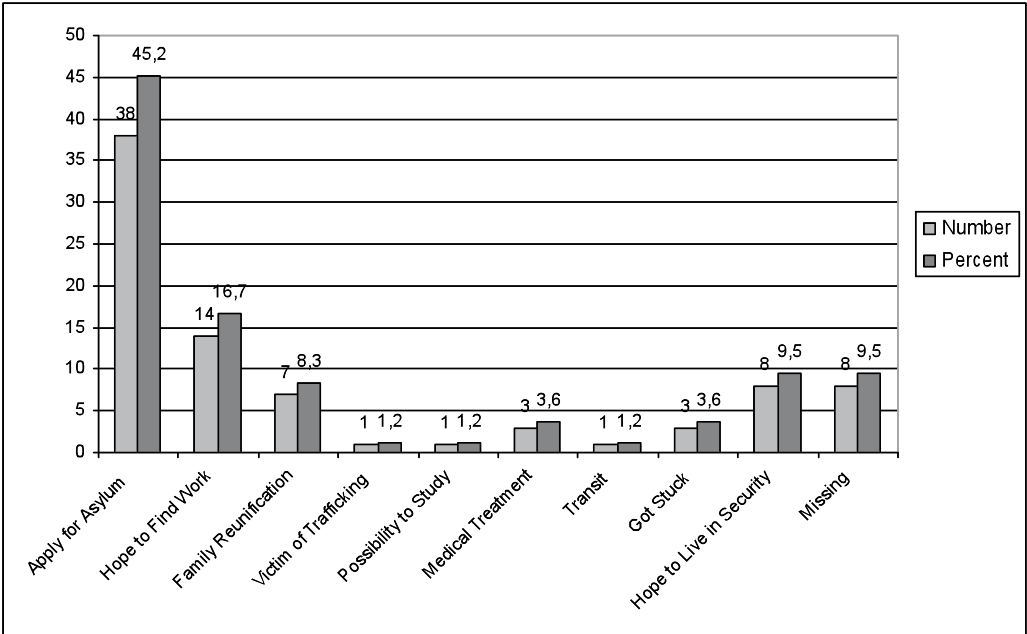
**Figure 14: Main Reason for Leaving Country of Origin**



The main reason to choose Germany was the asylum law. It is nearly always possible to file an application, even if chances are low, and use the time that is needed to precede the claim to look for other ways of getting a resident permit. Especially many Africans seemed under the impression that while waiting for their asylum application to be decided on, they could legally work. They were very disappointed when they found out, that they have to wait for the decision confined to a hostel room with little pocket money and no permission to work, even if there would be ample job possibilities in the low wage sector for them.

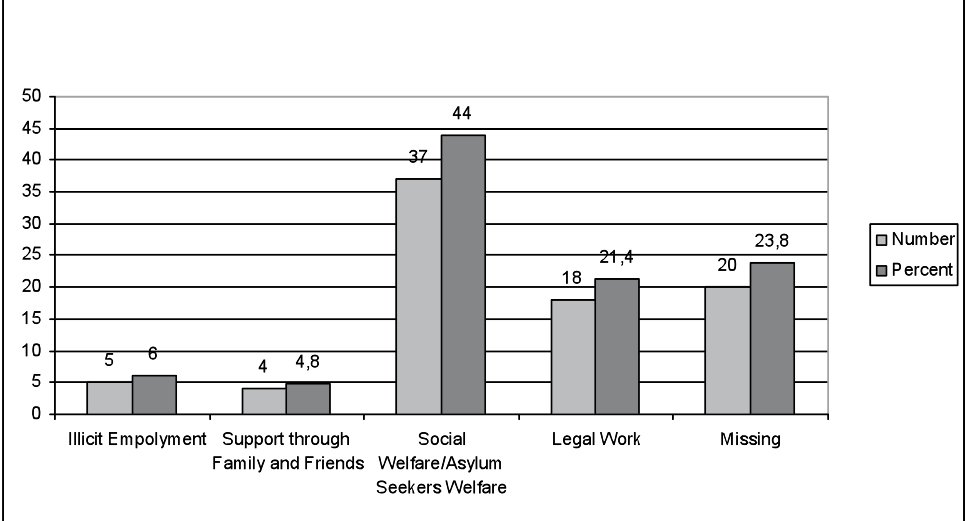
It was problematic however, that only one answer was allowed for this question, as many migrants cited several reasons for coming to Germany, especially applying for asylum and the hope to find a job were often mentioned together.

**Figure 15: Main Reason for Travelling to Germany**



**Means of Subsistence and Work:** The following chart illustrates the fact, that the permission to work is not granted very often, although sometime tolerated migrants can even obtain permission to work full time.

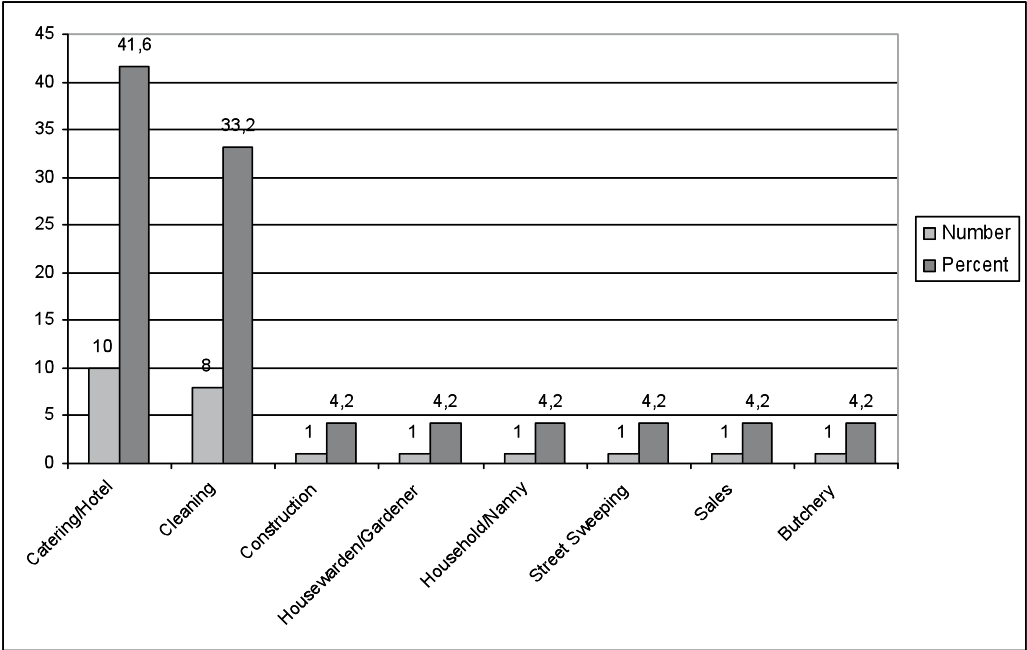
**Figure 16: Most Important Means of Subsistence**



The few people that worked, legally or illicit, usually worked in catering and cleaning. They make up for more than 70 per cent of the sample, while only one person reported to work in construction. This is surprising, as the construction business is usually suspected of high rates of illicit employment of irregular migrants.



Figure 17: Working Situation at the Time of the Interview



3.3.2 Ethnic/national sub-groups

**Africans:** At the moment, Nigerians and people from Sierra Leone are the biggest groups among tolerated Africans. For Africans, living illegally in Munich is very difficult due to frequent controls and ethnic profiling. Therefore all Africans who were interviewed were tolerated. They felt they were marginalized and singled out for bad treatment. They often complained of unfair distribution of the jobs available in the hostels (cleaning, maintenance etc.) and the granting of work permits, saying white inhabitants would be preferred. Their views do not necessarily reflect reality. For example many Nigerians felt, that Iraqis were favoured because they were white. They would get resident permits far quicker than them. Certainly, the reason for this is the current situation in Iraq. Nigerians, coming from a democratic country, have a harder time justifying their reasons for asylum or refugee status. Still, it is worrying that nobody ever took the pains to explain this to the Nigerians, who were extremely angered by this observation. Another point that was brought up mainly by African men was the issue of marriage. Marrying a German woman would obviously get them a residence permit. For many Africans, who came to Germany mainly for work and do not fulfil the requirements for asylum, this fact was felt as putting pressure on them to marry a German, regardless of love and affection. Some even claimed, that clerks at the aliens office had told them to “marry someone, or you will not have a chance”. Many of the men were already married in Africa and had also witnessed unhappy stories of compatriots getting into relations with far older or psychologically troubled women. They were deeply repelled by the fact, that they were not welcome as migrant workers, only as bridegrooms.

**The Balkans:** The biggest group of irregular migrants in Munich comes from the Balkans: Croats, Serbs, Macedonians, Kosovars, Bosnians and Albanians. They are well connected, as

there are many legal residents from their home countries living in Munich. They mainly solve problems within the community and rarely need help from outsiders like NGOs, churches, mosques etc. Most of them pursue “circular migration”. They are migrant workers, who return to their home when they have earned enough money (for student loans, building a house, founding an enterprise, etc.). They usually do not bring their family and do not want to stay in Germany for good.

Living in Munich illegally is “easy” for those people: Many of them got to know Germany as refugees during the Balkan wars. They speak some German and know the country well. Most of these migrants do not stick out as “foreign looking”, so ethnic profiling is not a big threat. Travelling back home from time to time and then re-entering Germany is not too difficult. When major problems occur, like a severe illness, these people can travel home and get medical treatment there. It is also easy to maintain contact with the family left behind. Despite the ethnic character of the Balkan wars, informants are adamant that irregular migrants from all ethnic backgrounds stick together and help each other.

The closed character of this group offers irregular migrants many advantages, but it also has its drawbacks. There seems to be a significant amount of exploitation perpetrated by legal residents towards compatriots in an irregular situation. Irregular migrants, who work for countrymen, are sometimes paid very low wages or are charged extremely high rents if they are tenants. Especially women are vulnerable to abuse. They are sometimes “imported” from the Balkan as brides. Then their passports are taken away and their husbands or boyfriends abuse them. There also seems to be a significant amount of fictitious marriages to legal compatriots.

Two contact persons provided detailed insights into the ethnic community of irregular migrants from the Balkans. The following account of the situation of illegal Croats can be seen as exemplary: Many illegal migrants are single women in their 20ies and 30ies. They stay approximately 5 years. Men on the other hand are usually married and pursue illicit employment to feed their families. They are typically overstayers who enter as “tourists”. There are also some fictitious marriages to legal Croats. Most of these migrants live in shared flats or at the place of work. They work in cleaning (women), construction (men) and catering (women and men). They invest their money in ventures back home. Sometimes, people who do not manage to make money with illicit employment do not want to return home out of fear to be viewed as failures. They can end up in criminal circles (drug trading etc.).

**Iranians and Afghans:** There seems to be a 50/50 male/female ratio from these countries. These people often stay with family members who, according to custom, may even have an obligation of taking them in. They enter Germany with a tourist visa or with the help of traffickers. Iranians leave their country for fear of political persecution. They are usually granted asylum or are tolerated, but are extremely afraid of being deported. Some of them go into hiding because of this fear and thus find themselves in an irregular situation, although they did have a legal status. The situation is especially problematic for homosexual men, who can not live openly in Iran, where the death penalty is reserved for homosexuality.

Afghans leave their country because of the security situation or because their closest family members live in Germany. Some are also on the run from blood feuds. Iranians and Afghans comprise small ethnic communities which are well connected. But this also means that there is a considerable level of exploitation towards countrymen in an irregular situation. Both communities, Iranians and Afghans, are deeply concerned about deportation. Deportation cases that are featured in the media send shockwaves through these communities. Many irregular migrants from these groups work in cleaning or as untrained kitchen helps.

**Iraqis:** The usual route to Munich seems to be via Turkey, where Iraqi migrants board trucks that are headed for Germany. Most Iraqis say that traffickers were involved and that they had to pay large sums of money, often thousands of Euros, for the illegal trip to Germany. There is also a significant number of Iraqis in an irregular situation in the prison Stadelheim.

Iraqis are usually granted asylum or toleration at the moment, but there were already attempts to change this, and their status is by no means safe. Actually there is a significant number of Iraqis whose residence permits were revoked due to the fact, that the situation in Iraq is becoming better. The downgrading of their residence permits to toleration meant that these people had to give up their jobs, as this status does not imply a work permit, and they are back on welfare now.

Although according to contact persons there are not many Iraqis in an irregular situation at the moment, informants who do social work with this group see analogies to the Kosovars: After the Kosovo war was over, they were meant to return, but many of them stayed nevertheless as irregular migrants. This will be a lot more difficult for Iraqis, though. Most of them do not speak German and they come from a society that is very different. Also, there seems to be a significant amount of infighting and mistrust in this group along ethnic and religious lines, mirroring the conflicts in Iraq. The level of education is sometimes very low some Iraqi refugees are even illiterate.

Most migrants from Iraq are male, although there are also families that enter Germany together. The difficult circumstances can drive a marriage apart which sometimes leads to domestic violence or, in the worst cases, to honour killings. As most Iraqis are tolerated and are not allowed to work, some of them try to find illicit employment. According to a contact person, there were cases of Turkish enterprises employing Iraqis without work permits and exploiting them by not paying their salaries.

Blood feuds do play a role in leaving Iraq, especially for Kurds. Kurds seem to be the majority of the Iraqi refugees. A contact person even estimated that 80 per cent of the Iraqis in Munich are Kurds. Christian Iraqis are also a significant subgroup of Iraqi refugees. After some years of Duldung/irregular stay, they were granted asylum since 2008 because of the severe prosecution that they face at the hands of Muslim extremists. Most Christians do not plan to return to Iraq, they have left for good. Most Muslim Iraqis that were interviewed do not go to the mosque frequently. They are regular patrons of Iraqi-owned Kulturvereine, which serve as meeting points, while Christian Iraqis would rather meet after their church services.

A huge problem for many Iraqis in Bavaria is the obligation to carry their Iraqi passport. They also need it when they apply for residence or work permits. Unfortunately their applications for passports at the Iraqi embassy in Germany are often to no avail. They are forwarded to Baghdad where they lie idle, as only applications that are supported by bribes are dealt with while applications from Europe are ignored. This puts the lives of Iraqi refugees in Germany on a hold, as they wait in vain for their passports. Ironically, the firm that prints Iraqi passports is located in Bavaria. Many refugees expressed anger, disappointment and exasperation, as they see no way to get out of toleration soon. Some have been on a hold for years and are extremely frustrated by this situation.

Most Iraqis emphasized during the interviews that they are not willing to return no matter what. Some have lost family members to terror attacks or sectarian violence, others were themselves severely injured. Especially the Iraqis that had left because of Saddam Hussein's

regime and therefore had lived in Germany for years where adamant that they had adapted well to German society and felt that Germany was their home. Some of the more recent refugees had been threatened because they or their relatives had worked as police men and still feared for their lives in case of a return. Despite this findings, the counsellors of the 'Coming Home' project related, that since the security situation has improved in Iraq, they are contacted by many Iraqis, some with a secure resident status, who want to return as soon as possible.

**Latin Americans:** According to informants, the numbers of irregular migrants from Latin America are declining. Most of them are female domestic workers. They lead a rather secure life, as they tend to stay with the families they work for. They live in the suburbs and keep away from places where controls are frequent (like the train station). Although there must be a significant number of female domestic workers, there was no Latin American inmate in Neudeck, the prison for female deportees during the time of the research. This confirms the notion, that they are rarely caught. Many of them regularly visit the Spanish speaking Catholic mission in Munich. The priest who works there is one of the few trusted contact person that these women will turn to if they are in trouble.

**Chinese and Vietnamese:** Little is known about these groups. While the Chinese community is estimated to be small, there is supposedly a larger number of Vietnamese in irregular situation in Munich. It seems to be an advantage, that German officers have trouble distinguishing Asian features. That makes it easy to borrow papers from legal countrymen.

Many Vietnamese faced tough decisions, when Germany and Vietnam entered on a bilateral agreement about the repatriation of Vietnamese refugees in 1995. The goal was to repatriate 40.000 Vietnamese until the year 2000. The Vietnamese government was not too keen on allowing people to return that fled Vietnam for political reasons. Germany had to exercise pressure through withholding financial aid to get the agreement signed. Still the Vietnamese insisted on a complicated procedure that the returnees had to go through before valid papers were issued to them. They also had to answer a range of question concerning their political beliefs including naming the reasons for their applications for asylum. Most Vietnamese refugees do not want to answer these questions for fear of repercussions against them or family members living in Vietnam. When it became apparent that many Vietnamese refused to answer these questions and therefore were not allowed to return, the Bavarian government put pressure on the refugees by refusing the extension of their toleration.

The situation was aggravated by the fact, that there was not other way to legally enter Vietnam for these people. Some of them were stuck in Germany, now being irregular due to the loss of their toleration, but also not being allowed to return to Vietnam by the Vietnamese authorities, because they refused to go along with the procedure. Sometimes, one member of a family was accepted and destined to return, while the others had to stay in Germany. Finally Vietnam agreed to soften its questionings of returnees. Since 2002, regular "Botschaftsvorfürungen" are held to organize the return of Vietnamese who do not have permanent residence permits. During these events, members of the Vietnamese secret service are present and intimidating questions are still being asked and some Vietnamese prefer to become irregular rather than to be questioned in this way. The reasons why some of them do not want to return to Vietnam are fear of state repression and fear for the future of their children, who grew up in Germany and may not adapt easily to life in Vietnam. Some Vietnamese even take to leaving their children in Munich, so that they will be taken care of in an orphanage, while they themselves go into hiding. Some try to make their way to east European countries that they got to know as contract workers under socialist rule and make a

living there, also leaving their children in Germany hoping that the authorities will take care of them.

The Chinese community in Munich is under close surveillance by Chinese secret service agents. Consequently, there is a lot of mistrust in this community. Chinese, who have stayed in Germany for a longer period of time, are often not allowed back into China, as Chinese authorities fear that their experience of democracy may make them dangerous. Key informants related that there are not many irregular Chinese migrants in Munich. Their community is very closely knit and difficult to penetrate for an outsider.

**Russians and Ukrainians:** They used to dominate irregular migration during the 1990ies. This has changed now, as many Russians and Ukrainians go to Poland these days. According to informants, there are not many irregular migrants from these groups anymore.

### 3.3.3 *Special sub-groups*

**Tolerated Migrants:** These people can be described as irregular migrants who are temporarily exempt from deportation. They can lose this status any time. Most tolerated migrants are rejected asylum seekers, who try with various legal means to overturn this decision, or migrants, who destroyed their papers and can therefore not be deported. Most of them live in hostels and camps in and around Munich. The responsibility for their accommodation lies with the government of Upper Bavaria, not the city of Munich. Their conditions of living are deplorable. During the visit of four hostels and one camp, dirty and broken kitchens, toilets and showers were a common sight. In Bavaria, asylum seekers are given 40 Euro pocket money per month. This might be reasonable in rural regions, but in Munich it is not even enough to buy a monthly underground ticket. Working permits can be granted to these migrants but rarely are, and sometimes they are just for 2 hours per day. These people do not purchase their own food, but are handed out food parcels twice a week. Many of them complained, that the food they were handed was about to expire. There were also complaints about intimidation and harassment from the public servants running the hostels and camps. The problems mentioned ranged from little toilet paper and towels to broken down heating systems in the winter time. Unresponsiveness of the official personnel even during medical emergencies was another complaint.

There were many stories about arbitrary rules and regulations that made the life of the hostel inhabitants even more difficult. Some people, who have working permits complained, that the hours where they could fetch their mail from the office were deliberately short and unsuitable for them due to their working hours. They were afraid to miss important letter from their lawyers or the courts, which could have the most serious consequences for them.

If they voice their complaints, they would be told to “go back to where they came from” or the police would be called. The intimidation was so prevalent, that many of these people declined to be interviewed for the project fearing repercussions. The researcher was told that the civil servants running the hostels used some inhabitants as “informers”, so there was an atmosphere of mistrust.

The police carry out identity checks in the hostels, mostly at night time. Still, the inhabitants frequently defied controls and housed “stranded” compatriots in their rooms. “Stranded” would usually refer to someone without a legal status.

Many tolerated migrants were convinced that the government of Upper Bavaria does not know about the conditions in the hostels and usually placed the responsibility for their problems on the “corrupt”, “racist” and “wicked” officials on the ground. They were adamant, that the public servants did not use all the money given to them for running the hostels and

that they were making “their own laws”, which are not in line with the laws of Germany. Of course these claims are difficult to verify.

The frustration about their situation leads to psychological problems, which sometimes become so severe, that people need psychiatric treatment. As most tolerated migrants are not allowed to work, they can not send money home to their families, which is often the very reason why these people came to Germany in the first place. It is difficult for them to explain to their relatives back home, why they can not work in Germany, especially if the family has contributed money for their migration project.

If work permits are not granted for years especially young men sometimes turn to heavy drinking or even drug abuse. When they realize, that their chances for a residence permit or even a working permit are meek, they go into hiding and some turn to drug dealing and other crimes. Many people, usually men who came to Germany mainly for work, expressed the wish to return home, but also emphasized that they had spent a lot of money in order to come to Germany and had nothing to return to except debts and disappointed families. They would have to start all over in their home country.

Obviously, there is a link between the tolerated migrants and the “real” irregular migrants. Many asylum seekers come to Germany illegally with traffickers. People, who try legalization rather than going into hiding at once, grant shelter to compatriots in an irregular situation. If asylum or residence is not granted or the process takes too long, tolerated migrants sometimes turn to criminal activities or live as an irregular migrant. As the emotional discussion of the subject by African men indicates, there must also be a reasonable number of fictitious marriages.

**Deportees:** Many interviewees expressed concern over German law enforcement. Although the police harshly dispute it, police officers routinely use ethnic profiling. Several of the deportees at JVA Stadelheim related how they were arrested just minutes after leaving the train at the Munich train station. All of them were visibly of middle-eastern or African descent. It is an open secret, that people of colour are submitted to identity checks with higher than average frequency in Munich.

Interviewees, who were in detention at the time of the interview or had just left prison, complained of maltreatment ranging from threats by officials to shabby conditions in the deportee ward. Slow bureaucratic processes are also a big concern. People are kept in detention for months without a clear date for their deportation, even those that repeatedly expressed the wish to be deported quickly. There also seems to be a widespread practice, at least in Bavaria, to keep people that have applied for asylum in detention instead of releasing them. This involves a good deal of arbitrariness, as some deportees are released from prison after filing their request for asylum, while others are not. The reasons for this varying treatment are totally unclear.

Although some of the stories about maltreatment through law enforcement officers are probably exaggerated, there is a potential of human rights abuses related to the arrest and detention of deportees that should not be underestimated. It stems mainly from language problems, intercultural misunderstandings and the general weak position of deportees, who mostly do not have a lawyer. Also, most irregular migrants do not view themselves as criminals and feel deeply offended by being addressed and treated as such.

**The Muslim Community:** The subject of illegal immigration is taboo in the Muslim community. In Germany, Muslim communities are usually organized as registered associations (eingetragene Vereine) under German law and often developed around ethnic communities, e.g. Albanian Muslim Associations, Kurdish Muslim Associations etc. Mosques do serve as an important meeting point for compatriots, both in regular or irregular situation. There is also unbureaucratic help available for irregular migrants in trouble, as the imam

sometimes calls on the congregation to raise money for fellow Muslims in need. However these are sporadic events, there are no organized structures which reach out to irregular migrants, e.g. counselling or medical help. There are mainly two reasons for this: First as association without the official status of a church, Muslim communities do not profit from the church tax and therefore have far less financial means than the Christian Churches. Second, Muslim communities are increasingly under surveillance since 09/11 and avoid activities, which could bring them into conflict with the law. Aiding irregular migrants, even if for purely humanitarian reasons, is perceived as too dangerous by most Muslim officials.

**Women:** As only 12 women were interviewed it is not possible to draw generalizing conclusions. Also, missing answers have a larger impact on this small sample. The distribution according to nationality was as scattered as it was with the male respondents, with three women coming from Iraq and two from Kosovo. The others hailed from Bolivia, Brazil, China, Libya, Mongolia, Niger and Nigeria. Regarding their status, seven were tolerated, three were overstayers, one was a victim of trafficking and another one had withdrawn her application for asylum. Seven of the female interviewees lived in hostels, three stayed with family and friends and two lived in shared apartments.

There are two possible explanations for the low number of women that turned up during the research. First there are not that many female irregular migrants. This could well be the case, as Neudeck, the prison for female offenders, had only between one and four inmates in the deportation ward during the time of the research. Stadelheim, the prison for the male inmates, had between approximately 30-40 inmates during the same period. Secondly, female irregular migrants are harder to find. This is often concluded from the nature of their work and their living conditions. Many of them are domestic workers that stay with the families they work with, usually in the suburbs of Munich, which makes it easy for them to keep away from dangerous places where controls are tight. Others are victims of trafficking, who can only be found when they either manage to escape from their “owners” or are freed by the police. Another group of irregular female migrants are “imported” girl-friends or wives of German men, who keep them in dependency by taking their passports away or telling them scare stories about the police, so that they do not dare to notify the authorities, even if they are severely mistreated by their partners.

**HIV-Positive Migrants:** There is a significant amount of HIV-positive migrants, with legal status, tolerated and in irregular situation in Munich. Most are from African countries. Asylum Seekers are tested for HIV as part of their application process and are notified if they are found to be positive. Since irregular migrants are uninsured and HIV-treatment is far too expensive to be paid out of the pocket, they turn to the medical services for the uninsured, but often very late. An HIV-Infection can be an obstacle to deportation, if the illness is already in a state that requires medical attention. Unfortunately many migrants believe that they will be deported immediately if their HIV-infection is known and fail to bring this issue to the fore during their plea for asylum.

According to informants from civil society, there are tendencies to minimize the role of HIV/AIDS as an obstacle to deportation. German authorities have argued several times, that the HIV-infection is so prevalent in some African countries, that being infected is a “normal life risk” for migrants from these areas, so their infection is not something that justifies an exemption from deportation on humanitarian grounds. It is also common to request an official confirmation from the country of origin, that treatment is available. Often these confirmations are of dubious quality.

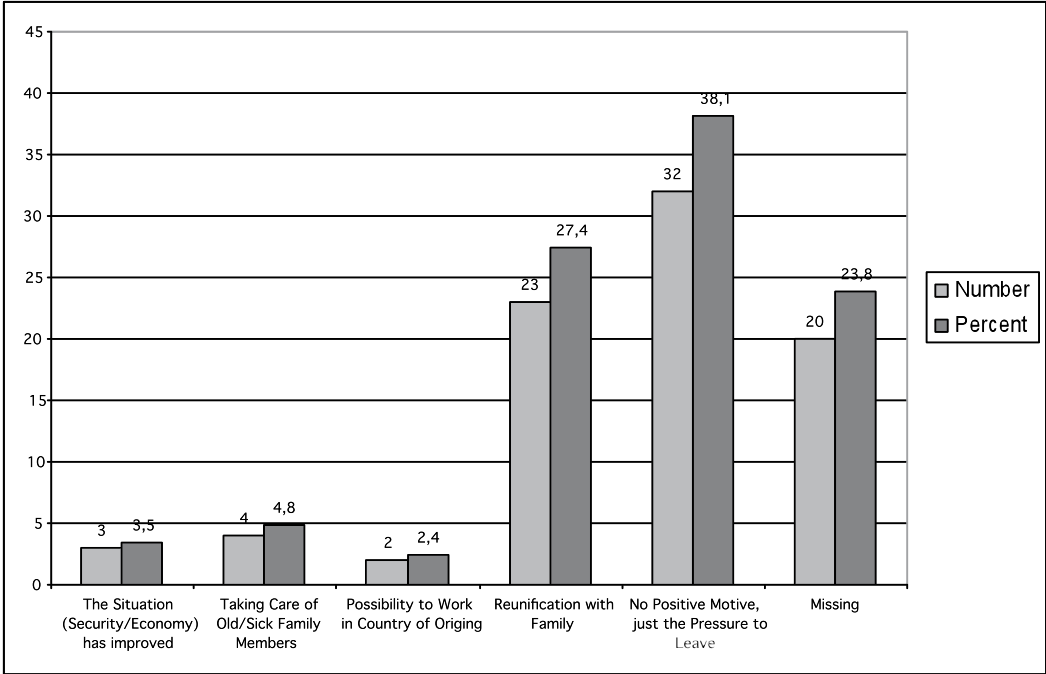
**Unaccompanied minor migrants:** According to contact persons who act as legal guardians, minor migrants are at the moment mainly from South and Central Asia (Vietnam, Afghanistan, Cambodia, Pakistan), Western Africa, Somalia and Iraq. The age of these children varies from 10 to 18 years, younger children are rare. Many are sent by their families. They often enter Germany by land via Turkey, the Balkans and Poland or by sea via Spain or Italy. Most are being trafficked and sometimes they become victims of sexual exploitation during this process. There are rare cases of minors being brought to Germany by German citizens. Sexual exploitation is usually the reason for this.

Only very few of these children are granted asylum, but minors are also not deported. Still, informants mentioned being notified by a voluntary worker in Stadelheim about 15-year old deportees.

**3.4 Reasons for staying or returning**

The strongest motivation for returning or at least considering a return to the country of origin was reunification with the family. Still, an even bigger number just cited the pressure put on them by the authorities to leave the country. This confirms the notion, that many clients of the ‘Coming Home’ project are not really voluntary returnees but rather people, who have no alternative and who would risk deportation if they do not leave Germany. About a quarter of the interviewees could not even answer the question as they could not think of a reason to return to their home country.

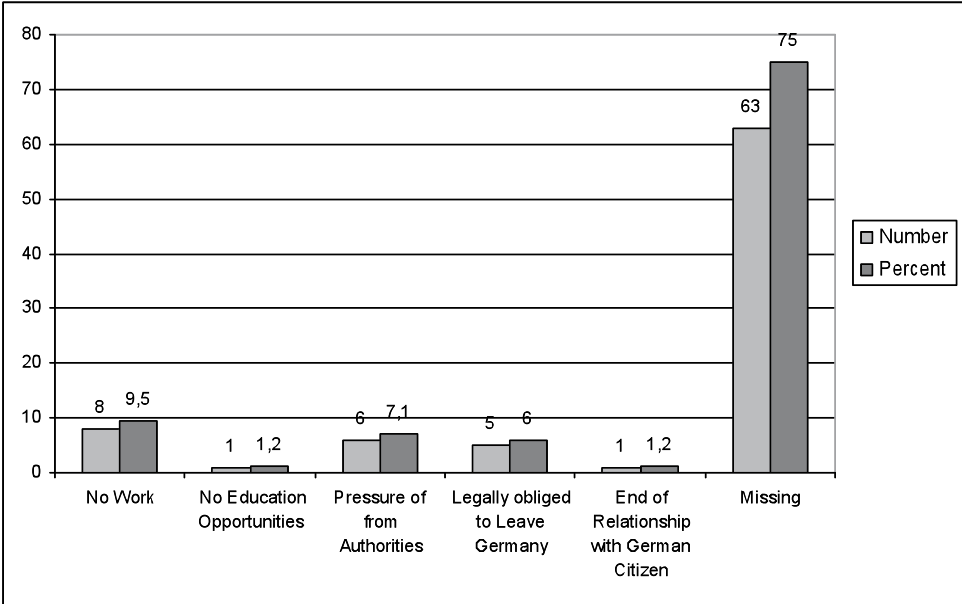
**Figure 18: Main Reason Considering Returning to Country of Origin**





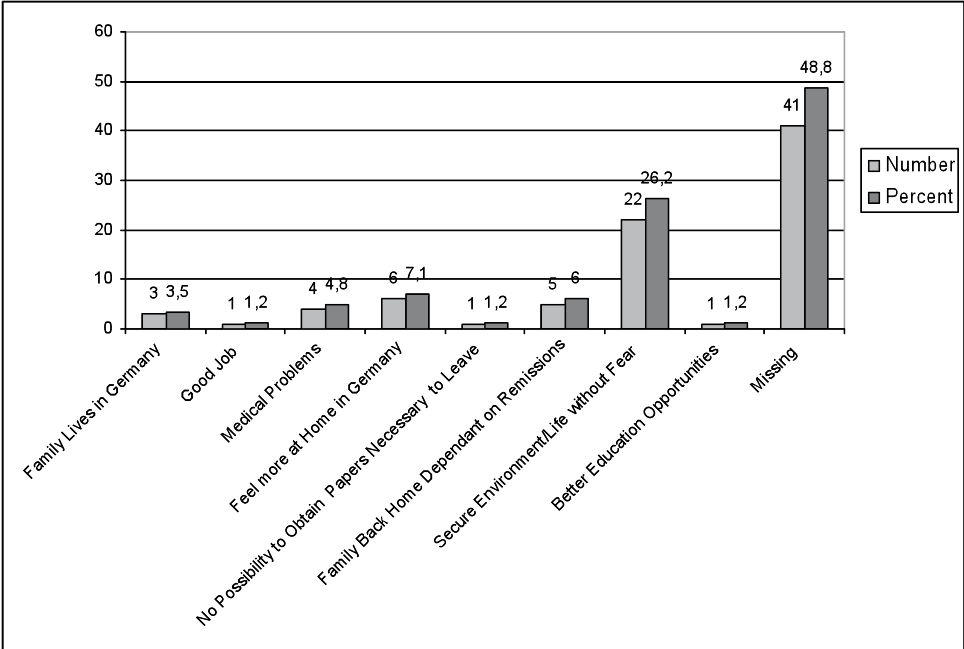
When asked about the reason for leaving the EU, or at least considering this possibility, the most telling result is that 75 per cent could not even think of one.

**Figure 19: Main Reason Considering Leaving the EU**



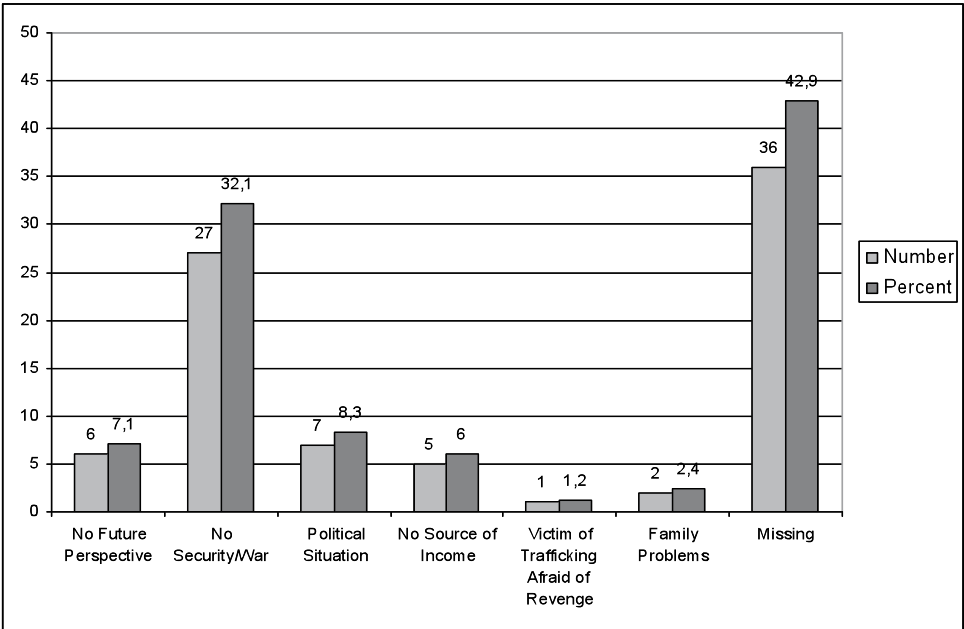
The importance of a secure environment as a reason for staying in the EU was mainly emphasized by Iraqis. The large number of missing answers is due to the questionnaires filled out by the Office for Repatriation Assistance, as there is usually nothing in the files about the clients’ reasons for staying, when they are destined to leave.

**Figure 20: Main Reason for Staying in the EU**



It was again the Iraqis that accounted mainly for the most frequent reason, the persistence of war and insecurity.

**Figure 21: Main Reason for not Wanting to Return to Country of Origin**



### **3.5 Organizations giving assistance**

There are many NGOs and church organizations in Munich that work with migrants. This passage will focus on those that work intensively with irregular migrants, leaving out those that mainly aid migrants with temporary or permanent residence permits. There are three areas: Medical help, legal advice and social counselling and special services for victims of sex trade trafficking.

When it comes to medical help, Café 104, an NGO with municipal support is probably the most important contact point for irregular migrants. Café 104 cooperates with the German branch of Médecins du Monde. They also have a network of doctors that support this organization as Volunteers. Café 104 also counsels migrants on legal and social problems. Other places to turn to for uninsured irregular migrants are the Malteser Migrant Help, which is run by the Catholic Church and the Municipal Department for Health and Environment, which employs its own medical staff.

The Catholic and the Protestant Church both run counselling services for irregular migrants. The Catholic Church reaches out to irregular migrants through its foreign language missions, that include English, French, Spanish, Vietnamese, Chinese, Croatian, Ukrainian and Arabian speaking priests that hold services in the respective languages. Some of these Missions are important contact points for irregular migrants, like the Spanish mission, that is frequented by domestic workers from Latin America, the English mission, which deals mainly with Nigerians and the Croatian Mission. Through the Caritas, the Catholic Church provides counselling for refugees and migrants and many of the counsellors are native speakers, which are capable of, among other languages, Albanian, Serbo-Croatian, Farsi and Pashto. Caritas also offers psychological counselling for migrants. The Protestant church works with migrants via the Innere Mission and its Social Service for Asylum Seekers and Refugees, the offices being close by several large hostels. Innere Mission employs native speaking counsellors. They also run special services for families and young people.

Rechtshilfe für Ausländer und Ausländerinnen e.V. is specialized on legal counselling and has a network of lawyers that do voluntary work. Amnesty international works with inmates of the deportee ward in the prison of Stadelheim. A volunteer visits the prison once a week and counsels the inmates on their rights and the legal means which are available to them. Amnesty International also holds a weekly consultation on asylum issues in its Munich office, where migrants can enquire about their chances and the rules and regulations of this complicated process.

Two organizations work mainly with women who have been victims of trafficking and forced prostitution. SOLWODI (Solidarity with women in distress) and Jadwiga. Both have several counsellors and work closely with the police and also the Office for Repatriation Assistance.

Luckily all of these organizations, even those that were highly critical of IOM and refused to help with the survey agreed to take part in the production and promotion of the information leaflet aimed at irregular migrants.

### **3.6 Work of the counsellors**

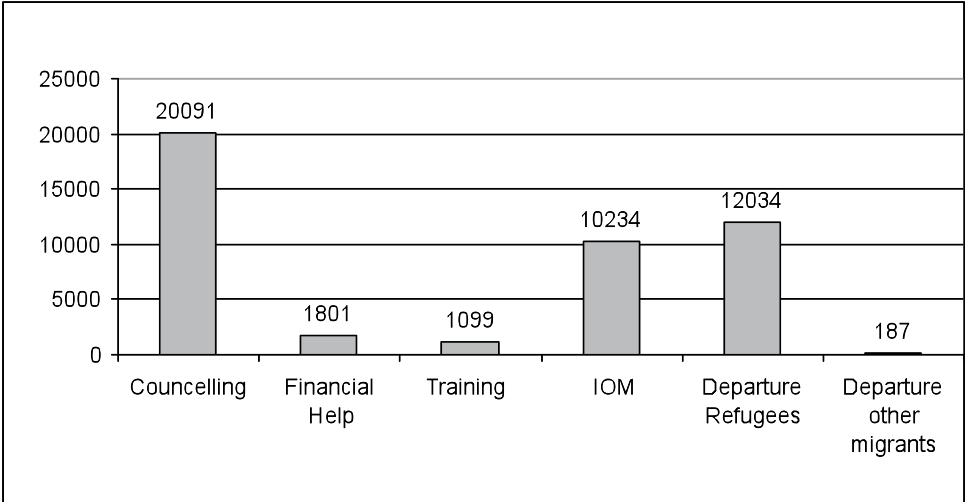
‘Coming Home’ is a project of the Munich Social Services Department. It is funded by the European refugee fund and the Bavarian Ministry for the Social system, family and women. It assists migrants to return to their home countries, usually through IOM. It also offers general counselling and administers various funds and programmes. These comprise training and qualification schemes of IT and manual skills and German language courses. These courses are open to all migrants in Munich, regardless of their decision to return.

There is also a programme for start up financing. Returnees who have a promising business idea can be funded with up to 3.000 Euro. The money is disbursed by and by and the client has to proof that he takes the necessary steps once he returns, like registering his business, buying machinery etc. Usually, migrants must have been staying in Germany for longer than a year to get a start up fund and they must be able to come up with a concise and convincing business plan. Through ‘Coming Home’ the Office for Repatriation Assistance organizes crash courses on entrepreneurial skills for migrants that are chosen for this programme. Some 100 migrants have benefited from this programme so far.

Returnees, who need special assistance due to medical or psychological problems, are supported for 3 month but sometimes up to a year after their return. They are assisted with medicines, hospital bills are paid or necessary equipment like wheelchairs and prosthetic limbs are organized for the client.

Through ‘Coming Home’ the Office for Repatriation Assistance also works with other national and international aid organizations, apart from IOM. The AGEF (Association of Experts in the fields of Migration and Development Cooperation), SOLWODI, HEIMATGARTEN (the repatriation aid programme run by Bremerhaven Workers‘ Welfare), the ZIRF (Centre for Information Exchange at the Federal Office for Migration and Refugees) and the Bavarian repatriation advice centres in Augsburg, Nuremberg and Würzburg. Through these partners, the ‘Coming Home’ project keeps track of returnees who receive financial or medical help. The Office for Repatriation Assistance also funds small projects in the countries where migrants return to, like donating computers for schools or medical equipment for hospitals.

**Figure 22: Number of Migrants that Received Services from 1996-2007 (Source: Sozialreferat München)**

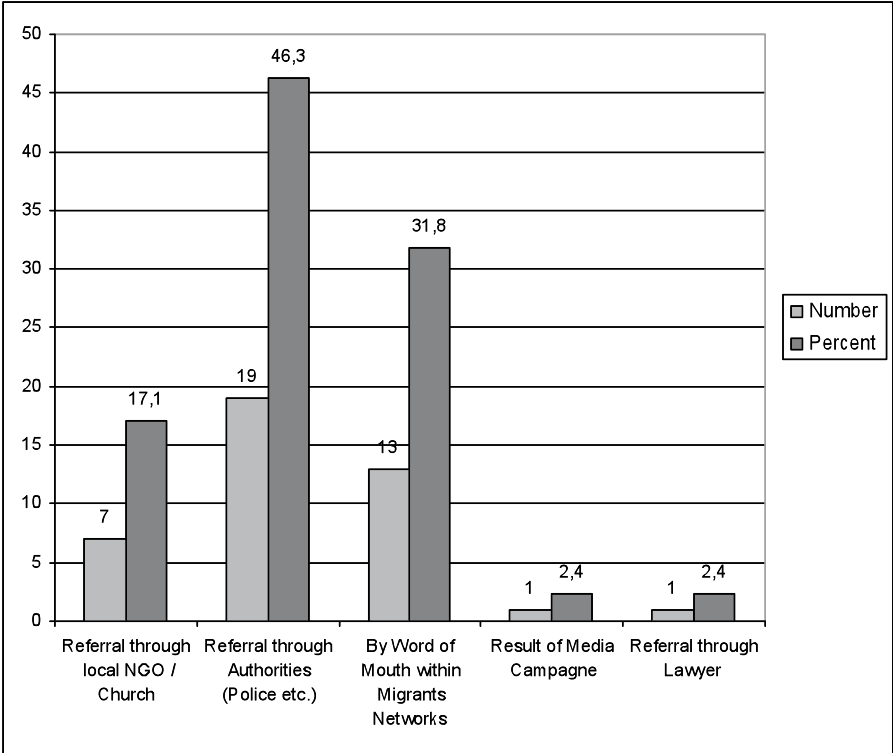


Four counsellors are working within the ‘Coming Home’ project. Two of them are native speakers from Bosnia and Kosovo, who counsel for those two countries and Eastern Europe in general. One of the two German counsellors is specialized on Asia, the other one on Africa and Latin America. The work of the counsellors consists mostly of researching the local situation to which the migrants will return to. Circumstances can vary greatly even within one country, according to the region. Their research involves finding out about accommodation, contacting relatives, dealing with the question of schooling if children are involved and medical or social services in the home country. They also have to arrange the travelling for their clients. If returnees receive medical help or start up help, the counsellors monitor the

situation of the persons in question and sometimes even travel to the home countries of their clients to check on start up projects.

The counsellors of the ‘Coming Home’ project do not actively approach migrants. They get their clients usually by referral or the migrants themselves approach the Office for Repatriation Assistance, as the chart illustrates.

**Figure 23: Establishment of First Contact between Counsellor and Client**



**3.7 Conclusion**

The interviewed irregular migrants in Munich are likely to be male, between the ages of 19-40 and single. Most of them have been staying in Munich between 0-5 years and have no relatives in Germany and also no children. Only about 30 per cent have children in their country of origin. The vast majority of the interviewees is tolerated and half of them live in hostels or camps. Nearly half of the interviewees depend on welfare, which is not surprising, as tolerated migrants rarely receive work permits. The respondents that had a job, either legal or illicit, were mostly working in catering and cleaning. A third of the respondent said they had psychological problems. When it comes to the reasons for returning, the only to significant answers were reunification with the family and tellingly “no positive motive, just the pressure to leave” receives even more answers. Fear of the security situation at home is the main deterring factor and only a quarter of the respondent could even think of reasons to leave the EU.

The motives for coming to Germany and the living conditions vary greatly according to the countries of origin of the respondents. That is obvious from a comparison of the two biggest

groups, the Iraqis and the Nigerians. The first group usually left Iraq because of the violent situation since 2003 or, if they left earlier, because of political persecution. Nigerians on the other hand come to Germany mainly for economical reasons. While Iraqis have chances of permanent residence permits, especially if they belong to religious minorities, Nigerians have nearly no chance to ever get out of toleration. While Nigerians often do not like life in Germany, many Iraqis emphasized how well they had adapted and that they feel at home in Germany now.

From the in dept-interviews can be concluded, that there was a shift regarding the most important groups of irregular migrants in Munich. Romanians, Bulgarians and Poles are now EU-Nationals and Russians and Ukrainians choose Poland over Germany when it comes to illegal immigration. The growing number of Iraqis is a recent phenomenon that just started in 2003. The Vietnamese, traditionally a large group of irregular migrants, is declining due to the arrangement between Germany and Vietnam in 1995. The most stable groups seem to be the irregular migrants from the Balkans, whose situation can be described as privileged due to the reasons already mentioned in 3.3.2 and the Latin American female domestic workers, although the latter seems to be shrinking. Africans never made up a large amount of irregular migrants (Alt 2003: 52). There are several reasons for this: Africans tend to turn to Great Britain or France, the former colonial powers, where they even have chances of obtaining a residence permit. Also, French and English are still official languages in many African countries. A significant amount of Africans also strands in Italy or Spain, depending on their route to Europe. These countries have less tightly controlled labour markets and therefore offer more chances for migrant workers. It is very difficult for Africans to get by as irregular migrants in Germany, as they are visibly foreign. This applies even to most North-Africans. Compared to other groups, there are also not that many legal compatriots in Munich so the networks are weak, other then it is the case with e.g. Serbs or Croats.

Not much is known about female irregular migrants, other than the domestic workers (Anderson 2003: 65-71). It seems as though more adventurous individuals, that have not yet started a family decide to go to Germany, at least this is what the high number of single men suggests. A significant number was probably also chosen by the family and sent here. This would also explain why there are not so many female migrants in the sample. In most countries where these migrants come from, women will be married of early and would also rather not be chosen for a migration project by the family due to gender stereotypes.

In general, it seems that the number of irregular migrants should have been declining in Munich since 2003, which would mirror the trend in the rest of Germany. The estimates by Anderson (2003: 15) about 30.000 to 50.000 migrants without legal status in Munich are probably not accurate anymore and should be much lower today.

It can be observed, that the stories of irregular migrants are very different and can hardly be standardized into questionnaires. Also, this group is of a very volatile composition that experiences huge changes within a few years, Often these changes are connected with the developments in international politics.

There are several especially vulnerable sub-groups. Deportees are among them. They usually do not have lawyers and depend mostly on the weekly consultations by the voluntary worker from amnesty international to learn about their rights and legal possibilities. They are often subject to arbitrary treatment and many have to wait for a long time behind bars, until they are deported or, in very few cases, set free. The same can be said about minor unaccompanied migrants, although they are exempt from deportation until they come of age. But this also poses problems. These people spent the defining years of their childhood and youth in Munich and got accustomed to way of live in Germany. Sending them back to their "home" countries

can be a tragedy for some of them. Especially worrying is the situation of HIV-positive migrants, mostly Africans. The attempts by the Aliens' Office to circumvent the ban on deporting these people by labelling their life-threatening illness a "normal life risk for an African" or obtaining worthless confirmations about good possibilities of treatment in their home countries are outrageous.

Due to the liberal Munich model, a number of NGOs has developed, which assist irregular migrants. They cooperate closely with each other and also with the Office for Repatriation Assistance. They also maintain good relations with the city administration. When it comes to dealing with Bavarian and federal authorities or the IOM, some of these organizations are highly critical.

Since 1996 the Office for Repatriation Assistance succeeded in assisting many migrants to return to their home countries. Still, personnel at the Office for Repatriation Assistance feel that their possibilities are often limited. Mostly, they can only offer the IOM voluntary return programme, which holds only minimal financial help. It is also obvious from figure 23, that the Office for Repatriation Assistance is well known in migrants circles, but has yet to run an efficient media campaign.

### **Vulnerability of irregular migrants is high**

Because of firm prosecution and their consequently clandestine life style migrants without a legal status are especially vulnerable. According to people working in the area of medical help, irregular migrants tend to seek medical assistance very late, which can affect their chances of recovery and even survival. They are also vulnerable to exploitation at work, as they can not resort to legal means if e.g. their salaries are withheld. Irregular migrants are one of the most clandestine and vulnerable groups in this country. Due to this, even basic human rights, like access to health care and effective legal remedies, just remuneration by the employer and freedom from slavery do not apply to most of them.

Tolerated migrants are often subjected to arbitrary treatment by the authorities and humiliating living conditions in camps for years, before very few of them finally succeed in obtaining a residence permit while most of them will be deported.

There is also the psychological strain. About 30 per cent expressed psychological problems at some point. They vary from missing the family that lives in the country of origin, frustration about the long and complicated process of acquiring working and resident permits, to persecution mania and a general feeling of humiliation through being perceived as "criminals" or as "outcasts". There is also a strong sense of helplessness and deprivation of basic rights. It is very difficult to see, how life as an irregular migrant in Germany could not affect psychological health negatively.

### **Lessons learned for Voluntary Return Programmes**

If voluntary return is considered as an option depends very much on the background of the migrant and his or her personal story. If the migrant left his country because of violence or political prosecution and has witnessed traumatic events, it might be impossible for him to think about returning, even if the situation in the country of origin has changed significantly.

If economic reasons were the decisive factor, there are more useful incentives at hand to motivate migrants to return. This is demonstrated by the findings about the Nigerians, the second largest group, all of them tolerated and living in hostels or camps. Many of these men emphasized, that they were appalled by the living conditions in the hostels and that they had long since realized that their chances of getting a work permit are meagre. Many of them said

they were ready to go home, but had spent all their money on coming to Germany and feared the humiliation to return to their families empty handed. Some of them had given up businesses in Nigeria to travel to Europe and with all their savings gone they had no idea how to make a living back home. Start-up-programmes, like the ones offered within the 'Coming Home' project, can be of interest to those people. Of course, the 'Coming Home' project has only limited resources for these programmes. Additional services in this area by the IOM or the EU would be more than welcome as there is definitely demand that can not be met at the moment.

24 per cent of the respondents experienced medical problems. Not all of these people were opposed to returning, but often dreaded the bad medical standards in their country of origin. If the medical support offered by the 'Coming Home' project is useful for these people depends on the nature and severity of their illness. As already mentioned, HIV-positive migrants, who will need high-end medical treatment for the rest of their lives can not be sent home. This might as well apply to some cancer patients, who will need constant monitoring in case the disease returns. In other cases, when e.g. necessary surgery has been completed, full recovery has been achieved and medical devices like prosthetics have been issued to the person, return may well be an option. Still it is necessary to research the possibilities for long term professional supervision in the country of origin.

Concerning medical problems, there is also another issue that rarely turns up but can lead to great tragedies. Sometimes, when irregular migrants become terminally ill and wish to return home to die there, bureaucratic obstacles can delay their return until it is too late and the migrant is no longer capable of travelling. There was no such case during the survey, but personnel from the Office for Repatriation Assistance related several incidents. It would be helpful to have special procedures installed and probably a separate fund for those cases.

A group that needs special attention are the victims of trafficking and forced prostitution. Only one case came up during the research. This woman was taken care of by Jadwiga and had already been put into a witness protection programme by the police. According to informants, many of these women are afraid of acts of revenge when they return to their home country. When it comes to assisting them in their return, they can be helped by start up programmes that allow them to settle in other places than their home towns or villages.

Lastly, the idea came up during the research to allow detainees awaiting deportation to benefit from IOM voluntary return programmes. Many migrants do not realize or even wilfully push aside the possibility of ending up in jail and being deported by force and therefore never bother to contact the Office for Repatriation Assistance, until it is too late. Some detainees dread the thought of being escorted back to their home country and being handed over to local police, which might have a tainted human rights record. Others have no one to pick them up from the airport and no financial means to travel to their home town or village. If those people could get access to the voluntary return programmes, and a supervisor, e.g. a social worker or a volunteer from a NGO, would accept the responsibility to accompany the returnee to his flight, the distress of some of these people could be alleviated.



### **Notes for Future Research**

There were serious constraints to the research. One of the reasons for this is the controversial nature of the subject and the rifts that run through the community that deals with these issues, which is demonstrated by the shunning of IOM through some NGOs. Also, the irregular migrants themselves are distrustful and do not want to tell their personal stories, even when anonymity is promised. It is also nearly impossible to draw generalizing conclusions from the data that was obtained, as the group of irregular migrants is extremely heterogeneous.

Future research in this field should take the heterogeneous and volatile nature of the group of irregular migrants into account. Certain subgroups should be targeted more closely, like special ethnic groups, or groups defined by their status like victims of trafficking. This would make it easier to compare the quantitative data and produce meaningful results.

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# RIIM-PROJECT VIENNA

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**Research report IOM Austria**  
December 2008

**Researcher**  
Paloma de la Hoz



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IOM International Organization for Migration





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# 1. INTRODUCTION

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## 1.1 Voluntary return

In Austria, there exist various return counselling projects implemented by a number of NGOs and European Home Care (EHC). EHC is a private company, which is financed exclusively through the Ministry of Interior and implements non-profit projects in return counselling for asylum seekers in all reception centers in Austria. There is also an Assisted Voluntary Return programme for immigrants, asylum seekers and refugees, who want to return to their countries of origin, implemented by IOM. The Ministry of the Interior and IOM Vienna for this purpose signed a Memorandum of Understanding in June 2000. The target groups of this General Humanitarian Voluntary Return Programme are (rejected) asylum seekers and illegally resident immigrants in Austria.

With the amendment of the Asylum Law, which entered into force on 1 May 2004, asylum seekers can be informed at any time during the procedures about the possibility of returning voluntarily to the country of origin (§40a). This service is co-funded by the Ministry of Interior (MoI) and the European Refugee Fund (ERF). IOM Vienna organizes the return trip and provides pre-departure, transit and arrival assistance. In 2007, a total of 6070 persons returned to 75 destination countries. The Memorandum provides for reintegration support in the countries of origin for particularly vulnerable groups, such as unaccompanied minors.

Austria implements a variety of policies in order to prevent, control, rectify, remedy or undo irregular immigration. The state approach that is most often applied is that of the prevention and exertion of domestic control, followed by the policy of undoing, which includes expulsion and deportation. The option of rectification/remedy, which would include legalization programmes, is rarely implemented.

During the last 15 years, external border control, international police cooperation and information exchange have constantly been improved. On the international level, so-called security partnerships were established with Austria's neighboring countries in 2000, and a number of joint projects have been implemented to counter human smuggling and trafficking in the countries of origin. Austria has also concluded several readmission agreements on a bilateral level with countries of origin and transit of irregular immigration.

## 1.2 The project

In view of the fact that the highest number of returns under the General Humanitarian Voluntary Return Programme from Austria are since years consistently Kosovo Albanians returning to Pristina, the Austrian Government decided to join the preparatory action under the Return Fund 06, prepared by IOM The Hague, IOM Nuremberg and IOM Vienna. The "Return Initiative for Irregular Migrants residing in the main cities of Europe" (RIIM) aimed at strengthening the mechanism and cooperation through integrated return management to facilitate voluntary return assistance for irregular migrants, with a special attention to those residing in major cities in Austria, Germany and The Netherlands, thereby contributing to an increased voluntary return of irregular migrants.



Further to successful initiatives, for example, in the major cities in the Netherlands, the project improved return counselling for irregular migrants by native speaking, Country of Origin Return counsellors and involving the municipalities as well as local NGO's that assist irregular migrants, thus achieving a low-barrier access to illegally residing migrants in the cities of Munich, Vienna, Amsterdam, Rotterdam, Utrecht, The Hague.

Furthermore the project gathered relevant data for more adequate assessment of the migrant communities for an increased knowledge on the situation of irregularly residing migrants in the selected countries, facilitated exchange of good practices between participating countries in order to improve return counselling strategies and eventual voluntary return assistance as well as relevant policy responses.

In 2005 Austria, Germany and the Netherlands have participated in the second pilot study of the European Migration Network „Illegally Resident Third Country Nationals in the EU Member States: State Approaches towards Them and Their Profile and Social Situation”<sup>20</sup>. The study identified significant research gaps, notably the little information available on the economic and social situation of illegally resident/working immigrants.

With Kosovars representing the biggest caseloads of return counselling agencies such as Caritas, Diakonie and Verein Menschenrechte, the Austrian MoI was interested in particular in an assessment of the irregular Kosovo community concentrated mainly in Vienna and the surrounding area, with the aim to learn more about living and working conditions of the irregular Kosovo community in Austria: who are these illegally resident immigrants (age, sex, education, profession, nationality) and how do they manage to survive without possessing the legal documents for residence and/or work?

Since irregular migrants in detention centers or asylum seekers, including rejected asylum seekers are taken care of by other return counselling agencies and can benefit from different return programs, the target group for the RIIM project (assessment and voluntary return counselling) in Austria was defined as “irregular migrants from Kosovo, who entered and resided illegally in Austria”.

### **1.3 Results**

#### **Daily contact of the native counsellor with irregular migrants from Kosovo**

A network has been established consisting of migration specific, Austrian organizations as well as Kosovo specific associations, clubs, cafés which allows a low-barrier access to illegally residing migrants from Kosovo. At all contact and meeting points the information brochure about the project is made available in German, Serbian and Albanian language. The native counsellor can be reached by the migrants 24 hours a day.

More than 180 contacts have been made until the end of October 2008, mostly indirectly, which is an indication that irregular migrants do not access the return counsellor directly but only via third persons. Direct contacts without intermediary have been rather the exception. Also no cases were referred to IOM by the other partner agency which is offering a hotline support for people wishing to return voluntarily. Thus the concept of a native counsellor building up a network of contacts within the community has proven to be the most efficient way to reach out to the target group.

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<sup>20</sup> The research was undertaken in 2005 in Austria, Germany, Italy, Ireland, Sweden, Greece, Belgium and the Netherlands.

### **Assistance and services offered during the counselling and voluntary return**

The native counsellor offered next to information and counselling about the project also assistance for irregular migrants who needed his help and support in different situations. These individually targeted assistance services included among others, translation services (letters, forms etc.), escorting to doctors, assistance with medical problems, escorting to different offices. These services were provided with the main intention to build trust among the community.

Until the end of October 2008 four persons have returned voluntarily within the RIIM project. They were offered the organization and funding of the return trip, including organization of travel documents, where necessary, a one time financial reintegration assistance and an information package for returnees, which contains all relevant information about Kosovo and accessible services for returnees. This information package was produced in cooperation with IOM Pristina.

Furthermore returnees can request reception assistance in Pristina, onward transportation to the final destination and specific information about their home destination from IOM Pristina against agreed fees.

### **Cooperation with local partners**

An excellent cooperation with the alien police in Vienna and in Lower Austria has been established for the purpose of obtaining travel documents in cases where irregular migrants do not possess any valid travel documents.

An equally excellent cooperation has been established with Caritas Vienna for the purpose of accommodating irregular migrants, if necessary, during the last days before departure.

The cooperation with European Home Care was invaluable for the RIIM project, because a number of contacts proved to be not eligible for the RIIM project, but they were able to return under the EHC return programme.

### **Establishment of a Steering Group**

A steering group consisting of the MoI and EHC was established already in June 2007 and met 6 times during the project implementation period to discuss joint decisions and measures which are related to the development and implementation of the project.

### **Assessment of data and reporting**

In coordination with the steering group and the project management in The Hague a questionnaire was developed for Austria, which did not only assess the living and working conditions of irregular Kosovar migrants in Austria, but also evaluated the cooperation and coordination between the different involved stakeholders in this project. However, the analysis and research report is not only based on the RIIM questionnaires, but also on other primary sources, for content-related and methodical reasons. Information for the assessment of the irregular situation and migration of Kosovar migrants was gathered from November 2007 until October 2008 through the following channels:

## **1.4 The research**

The present report contains a collection of relevant facts to provide a detailed illustration of the situation of undocumented Kosovars<sup>21</sup> living in and around Vienna. In fact, these people are Kosovar Albanians; a group which now makes up the majority in the new Republic and

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<sup>21</sup> Children and young people under 18 years of age have not been included in the study.

has an uninterrupted tradition of migration. It analyses both the structural framework conditions characterizing the living conditions of these migrants in their country of origin and in the host country and the life of undocumented Kosovars as seen from their own, subjective point of view (perceptions, motivation, migration projects and future perspectives, particularly with respect to a possible return to their country of origin).

## **1.5 Reader's guide**

This presentation of facts will be preceded by a presentation of the methodology (chapter 2) used in gathering the relevant data.

This will be followed by an overview of the framework conditions affecting irregular Kosovars both in their country of origin and in Austria and, more specifically, in Vienna (chapter 3). Subsequently, Kosovar Albanian migrants will be described as actors within this predefined context.

Chapter 3 will also describe the cooperation with other stakeholders in the project and the outreach activities of the native counsellor. Following this analysis, an outlook with conclusions will be presented.

General conclusions and recommendations will be presented in Chapter 4.

## 2. METHODOLOGICAL FRAMEWORK

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### 2.1 Terminology and definitions

#### **The sources of information used in this project:**

*EI*: Interviews with Experts (see Appendix 2: Conversations and Interviews)

*MI*: Interviews with Migrants (see Appendix 2: Conversations and Interviews)

*RI*: RIIM-Interviews (see Appendix 1: RIIM Interviews. Summary.)

#### **Some technical terms**

*Anchor migrant*: a migrant whose situation in the host country has been regularized – whether he or she has acquired Austrian citizenship or not - and who has succeeded in establishing himself or herself in the host country. Anchor migrants send for their families to join them and – intentionally or not - become identification figures for other potential migrants.

*Apprehended person*: a person apprehended by an executive organ in Austria for having entered the country in an irregular manner and/or living in the country illegally or having assisted others to enter the country in an irregular manner.

*Ethnic Community*: Social group perceived as homogenous by itself or by others.

*Diaspora*: Colloquially, this term refers to Kosovar Albanians who reside outside their own country on a permanent basis. There are transnational networks that are often perceived as a single homogenous community (see Item Ethnic community).

*Migration project*: the aims and goals that people hope to achieve through migration. Migration projects are not usually explicitly and consciously worked out to the last detail and may be modified over time. In any case, migrants are acting subjects with their own interests and goals. This important component of migration dynamics, which is often ignored, is emphasized by the use of the term "migration project".

*Transnational*: the transnational social, economic, political and cultural links between private individuals (not between states or large institutions of another type, such as, for instance, religious groups or multi-corporate enterprises).<sup>22</sup>

### 2.2 Data collection

The primary sources are various different kinds of interviews. These were realized during the period between November, 2007 and October, 2008.

#### **Data (questionnaires)**

The present report is based not only on the RIIM Questionnaires, but also on other primary sources, for content-related and methodical reasons. On the one hand, the Austrian Ministry of the Interior (*Österreichisches Bundesministerium für Inneres (BMI)*) manifested its interest in obtaining as much information as possible regarding the characteristics and the profile of the target group.<sup>23</sup> On the other hand, the target group (see Item 2.3, point 2) and the fact that only one native adviser was employed made it impossible to conduct many interviews. Only

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<sup>22</sup> Comp. Portes, 2001; Vertovec, 2001 p. 2

<sup>23</sup> Minutes of the 6th Steering Group Meeting. Vienna, September 25, 2008

about 10 per cent of all migrants contacted agreed to be interviewed. Altogether, information was gathered through the following channels:

#### **a) RIIM Questionnaire**

Based on the Questionnaire, 12 persons were interviewed; in several cases, more than one conversation was held with the person in question.

In Austria, several questions were added to the RIIM Questionnaire. These questions referred to aspects of the family life of the interviewed persons and to questions of their health. The importance of these areas will be analysed in more detail in Item 3.3.

IOM Vienna also evaluated the cooperation with the stakeholders in the return process by adding a third part to the questionnaire, which was only filled out by the native counsellor in case a migrant decided to return voluntarily.

#### **b) Visit to the country of origin – interviews with experts**

Furthermore, in May 2008, a trip to Kosovo was undertaken, the two main purposes of which were:

- 1) the collection of information regarding the socioeconomic and political situation in the country of origin in order to be better able to identify migration factors in connection with a possible return,
- 2) the in-depth investigation of possibilities of reintegration for returnees.

These data were obtained by way of expert discussions with Kosovar officials and representatives of several European and international organizations, as well as by open interviews with returnees, visits to various projects, participant observation during visits to Kosovar families and also from observations of the realities of day-to-day life in the country.

Expert interviews were also conducted in Austria. During the period between May 11, 2008 and October 20, 2008, a total of 17 such interviews (8 in the Kosovo and 9 in or near Vienna) took place. As far as possible, these interviews were recorded and transcribed. This allowed us to codify the contents with the help of keywords and to carry out a thematic analysis in order to obtain as much actual information concerning the subject matter of our investigation as could be extracted from the interviews.

In the cases in which it was not possible to record the interviews, minutes were drawn up in writing (see Item 2.4).

#### **c) Narrative interviews with undocumented Kosovars**

Moreover, five open narrative interviews with undocumented Kosovars were conducted, two of which took place in the Kosovo and three of which took place in Vienna. Two open interviews with a young Kosovar Albanian married couple that had been conducted in the course of an earlier research project in the year 2000 were used as an additional source.

The principal aim of these open discussions with migrants is to become more closely acquainted with the biography and the migration project of the person concerned. The main concern is a better understanding of the migration project, the motivation underlying the actions of the person concerned and, consequently, the familiar and social environment of the person concerned.

In order to comply with the aims of qualitative social research, these conversations are not based on the hypotheses established in professional literature, which must be examined; rather, the aim is to approach the life of undocumented Kosovars openly, i. e. in an exploratory manner in order to discover, if possible, new aspects that may be relevant to the situation of the persons interviewed, particularly from the point of view of the person in question as a subject.<sup>24</sup> In the case of such interviews, statistical representativity is not taken into account.

The interviews in question consist of lengthy conversations (duration approximately 1 hour), during which the main aim is to get the interviewed person to tell his/her story and to permit him/her to speak freely and, to the extent that this possible, without interruption. The information provided by the interviewee is supplemented with the help of questions from the interviewer in two parts.

### **Immanent questioning**

In this part, topics that were only implied or only mentioned in passing by the interviewee will be revisited by the interviewer.

### **Exmanent questioning**

This consists of concrete questions that are asked after narration if the interviewers wish to obtain more detailed information (such as, for instance, questions regarding age, level of education or training of family members).

These interviews are conducted by two researchers, since it is necessary to adopt different roles.

As a rule, interviews of this kind are recorded and transcribed; in this way, it is possible to carry out both an analysis of the contents and a sequential analysis. However, fear and language barriers prevented the researchers from recording some of these interviews; in such cases, minutes were drawn up immediately following the interview in which the interviewer's observations (impressions received during the conversation, atmosphere, the room, moments of tension, if any, significant reactions, etc.) were recorded. The information obtained was also set down in the minutes.

## **2.3 Ethical considerations and constraints experienced during the assessment**

Trust is the crucial factor in any attempt to obtain reliable information from a group of migrants – as, in the present project, from the Kosovars – the members of which find themselves faced with particularly difficult situations both in their country of origin (turbulent recent past) and in the host country (irregular status). The undocumented situation in Austria engenders explicit feelings of anxiety in practically all cases. This explains why so few of them are prepared to grant interviews at all. During the interviews that actually do take place, many questions remain unanswered – specifically those referring to the manner in which people managed to enter Austrian territory or to available documentation (compare F8, 9, 12).

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<sup>24</sup> Compare Werner Schiffauer (1991), *Die Migranten aus Subay*: 26 et seq.

This barrier of fear and suspicion, as well as, in all likelihood, several other factors<sup>25</sup> of a sociological and practical nature (such as, for instance, the small number of persons of the migrant group examined or the existence of not more than one single interviewer) render it difficult to conduct many interviews based on the RIIM Questionnaire. On the other hand, a small number of such interviews will not provide a distinct statistical profile of the group. For this reason, the supplementation of this information by means of in depth interviews with affected persons themselves<sup>26</sup> and interviews with experts<sup>27</sup> is of particular importance.

It was absolutely necessary that all such interviews were anonymized. A table was drawn up showing the personal data (name, etc.) and recording the place where the interview(s) was (were) held, while deleting all personal data from the questionnaires.

A factor of fundamental importance with regard to reliable information is the native contact person who also conducted interviews. He/she is of importance not so much as a “native-language adviser”<sup>28</sup>, but as a person who is perceived by the interviewees as a member of the same cultural background. This aspect has already been proved to be of fundamental importance in the course of the development of other integration models in Austria. This is all the more important in the case of persons from regions with a difficult or complex political background (civil war, ethnic feuds), such as the Kosovo. In the case of such persons, the fact that someone speaks their language will not be sufficient to establish a basis of trust; the factor of ethnicity is of fundamental importance. Due to the characteristics of the target group, it was important for this study that the native-language adviser was a man.

The taking into account of this requirement of homogeneity between the interviewee and the interviewer also means that the latter must take great care to concentrate on the facts of the case before him/her. Otherwise, the interviewer may easily be at risk of supplementing missing data in the narratives by his/her own personal assumptions far too quickly, or of losing the accuracy of his/her powers of observation due to spontaneous sympathy with the narrator. The interviews presented here contain several instances of the interviewer's distinguishing between statements of fact and assumptions (see, for instance, F7). This is as it should be. In other words: the training of interviewers will be of particular importance with regard to all further projects.

Some persons whose interviews were conducted according to the RIIM Questionnaire (F2, 4, 5, 12) were interviewed several times. This resumption of the conversation has proved to be useful, mainly for the following two reasons:

for establishing and/or strengthening a basis of trust between the interviewee and the interviewer. This is particularly obvious in case 5: if only one interview had taken place, facts of great importance would have been suppressed. (During the second interview, it turned out that after her arrival in Linz, she did not contact *just any* acquaintance, but her long-term partner.)

The situation of the Kosovars – especially when they are faced with the harsh living conditions of irregular migrants in Austria – tends to change as the months pass. Migration projects and immediate intentions of returning or remaining depend on the comparison of chances in the host country and in their homeland.

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<sup>25</sup> This point requires in-depth reflection; within the scope of the present study, it was only possible to present a few initial conjectures.

<sup>26</sup> To date, four such interviews with affected persons have been carried out.

<sup>27</sup> 12 interviews to date (8 in Kosovo, 4 in Austria); 3 further interviews have already been set up.

<sup>28</sup> See Minutes of September 25, 2008 – 6th Steering Group Meeting

### 3. SURVEY ON IRREGULAR ALBANO-KOSOVARS IN VIENNA

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#### 3.1 Introduction

The central questions of this survey were the following:

*Which factors determine the lives of people who live in Austria without documentation?*

*Who are these people? (Common sociological characteristics, as well as personal perceptions, motivation and plans.)*

*What made them*

*leave their country of origin?*

*come to Austria?*

*What makes them return to their country of origin and what prevents them from returning there?*

In accordance with the guidelines of the Regional Projects “Return Initiative for Irregular Migrants residing in the main Cities of the European Union” migration factors were specially taken into account:

#### Overview: Classification of migration factors and terms

<i>In the country of origin</i>	<b>„Push-Factors“</b> leading the Kosovar Albanians to leave their country of origin	<b>„Pull-Factors“</b> leading the Kosovar Albanians to come to Austria
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<i>In the host country</i>	<b>„Stay-Factors“</b> leading the Kosovar Albanians to stay in Austria	<b>„Return-Factors“</b> leading the Kosovar Albanians to return to their country of origin
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This model provides a point of departure for analysis, but must not be used to limit analysis a priori to the question of "staying or returning?", particularly not in the case of a group like the Kosovar Albanian migrants who are so close to their country of origin. Since the 1980ies, the deficiencies of the classic approaches to migration and integration theories, which considered migration only as a unidirectional spatial movement, have gradually become more obvious. This means that the usual dual approach of integration in the host country or return to the country of origin must be questioned as it is unlikely to make sufficient allowance for the profound changes in material living conditions that have taken place over the last 30 years and for the new forms of integration strategies pursued by migrants in the host country. It will therefore be necessary to develop methodical concepts and also political strategies that are able to take into account this multiplicity and diversity of migration projects.<sup>29</sup>

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<sup>29</sup> Faßmann, 2003 p. 429, 435—436.



The answers to these questions – even if the latter are limited – prove to be multidimensional, because they comprehend:

- the past, present and future (chronological dimension)
- structural conditions and also subjective actions (the migrant as treated by others and also acting on his/her own responsibility)
- individual perspectives on the one hand and group-related – such as, for instance, family-related – perspectives, on the other hand.

These three axes – time, the dynamics between macro and micro factors and the interactions between individuals and the groups to which they belong – cannot be separated from each other. In the attempt at describing these in more detail, we will first provide an insight into the framework conditions faced by undocumented Kosovars in their country of origin and in Austria, more precisely in Vienna (Item 3.2). Subsequently, they will be presented as actors within this predefined context (Item 3.3).

## **3.2 Framework conditions in the host country**

The country from which Kosovar-Albanian migrants travel to Austria nowadays shows particular characteristics. In the recent past, Kosovo has passed through extremely traumatic stages of development and is therefore initiating the new chapter in its history as Europe's youngest independent state rather hesitantly. Numerous contrasts have developed in the course of the years and they are still exercising a decisive influence on people's lives. The following paragraphs contain a summary of these processes.

### ***3.2.1 Europe's youngest state has a young population***

Kosovo proclaimed its independence on February 17, 2008. The current borders of Kosovo were only created in 1945, in Communist Yugoslavia; the surface area is 10.877 km<sup>2</sup>. In this country, which covers an area corresponding to approximately one eighth of the territory of the Republic of Austria, there lives a population of 2,4 million, 40 per cent of whom are less than 20 years old. In 1995, the crude birth rate was 21,2 per cent. The youngest state of the continent is one of the most densely populated areas of Southeast Europe (195 inhabitants per km<sup>2</sup>). The high fertility rate is a constant characteristic of the Kosovar-Albanian population<sup>30</sup>, which makes up the largest ethnic group nowadays (approximately 88%). The others are Serbs (7%), Bosniaks (1,9%), Roma (1,7%) and Turks (1%).<sup>31</sup>

Kosovar-Albanian fertility is a blessing, but it also creates problems: the Kosovar government is now faced with the challenge of creating future prospects for the young population, which is a huge problem in view of the desolate economic situation.

The Serbs perceived the Albanians' fertility as a threat, particularly from the second half of the 20th century onward, when they began – somewhat earlier than the Albanians – to undergo modernization processes (disintegration of traditional family structures such as the Balkan family household, emancipation of women, the influence of Western European culture, change in sexual morals). South Slavs traditionally lived in patriarchal, patrilocal families with jointly owned property, characterized by a strong solidarity between the family members.<sup>32</sup>

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<sup>30</sup> Schmitt, 2008, p. 275

<sup>31</sup> Concerning these data, as well as demographic sources in Kosovo from 1991 onwards, see UNMIK 2003, p. 6-9

<sup>32</sup> Kaser 1995, p. 268.

The population question is important insofar as, for both Serbs and Albanians, the geographic territory identified as the homeland is a key factor in the definition of their ethnic identity and their nationalism. Both identities, as perceived nowadays by the majority of the relevant populations, have developed from the nationalisation of pre-modern religious identities. Thus, Albanians no longer define themselves by references to Islam or to the Ottoman culture, but see themselves as Illyrians (continuity theory). However, these processes did not take place simultaneously in the two groups: *“The nationalisation of the identity of Kosovar Muslims can only be understood if seen against the background of the earlier and much more strongly pronounced ethno-national change of identity of the South Slavic-speaking orthodox population of Kosovo.”*<sup>33</sup>

The present Albanian-Serbian conflict started in 1945. During the era of the Serbian-national-oriented Yugoslav minister of the interior, Aleksandar Rancović (1945–1966), the present Kosovar territory, within its borders as they still exist now, was established as an administrative unit. The treatment of Kosovo at the hands of the Communist regime was ambivalent: accommodating in theory, but in actual practice, the old, ethnically motivated mistrust vis-à-vis non-Slavic populations resulted in a policy of repression.

Between 1968 and 1974, the autonomy of Kosovo was developed further. However, due to the fact that the power-wielding élites distrusted all non-Slavic population groups, Kosovo was not granted status as a republic, which would, among other things, have entailed the right to secede. Instead, Tito granted Kosovo special political rights as an autonomous province. Thanks to the federal government's generous investments into the economic infrastructure and into education, the province went through a period of modernization. An Albanian elite was created and subsequently governed Kosovo until the mid-1990s. In keeping with ethno-nationalist logic, more and more Albanians began to occupy key positions, dislodging the Serbs.

After Tito's death (May 4, 1980), rioting took place in Priština in March, 1981. The result was a massive deployment of armed forces. The beginning of the Milošević era (he became president of Serbia in May, 1989) marked the start of the "serbization" of Kosovo. The autonomous status of the province was suspended *de facto* in March, 1989, and *de iure* in the autumn of 1990. This was followed by a culture struggle and by an attempt to obtain control over the Kosovar Albanians. The Kosovar-Albanian élites and the LDK<sup>34</sup> put forward their best efforts to internationalize the Kosovo problem by peaceful means. The failure of these efforts became obvious in the Dayton peace treaty (1995). Albanian resistance against Milošević's Serbia became more and more radical, culminating in the riots of 1998 headed by the UÇK.<sup>35</sup> In 1999, NATO intervened. Subsequent to Resolution 1244 of the United Nations, Kosovo was declared a UN Protectorate on June 10, 1999 (UNMIK - United Nations Interim Administration Mission in Kosovo). On February 17, 2008, the Parliament of Kosovo issued a unilateral declaration of independence. Today, the country is under the protection of the EU (EULEX).

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<sup>33</sup> Schmitt, 2008, p. 159

<sup>34</sup> *Lidhja Demokratike e Kosovës* (Democratic League of Kosovo) is the leading party of Kosovar Albanians, founded in December, 1989, by Ibrahim Rugova and others as a resistance organization against the Serbian minority government; Rugova was president of Kosovo from March 4, 2002 to January 21, 2006.

<sup>35</sup> *Ushtria Çlirimtare e Kosovës*, ("Kosovo Liberation Army"): Albanian paramilitary organization that headed the uprising against Serbia in the Kosovo in 1998.

### 3.2.2 “The poorhouse of Yugoslavia”

Until the end of the 20th century, Kosovo was known as “the poorhouse of Yugoslavia”.<sup>36</sup> If anything, the chronic economic, social and cultural divide between the Northwest and the Southeast of the Balkans increased between 1946 and 1997.

Until the very recent past, most Kosovars were peasants who lived by subsistence farming, unconnected to regional markets and using extremely rudimentary technology. The agrarian reform of 1946 did not succeed in overcoming the system of small farms. The high birth rates contributed to a high population density, which, in turn, increased the price of land. Lack of land and unemployment among the peasant population are longstanding problems for which Communist state-governed agriculture provided no alternatives, particularly in view of the fact that it was hampered by insufficient investment, low productivity and high levels of indebtedness of the agricultural enterprises.

To this day, the mining industry is the mainstay of Kosovar economy, next to agriculture. In the mines of Novo Brdo, Janjevo, Trepča and in the Kopainik mountain range, silver and lead were produced. The Federal Republic of Yugoslavia promoted heavy industries in Kosovo, but did nothing for light industry. The region became a source of cheap energy and raw materials for Yugoslavia. From 1974 onwards, an attempt was made to reform the educational system and to build up the economic infrastructure of the region. Large governmental investments were granted for developing heavy industry combines, mining enterprises and brown coal power stations near Priština.

This economic impulse during the Tito era created the base for the economic modernization of Kosovo and, consequently, also for fundamental changes in social structures. A working class was created and so was an intellectual élite, which in the following years became the leading force among Kosovar Albanians. However, this process was hampered in its development. The economic crisis of the 1980s and the subsequent political turmoil paralysed the economic development of Kosovo.

The Communist reforms failed due to insufficient planning and to technological deficits; corruption took care of the rest. In some regions, such as Zvečan or the river Ibar, they led to environmental problems. They also contributed to the fomentation of ethnic conflicts by preferring Serbian workers over Albanian. (In 1968, the unemployment rate in Kosovo was 14% – 70% of whom were Albanians; in 1981, this rate had risen to 29%, of which 82% were Albanians.) Seen against this background, the increasing connection between socio-economic and political tension is hardly surprising. The identity of Albanian workers was increasingly characterized by class consciousness and national consciousness.

Paradoxically, the chronic unemployment among the Albanian population has resulted in two dynamic processes that were to reveal themselves as extremely important to the further development of Kosovo: the economic situation led to the emigration of unqualified Albanians from rural areas to Central Europe. Years later, these migrants became an important source of foreign currency and also importers of Albanian nationalism from the Diaspora back into the homeland.

Nowadays, Kosovo enjoys generous international support. However, this has not, to date, resulted in any economic *take off*. The existing agricultural infrastructure does not produce sufficient quantities of food to supply the population, so that food must be imported. The situation is very similar as regards industrial products. There are no foreign investors. Environmental pollution constitutes a pressing problem and severely impaired the health of the population. Unemployment rates are extremely high (an average of 40%; among young people, the rate is twice as high). The only economically dynamic branch of industry is

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<sup>36</sup> Quoting the title of a work by Büschenfeld, Herbert (1991): Kosovo: Nationalitätenkonflikt im Armenhaus Jugoslawiens

organized crime. In 2007, this branch generated revenues of approximately 550 million Euros from drug and arms trafficking and the slave trade.

All these factors promote internal migration from the rural areas to the towns and also act as fundamental push factors for emigration. The hopeless economic situation in Kosovo, in conjunction with the fact that many families only manage to survive with the help of the capital transfer from their family members in the diaspora,<sup>37</sup> acts as a powerful pull factor for immigration to Austria and other EU countries, even if the laws of this country render such a project impossible to realize.

With a budget of approximately 700 million Euros, the young Kosovar state can hardly be expected to build up a socio-economic infrastructure. However, this is absolutely necessary, not only to take care of the citizens of today, but also to offer some hope for the future to the younger generation (approximately one half of the Kosovar population is less than 25 years old). Furthermore, an economic *take off* is also a means of strengthening the government and, therefore, of weakening organized crime which developed – and not only in Kosovo – after the breakdown of the Communist systems.

The process of industrialization, which took place between 1974 and 1989, brought about social change, e.g. an intensification of the urbanization that had started in the 1950s. In 1981, Priština, the largest city in the country, had 108.000 inhabitants; in 1991, an estimated 155.000 persons were living there. According to OSCE<sup>38</sup>, approximately 550.000 persons are living in or near Priština today. The urbanization process brought about a weakening of the traditional structures of family life and, consequently, of gender-specific stereotypes. Women gained in autonomy due to the fact that they were able to seek paid employment. The city, with its public spaces and its openness to Western influences contributed to a modification of the lifestyle and customs of its inhabitants, a fact that manifested itself, among other things, in the clothing, the use of public spaces and in the new buying habits of the city dwellers.

The regime used sports clubs as a means of interethnic integration. All the same, interethnic coexistence was never really achieved in a wider context, in fact, just the opposite: the different ethnic groups – Serbs, Albanians, Roma – increasingly dissociated themselves from each other. Even today, Kosovo presents a varying and unsettled image, a juxtaposition of Yugoslav-urban and post-ottoman-rural worlds in which the fault lines do not only run between different ethnic groups, but also between city and country dwellers.<sup>39</sup> The currently dominating group, the Kosovar Albanians, are anything but a culturally homogeneous unit.

### 3.2.3 A country of emigration

Migration is not a new phenomenon in Kosovo; there have been migration movements ever since the Middle Ages.<sup>40</sup> Modern migration only started in the late 1970s. Between 1960 and the beginning of the 1980s, approximately 150.000 Kosovar Albanians emigrated to Western Europe, especially to Germany, Switzerland and also to Austria.<sup>41</sup> This modern migration can be divided into three stages that correspond, in the main, to the political phases of the most recent history of the country.

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<sup>37</sup> Based on our research, it is estimated that annual inflows from the Diaspora are: (a) cash remittances, €170 million, (b) in kind contributions, €22 million and (c) visitors contribution –“Diaspora Tourism,” about €125 million. The total annual inflow is around €317 million, or approximately 14 per cent of Kosovo GDP.” Mustafa, 2007 p. 8. Siehe auch Statistical Office of Kosovo, 2007, p. 31, 33 ; Krahen, 2007 p. 62, 67

<sup>38</sup> OSCE 2008, no page number.

<sup>39</sup> Kosovo, 2007, S. II-IV.

<sup>40</sup> Compare also Vathi, 2007 p.7

<sup>41</sup> Stacher 2000, p. 127

### **Late 1970s to mid-1980s**

During the phase of economic growth of the 1970s, Western European countries needed cheap labour. Germany and Switzerland sought these workers in Yugoslavia. Most migrants from Kosovo were Albanians, since for them, access to the labour market in their home countries was difficult. Almost all migrants were young, unqualified males.

Most migrants from Kosovo were Albanians, because of their problems of access to the domestic labour market. Between 1960 and the early 1980ies a number of approximately 150.000 Kosovar Albanians migrated to Western Europe, mostly to Germany, Switzerland and also to Austria.<sup>42</sup>

The employment of foreign workers took place in accordance with the so- called „principle of rotation“. The term “migrant worker” (“Gastarbeiter”) was exactly suited to this principle of rotation and implied the presence of a limited number of migrants in Austria. Their integration into social life was limited in the main to their contribution on the labour market.<sup>43</sup> The reasons for their willingness to migrate may be understood from the above short description of the political development in Kosovo. The words of Kosovar Austrian experts illustrate the Push Factors that made many Kosovars decide in favour of emigration und will continue to do so unless an economic *take off* takes place:

*"Kosovo has been totally neglected. Even nowadays, you won't find any big companies there, there was no infrastructure – you saw that for yourself – you cannot compare the motorways in Serbia or Croatia or Slovenia with the streets in Kosovo. That is one more indication that these people were treated as second-class citizens. And this whole attitude is reflected in the mentality of the people. It means that they were not happy, they did not feel free. What did they look for then? A better life. After all, each one of us only has only a very short life on this earth. And of course he wants to make the best of it. And what was the solution? Emigration. (EI-13, 51-58)*

The ban on recruitment issued in 1974, as well as the Foreign Labour Act of 1975 (Ausländerbeschäftigungsgesetz) that followed it, not only caused a considerable number of the Yugoslav labour migrants to return to their countries of origin, but also led to more determined attempts to obtain permanent residence status on the part of those who wished to stay.<sup>44</sup> Moreover, after the oil crisis of the 1970ies, the economy jettisoned the rotation principle<sup>45</sup>. The extension of residence permits led to the gradual emergence of a migration population of which the most important motors on the micro level were family reunions and chain migration. The same is true with regard to Kosovar Albanians. The presence of a large Kosovar Albanian community in Austria and in the German-speaking countries explains the persistence of migratory activity from this country into Austria.

### **Mid-1980s to late 1990s**

During this phase, the Albanian population in the host countries increased significantly due to the interaction of push and pull factors: while the economic and political situation in Kosovo deteriorated, Austria – like the other host countries - went through a phase of favourable economic development, resulting in a fast-rising increase in demand for labour and, consequently, in the number of foreign workers. As a result, the employment contracts of migrant workers were extended, which favoured family reunions and chain migration. The

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<sup>42</sup> Stacher 2000, p. 127

<sup>43</sup> Lichtemberger, 1984 p. 109,113

<sup>44</sup> Münz, u. a. 2003, S. 23

<sup>45</sup> Bauböck 1996, p. 13

numbers of migrants were further swelled by refugees from Eastern Europe, who until the mid-1980s were recognized as political refugees almost automatically.

During the years after the death of Tito ( in 1980), particularly from the Milošević era onwards (1989), the "serbization" of Kosovo was initiated; this naturally triggered a civil war. Gradually, the migrant workers were replaced by refugees. Again, the migrants were mainly young, male Albanians, who were joined by a few young Roma and Askhali. Among the asylum seekers, there were not only unqualified, but also qualified persons.

*But the generation born in the 1970s, many of them prefer to be self-employed. They established construction firms, electrical retail businesses, catering businesses like myself, and so on. This generation is no longer that other generation that worked for 30 years with the Austrian Federal Railway, on building sites and so on. And the other thing is that they always valued – we have always valued our children, including those who are here and try to get the children into good schools. They try to pass on to the next generation everything that they have missed and wished for themselves (EI-13, 261-268)*

Between 1985 and 1990, approximately 250.000 Kosovars applied for asylum in Western Europe. Many of these applications were refused, but as a result of difficulties with the Serbian government, large numbers of asylum seekers actually remained in the host countries. In early 1998, 500.000 Kosovars lived in Western Europe, a number corresponding to approximately 25 per cent of the total population of Kosovo. 85 per cent of them were taken in by Germany, Sweden and Switzerland; 13.000 persons lived in Austria. In the following years, 1998 and 1999, the number of recognized Kosovar refugees in Austria rose as a result of the war<sup>46</sup>.

## **2000-2008**

The NATO intervention and the UN Protectorate in Kosovo restored peace to the country. However, nothing has changed as far as the overall socio-economic situation is concerned; in fact, the situation has become much worse for many families as a result of the devastation caused by the war. All these circumstances, which acted as powerful push factors, in conjunction with the migration history of Kosovo, in which – as will be shown later – pull factors may be found, explain why the influx of Kosovars into Austria did not continue.

### **3.2.4 Socio-political Consequences of Migration**

Many migrants suffered a culture shock during the first phase of their emigration. For those who came from rural, paternalistic communities, the phenomenon of suddenly finding themselves at the bottom end of the social scale was particularly hard to bear. At the same time, their jobs in Austria guaranteed them a good income and this enabled them to support their families back home. The transfer of foreign currency increased their social prestige in their homeland.<sup>47</sup> This has proved an excellent way of combating poverty.<sup>48</sup>

These facts brought about not only social, but also political consequences: in the 1980s, an economic divide appeared in Kosovo between the Kosovar Albanian families who were able to count on the support provided by emigrated family members, and the Serbian population who mainly depended on salaries from the government. In this way, the migrants contributed

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<sup>46</sup> Stacher 2000, p. 127-129

<sup>47</sup> Lichtemberger, 1984 p. 114

<sup>48</sup> Kosovo, 2007, VI, 33-35

to the economic dominance of the Albanian population, thus causing more resentment and ethnically motivated enmities.<sup>49</sup>

During the above-mentioned periods, the so-called "Kosovo diaspora" also emerged. Although, from a sociological point of view, the use of the term "diaspora" is not quite correct<sup>50</sup>, it is extremely significant. The use of the term "diaspora" tends to blank out the historic, socio-economic, and political differences within transnational networks of Kosovar Albanians, creating an image of the same that is too homogenous.<sup>51</sup>

As migrants, Albanians from different regions became better acquainted. Simultaneously, and running parallel to the confrontation with Serbian nationalism, a Panalbanian identity was created and propagated actively and effectively via modern communication tools (especially via internet, satellite television and mobile telephony). In this way, the Kosovars in the diaspora became the decisive influence in the shaping of Kosovo as it is currently presenting itself. In doing so, they contributed to a political ideology the contents of which are irreconcilable with Serbian nationalism, but are based on a very similar logic.<sup>52</sup>

### 3.3 Living conditions of irregular migrants

#### 3.3.1 *Reasons for emigration (push factors) – refugees from poverty*

As in the first phase of Kosovar migration into Austria, today's migrants are mainly young (between 20 and 35 years of age), unqualified males from rural areas. They seek employment – in some underground economy, if not on the regular labour market. Some try to be accepted as asylum seekers in Austria, while others do not even try to apply for asylum, since there is less and less chance of success due to Austria's restrictive asylum policy, and simply enter the country without papers on their own initiative or with the help of gangs of smugglers. Those whose application for asylum is refused or who are accidentally apprehended without papers by the authorities are taken into custody and then deported.

Gangs of smugglers ("Schlepperbanden") contact potential emigrants in the country of origin and encourage them to migrate. They are the only facet of organized crime that has made itself felt in the course of this study. The victims of human trafficking, whose number has increased over the last few years in spite of international treaties to fight these organizations, remain in the shadows.<sup>53</sup>

Experts and migrants agree on one point: the main reason why young Kosovar-Albanians leave their country nowadays is no longer the immediate danger brought about by a war situation, but rather the disastrous situation in their country that is the result of the failed *take off* of the 1980s and the additional socio-economic devastations of the 1990 (see Item 3.2). People emigrate in order to secure the basis for existence for themselves and for their own families. It is interesting to observe that the term "work" keeps appearing in connection with the term "family".

As may be seen from the biographies of migrants (MI 1, 2), the consequences of the civil war are closely connected to the present socio-economic situation of the young Republic of Kosovo. The Republic is far from being able to supply its own population with the necessities of life, particularly as political authority is undermined by corruption and organized crime.<sup>54</sup> Approximately 45 per cent of the population live in poverty and a further 18 per cent is in

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<sup>49</sup> Schmitt, 2008 p. 286

<sup>50</sup> Fernández de la Hoz, 2004 p. 20-22

<sup>51</sup> Anthias, 1998 p. 258. Schmitt, 2008 p. 287

<sup>52</sup> Compare Schmitt, 2008 S. 29-34

<sup>53</sup> {Vathi, 2007 S. 10-11.

<sup>54</sup> Džihić, 2008 p. 14.

danger of slipping into poverty. The poverty there is worse than in the neighbouring countries and, unlike the development in these countries, it has remained constant: "Overall economic stagnation is reflected in the lack of progress in improving living standards."<sup>55</sup> During all interviews with Kosovar authorities, this fact was emphasized (EI 1, 2, 3).

As far as attempts at overcoming this economic stagnation<sup>56</sup> are concerned, political measures have been shown to be hesitant and ineffective, while migration has proved a successful strategy.<sup>57</sup> From this point of view, the irregular Kosovar Albanians currently living in Austria may not deserve legal status as "war refugees", but they are, de facto, poverty refugees because they are fleeing from a general, continuous situation of poverty: this is a case of the cumulation of "old" poverty and a new precariousness that not only affects individuals, but the new state as a whole.

People emigrate in order to secure the necessities of life for themselves and their families elsewhere: "Not surprisingly, with an unemployment rate around 40 per cent, there is a high emigration potential. Twenty-six per cent of those surveyed in the Riinvest Household Survey and about 19 per cent intend to emigrate. Nearly half (49.8%) of those in the 20-35 age group intend to emigrate. Almost exclusively, the motivation for emigration is the economic situation in their families."<sup>58</sup> It is interesting to observe that "work" is frequently mentioned in connection with "family".

The migration project is a temporary solution. The purpose of the sojourn in Austria is to save money in order to secure the maintenance of the family and the children's future. Frequent references are made to the lack of future possibilities in Kosovo if families have no regular source of income. In some cases, quite specific investments are mentioned, such as, for instance, the wish to be able to run the family farm at a profit (QR 4), to save a small family enterprise from bankruptcy (QR 12), to finance vocational training in order to have access to a qualified job (QR 10).

Obviously, the search for work is motivated by more than just a quest for money. The following is an observation from a former refugee, now an Austrian-Albanian entrepreneur:

*"The families don't leave any more (...) but young people do, they take the risk, because there are probably no jobs there, either (...) The state is not strong enough yet to be able to create a social group or a middle class for these people. That is an important factor. There are no laws yet to protect employees and employers, and so on, and so on ... (...) Down there, the rate of unemployment is very high, 40, 70, 80 per cent. And the cafés are full of people. You know, they can afford to visit cafés, the money is there somehow, I don't know where they get it. But - okay - they can spend 3 or 4 hours there with one cup of coffee, that's the other factor here... this is why these young people often become victims of these gangs of smugglers, they are promised a better future and they want to try it and so on ..."* (EI-13, 427-442)

The interviews confirm the "intangible value of work" (Maria Jahoda) for Kosovars without papers: some of them state that they find it very hard to master day-to-day living without having work to do (QR 6, 7, 9, 12). Everyday life without a job may be free of anxiety, but it is also unstructured and monotonous, which leads to it being perceived as depressing (QR 12). Exactly the same thing will happen to some of them in Austria. Asylum seekers have work experience (even if this is sometimes rather limited), but the situation of irregular Kosovar migrants is hopeless; sometimes they are without any work at all for periods of up to seven months. In other cases, the interviewees were able to obtain occasional clandestine

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<sup>55</sup> Kosovo, 2007 p. I

<sup>56</sup> Džihic, 2008 p. 11

<sup>57</sup> Kosovo, 2007, p. 1, 5, 35

<sup>58</sup> Mustafa, 2007 p. 9



employment in the shape of unqualified jobs (mostly on building sites and in the catering industry) through the good offices of relatives or friends. Lack of income leads to isolation and restrictions of the freedom of movement, even in the cases of those Kosovars who are able to rely on the support of family members. Life is described as "too hard, too much stress and too inhuman" (QR 10).

In spite of all this, however, the memories of living conditions back home are so negative that some migrants have no doubt as to their feelings about a possible return: *It is better to remain as an irregular immigrant in Austria or in the EU countries than to return to Kosovo*" (QR 12).

### 3.3.2 Health

Frequently, Kosovar Albanians also make explicit mention of health problems suffered by family members and of the deficits in the public health system as motives for emigration, which is not surprising in view of the situation in the country of origin:

*"Infectious diseases cause 63 per cent of all childhood deaths and 48 per cent of premature deaths. The incidence of many infectious diseases is still high in Kosovo (...) The most frequent diseases in all the municipalities were Upper and Lower Respiratory Tract Infections (674.9 cases/100 000), Diarrhoea (645.8 cases/100 000) and Intestinal Parasitic Infections (104.2/100 000), and Scabies (206.2/100 000). These are all related to environmental factors. The best example is Obiliq/Obilic. This municipality reported the highest incidence of Lower Respiratory Tract Infections (449.60 cases/100 000/week), Acute Diarrhoea (255.12 cases/100 000/week), and Intestinal Parasitic Infections and Scabies (51.82 cases/100 000/week). The first one is likely to be related to the air pollution produced by the power plant. The second and the third categories strongly suggest problems related to drinking water and sanitation. The fourth category indicated poor personal hygiene and living conditions."*<sup>59</sup>

The Minister for Social Affairs of Kosovo described the desolate condition of the public health system in his country. There is no infrastructure for the treatment of diseases such as heart attacks or cancer. The only medical services offered to citizens free of charge are check-ups and diagnosis. (EI 2) This is the reason why the financing of medicines and the treatment of sick relatives is mentioned when irregular Kosovars or Kosovar experts talk about the factors that motivated them to migrate.

According to the experts, the health of the undocumented Kosovars is generally good. After all, most of them are robust young men. However, appearances can be deceptive in this point. Experts have drawn attention to persons with mental and behavioural disorders on several occasions:

*„... I know of such cases in Austria. He was in the war, a young man, etc., there are moments when he loses control completely; he witnessed something down there, the murder of a friend, etc. At the age of 16 or 17, he was probably not yet able to deal with this. And now he is here (...) We never had any psychological help down there, because the family, all together – there were no psychologists down there. And one needs time to deal with such traumata. There is a great number of them nowadays – there are many down there, too – one has to open people up, this means, one must approach people and ask them, because if they are left to themselves, they won't tell what happened."* (EI-13, 383-393)

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<sup>59</sup> UNMIK 2003, p.36

Wars cause psychological disorders, and pathological processes can manifest themselves not only immediately following a trauma, but also years later. This aspect must be particularly relevant among Kosovars: in connection with its development cooperation with Kosovo, the Federal Republic of Germany has set up an organization – "Die Brücke" ("*The Bridge*") – the priority of which is the psychological care of returnees. Ten psychologists trained in Germany provide treatment for returnees, in order to help them to re-enter the labour market. (EI 8) However, health problems are also aggravated in the host country or are even caused there. The living conditions of irregular migrants (loneliness, fear of being apprehended, limited access to social services, lack of rights) are difficult enough.<sup>60</sup> All the same, the sojourn in a refugee camp often leads to emotional stress, mostly in connection with the separation from the family, and with lack of employment (EI-14; EI-15). In isolated cases, there may also be problems due to the fact that some migrants have not yet been able to come to terms with their war experiences.

### 3.3.3 *Family life and continued stay in Austria*

In studying the lives of irregular Kosovar migrants, there are two central terms that appear over and over again and that characterize the main values in the lives of the interviewees; these are the family (of origin) and work.

#### **Migration: no individual undertaking**

The importance of family life within the context of migration is quite clear nowadays. This is shown by anthropological arguments as well as by specific factors in connection with migration experiences.<sup>61</sup> For this reason, many migration projects – including those of irregular Kosovars – can only be understood if they are approached from the perspective of family interests and considerations.

Even if, at first glance, we only seem to be studying the migration of young men, each individual migration project is referable to a family that exists in the background and that, in most cases und, shapes and influences this migration project. The parts played by family members are decisive, both in the country of origin and in the host country. From this perspective, it is important within this group

- a) whether someone is unmarried or has already started a family of his own,
- b) whether someone has family members already living in Austria or living in the country of origin.

**The family is never immediately visible.** De facto, all interviewees travelled to Austria on their own. However, there is never a question of individual migration, but rather of a project undertaken for family reasons, which, in ten cases out of twelve, was only possible thanks to direct assistance from family members and/or life partners. With the exception of one woman, all interviewees state explicitly that they left their homeland in order to be able to support their families. These data are confirmed by experts.

The support of the family left behind (parents, siblings or husband/wife and children) is regarded as an inescapable duty. There are indications of strong feelings of guilt in cases where the interviewees found themselves unable to provide for their own relatives/family members and became dependent on relations who emigrated earlier and who are already securely established (legal residents): "the family is disappointed when I do not send money" (QR 12).

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<sup>60</sup> Compare also Milborn, 2007 S. 75-76

<sup>61</sup> For a summary, see: Fernández de la Hoz, 2002: 11 – 13

Those who already have a family of their own decide in favour of migration on their own initiative. Other young Kosovars are ordered by their fathers to go to Austria. Such an order is *impossible to disobey* – as confirmed by an experienced adviser to returnees, who has personally taken care of more than 200 cases (EI-15).

### **Men and Women**

All experts interviewed have confirmed the predominance of men and their interests in this last phase of Kosovar migration. The obvious explanation for this is provided by family-cultural reasons: the responsibility of providing for the family is still, in most cases, "a man's job". Women only take over this role in cases where there are no men who are fit for work. It is interesting to observe that the two women who were interviewed in connection with the present project were both divorced. One of them has two children and has decided to emigrate in order to ensure their financial support (Ri 5).

The male dominance already mentioned above and the existence of feelings of guilt, as well as a pronounced paternalistic authority, are indications of the traditional family forms that have survived longer in Kosovo than in other regions of the Balkans. Until twenty years ago, everyday family life in Kosovo was characterized by Balkan family households. These were patrilocal families with patriarchal authority patterns and a patrilineal definition of kinship. Today's Kosovar Albanian families have retained the old forms of organization. Women continue to be very much dependent on men, as a Kosovar expert underlines:

*"Yes, it is true, there are not many of our women here. And those that are here have a terrible life. The only possibility for a woman to live here legally is to work as a prostitute. (...) And she'll do that until she has paid off her smuggler. Then she'll hope that someone whom she met there, that he will marry her and then she will be able to stay. That's awful, isn't it? But that's the way it is." (EI 10, 193-199)*

This quotation also shows that the Kosovar Albanian extended family has been undergoing a social and familiar process of change over the last two decades. The reforms in the educational system, the emergence of a middle class, the formation of intellectual circles and the process of urbanization in the 1980ies have contributed to these changes. As a result, the life of the citizens of Kosovo has gradually changed, and these changes have also affected their family life. Nowadays, there are several different types of families in Kosovo and also among Kosovar Albanian migrants, including relationships between unmarried couples, catholic marriages and marriages according to Islamic law. This reflects the inner conflicts of the country.

Paradoxically, in the case of migration, this male dominance acts as a protective shield for Kosovar women, safeguarding them from the hardships of life as an irregular migrant in Austria, which are particularly problematic for women:

Moreover, the cultural preference for male emigration tends to act as a protection for Kosovar women, since this preference saves them from the hardships of life as irregular immigrants in Austria, which are particularly tough on women, as an expert confirms:

*"Yes, it is true, there are not many of our women here. And those that are here have a terrible life. The only possibility for a woman to live here legally is to work as a prostitute. (...) And she'll do that until she has paid off her smuggler. Then she'll hope that someone whom she met there, that he will marry her and then she will be able to stay. That's awful, isn't it? But that's the way it is." (EI 10, 193-199)*

### **New family ties in the host country**

A few of the interviewees talk about their relationships with their Austrian girlfriends. There also reports from experts concerning young Kosovars who enter into partnerships with Austrian women in the host country. Marriages of convenience are a marginal phenomenon in this connection (EI 15). Many such partnerships result in bicultural marriages. Some experts who are not Kosovar nationals see this tendency as extremely positive, although they also report problems due to diverging perceptions on the part of the spouses concerning the gender roles, which, however, the couple usually manages to overcome (EG 15). One expert has an extremely critical approach regarding this point, because he sees many such marriages that only last for a short time as motivated exclusively by the man's interest in obtaining Austrian citizenship (EI 16). However, there is no evidence for this conclusion.

### **3.3.4 Transnational Families**

Sometimes there are additional family-related motives for emigration/immigration. The statements of the two Kosovar women interviewed (QR 5, 10) show that young women from rural areas do not enjoy much prestige after a divorce. This is the reason why one young Kosovar woman without papers came to Vienna (MI-10). She had married a Kosovar-Albanian who lived in Germany. Shortly afterwards, the marriage failed. After the divorce, her only option was a return to her parents in her home village, where she knew she would be looked down upon by the neighbours. She therefore, in spite of the fact that she had no papers, chose to move in with her brothers and sisters, who are legal residents in Vienna, in order to live with them. This case shows how family ties are not only used to ensure the financial security of the family members, but also to deal with non-materialistic conflicts and problems. The family ties seem to count for much more than the structural or legal framework conditions (irregular status). As in other cases, young Kosovars seem to move within a network of family members and close friends; usually, at least during the first phase, they do not seem to realize that their chance of obtaining authorization to stay is practically non-existent, given the legal framework conditions in Austria.

If there is so little chance of succeeding, why do irregular Kosovars continue to emigrate to other countries? Why, in particular, do they come to Austria?

As shown Item 3.2 c), Kosovo is a country of emigration. Migration habits are learned and passed on. In the cases analysed, the anchor migrants, who encourage others to emigrate and help them upon their arrival in Austria, are usually close relatives. These anchor migrants arrived in Austria at a time when they were recognized as asylum seekers or were granted a work permit, and it is obvious that they are role models for the new arrivals. An expert says:

*„Yes – then I had the Kosovar Albanians, who actually also had a chance – most of them were granted asylum at the time. The ones I looked after then, they are all living in subsidized flats now, they run their own businesses – incredible, really. Yes, come to think of it, that turned out very well.“ (EI 10, 45-48)*

A solid network of relatives living in foreign countries promotes the continuity of migration processes as long as the living conditions in the host country are perceived as bearable. Relatives offer help to new arrivals. However, at the same time, relatives abroad act as identification models by their mere existence; they have succeeded in escaping the misery, the poverty, the danger. This cultural dimension of migration is by no means specific to Kosovars, but it is particularly obvious in their case. It seems likely that the fact that they form a small community of migrants with intensive social contacts and a well-defined national identity contributes to the strengthening of identification patterns and to a promotion of the

phenomenon of "chain migration", as well as providing an explanation for the large numbers of Kosovars who assemble in some countries, including Austria:

*"We have here – a large number of Kosovars who are at present in detention pending deportation, who, in one way or another, have relatives who live here legally. It's only natural –if you have someone here, you will obviously come here, where you have a bridgehead, a refuge where there is someone who can help you. From this aspect, a linear approach would be misleading, only taking into account the indicator of prosperity – social ties are also very important reasons for choosing a certain country, and also for choosing Austria as the target country." (EI 09, 308-314)*

These mechanisms of the roles played by anchor migrants as identification models and of chain migration explain why people from different countries of origin develop preferences for certain migration destinations over time and also provide an explanation of the large numbers of Kosovars in certain countries – Germany, Switzerland, Sweden and also Austria.

### **3.3.5 Stay or Return?**

The question of "to remain or to return?" is difficult to answer. Most Kosovars who were directly contacted in the course of this investigation draw an extremely negative picture of their day-to-day life in Austria. The cases of single men who have no relations living in Austria and who are forced to live separated from their families for extended periods of time are particularly difficult. Some of them decide to return for this very reason (MI-I, 1).

A decided "no" in reply to a question about returning is rare, however (F9, 12). Most interviewees attempt to balance the chances they may have in Austria against those available at home. In the cases of the persons with whom more than one interview was held, it is possible to observe how day-to-day life in Austria becomes more and more discouraging as time goes by. Moreover, most interviewees state their desire to return repeatedly and in a credible manner. Altogether, all interviewees (with only one exception) want to return after two, or at most three, years. However, the experts also report cases of Kosovars who succeed in fending for themselves in the provisional situation of irregularity for longer periods. It is possible that the consequences of the restrictive measures imposed by the Austrian government are only beginning to make themselves felt now. It is also possible that the situation of the group examined has more facets than could be identified by means of interviews with no more than 15 persons.

Under certain circumstances, an answer to the question "to remain or to return?" can also be circumvented. The readiness for migration, the proximity of the country of origin and the importance of relatives are the basis for the strategy of adjustment to the unfavourable framework conditions in Austria.

*"If I am deported today, but know that I can be back tomorrow, I won't make trouble during deportation. (...) Geographically speaking, Kosovo is relatively close, it is (...) surprisingly easy to return to Austria from Kosovo. This is certainly one reason why deportations to Kosovo tend to be relatively problem-free. Except maybe for those who already have received a temporary prohibition of residence (befristetes Aufenthaltsverbot), who can now no longer expect to return to Austria in a legal manner, but who may have family or other interests here." (EI 09, 249-250; 253-256)*

Thus, there are irregular Kosovars who organize their life as a kind of temporary commute between the two countries. This shows more and more clearly that not all immigrants remain in the host country or return to their country of origin. Between these two alternatives, other,

more elastic ways of life have evolved, such as, for instance, the “commuting migrants”.<sup>62</sup> In this way, migration projects in “trans-national” areas are developed, in which family life is usually of central importance: although ethnic networks extend beyond the migrant families, they are often based to a great extent on blood relationships that are not always clearly distinguishable from ties of neighbourhood and friendship.<sup>63</sup>

The above-mentioned predominance of males, the existence of feelings of guilt and a well-developed paternalistic authority are reminders of traditionally informed types of family organization that have survived longer in Kosovo than in the other regions of the Balkans. Until twenty years ago, Balkan family households constituted the basis of the day-to-day living of most families in Kosovo. These families were patrilocal, with paternalistic authority patterns and a patrilinear definition of the relationships between family members. Today's Kosovar-Albanian families have retained many aspects of these old structures of family organization.

In spite of that, however, the extended Kosovar-Albanian family clan has been undergoing a process of socio-familial modification for the last two decades. The reformation of the educational system, the first indications of the creation of a new middle class, the formation of intellectual circles and the process of urbanization in the 1980s contributed to these modifications (see Item 3.2 b).

The migration of men and their absence also facilitated the social integration of women, since many of them were forced to assume new tasks and responsibilities as a result of the absence of their menfolk. The life of Kosovar women has changed gradually, including their family life. Nowadays, there are various forms of family organization, such as unmarried partnerships, catholic marriages, marriages according to Islamic law. This is in keeping with the inner contrasts of the country. Women are still very much dependent on men, as underlined by a Kosovar expert:

*"When my friends are [at a tavern] and it's eleven or twelve p. m., I tell them: hey, you, it's time to go home, the women are home alone, they're waiting! There is a lot left to do. But it needs time. I always say that an apple tree also needs 5 or 6 years before it will bear fruit. (...) You can't change things from one day to the next." (EG 13, 302-306)*

### **3.4 Cooperation with the stakeholders in the return process**

In all cases where irregular migrants decided eventually to return voluntarily, the native counsellor who organized and prepared the return trip for the irregular migrants, with the support of the project assistant, filled out also the last part of the questionnaire, which is looking at the cooperation and coordination between the involved stakeholders during the return process. This third part of the questionnaire was added with the aim to evaluate the operational set up and procedures for return of irregular migrants and possibly produce recommendations on how these procedures could be enhanced and improved.

Since only four migrants returned voluntarily under the RIIM project, this administrative evaluation is rather limited.

In all four cases the cooperation with the alien police, which was requested to issue travel documents for the return, was without any problems or delays. Similarly the cooperation with Caritas (Robert Hamerling House) was remarkably flexible and without any problems, in those cases where irregular migrants needed to be accommodated for the last few days before their departure. Caritas Linz referred two persons to IOM Vienna.

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<sup>62</sup> Wihtol de Wenden 2002 p. 4

<sup>63</sup> Boyd 1989, Heckmann 1998, Belbahri 1999

The cooperation with the Ministry of Interior, who was responsible to provide the cost approval for each returnee, was a bit hampered by the fact that within the MoI only in September 2008 the final official decision has been taken which department would be the one responsible for the implementation of the project. However the MOI established an interim modus operandi earlier on and all migrants except one could return under the RIIM project. This fifth returnee was able to return however under the programme of European Home Care (EHC), the partner organization, and this illustrates that the cooperation with European Home Care proved to be highly efficient and supportive. Also other migrants who turned out to be asylum seekers at any stage of their asylum request were referred by the native counsellor to EHC for further counselling and eventual organization of the return trip.

### **3.5 Reaching out to and assisting the target group**

#### **3.5.1 Introduction**

Following the good experience which IOM Netherlands had made in the past with native counsellors, the concept was also introduced for the first time by IOM in Austria within the framework of the RIIM project. A young Kosovo-Albanian was engaged for the project in October 2007 who shared with the target community not only the language, but also the ethnicity and to a large part the same experiences as a migrant in Austria. His main tasks and roles will be described in the following sections.

#### **3.5.2 Establishing Networks**

One of the main tasks of the project team was to establish the network which would allow access to the target group:

- The project assistant liaised with Austrian organizations dealing with undocumented migrants such as Ute Bock, Caritas (“Hammerlinghaus”), Amber Aid, Red Cross, Verein Menschenrechte and the hospital Barmherzige Brüder.
- The native return counsellor started networking through private contacts with the Kosovar community in Vienna to establish contacts with irregular migrants from Kosovo. In a further step the native counsellor researched relevant meeting points of the target group, which he started to visit regularly and where he could meet with irregular migrants.

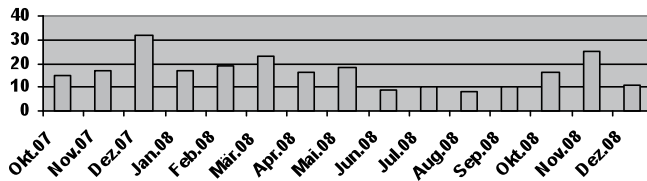
In scope of the RIIM project the native counsellor also provided individual support for the irregular migrants, such as translating letters and interviews, as well as accompany them to offices or medical examinations. On the one hand these services are necessary to establish a trust relationship and on the other hand it was essential to improve the knowledge about the needs of the target group. Trust is the most important factor for obtaining reliable data from the target group. Another important aspect of trust is the accessibility of the native counselor: his main activity is outreach and therefore he had to be reachable by a mobile phone every day from 0-24h.

Since the native counselor started with his networking activities the network developed according to the snowball theory from October 07 until December 07: once a certain number of key people within the target community knew about him and his activities and the project, the number of contacts increased steadily, which is also illustrated in below table. From January 08 on the number of monthly contacts remained more or less stable at around 20. However, during the summer months (June 08-September 08) the number of monthly contacts declined and also remained stable on a lower level (10 contacts). From October 08 until December 08 again an increase of contacts could be observed.

It has to be mentioned that most contacts are indirect contacts, i.e. irregular migrants do parties, normally his friends and people who trust him.

The following table shows the amount of contacts from October 07 - December 08. As can be clearly seen the number of contacts reached a peak in December 07 (over 30 contacts). The average number of contacts decreased to about 18 during the first half of 2008. From June 2008 onwards the average number of monthly decreased further to around 13, only to pick up again from October onwards, similarly to end of year 2007. The year closes with already 11 contacts only during the first half of December 2008.

**Figure 1: RIIM-contacts in Austria between October 2007 and December 2008**



### 3.5.3 Providing Information

Information leaflets were prepared in coordination with the Steering Group and distributed throughout the project period at all meeting points of the target group. Migrants who returned voluntarily obtained an information package, which was prepared in close cooperation with IOM Prishtina and includes all relevant information about Kosovo, such as micro-credit opportunities and the political situation.

### 3.5.4 The Native counselor takes on several roles

As described in previous sections, the native counselor fulfilled several functions at the same time:

- Counseling: The native counselor provided information about the option of assisted voluntary return to the target group; but also advises asylum seekers about their options by referring them to relevant return counseling agencies, who can assist them
- Interviews: while the native counselor was informing migrants, he also tried to get to know them and learn more from them and about their situation in Austria. Often he met them several times to obtain all relevant information. If they agreed to be interviewed in depth, he would arrange for an interview with the researcher, where he would assist as interpreter.
- Individual support: The native counselor provided individual support to the target group, such as translating letters and forms as well as accompanying them to offices or medical examinations.



### 3.6 Conclusions from the research: Possible alternative routes of escape from poverty

1. Austria is faced with an obvious labour migration movement of mainly insufficiently trained young men, caused by the following factors:

- the precariousness of the situation in the homeland. In this connection, the activities of the "Schlepper" gangs (gangs of smugglers) must also be mentioned. This is a branch of organized crime that profits from the weakness of the state.
- the existence of a migration network of relatives and/or friends in the host countries that provides identification patterns and support.
- a demand for cheap labour in the host country (underground economy, particularly in branches that are not flexible (building sector, catering industry, household).

2. The migration project of the irregular Kosovars is closely tied-up with family concerns. It is the goal of all persons who were interviewed directly (with the exception of one woman) to make money in Austria in order to provide for their own families.

3. Since these young Kosovars no longer have access to the Austrian labour market, they immigrate as applicants for asylum or simply enter the country without papers, usually with the help of smugglers.

4. It is impossible to provide a conclusive answer to the question of whether Austria's strict migration policy is effective or not on the basis of the interviews conducted (contradictory indications).

5. However, there remains the question of the mid-term effectiveness of a strict migration policy. In this connection, it is important not to underestimate the hopelessness of the socio-economic situation in Kosovo. Persons applying for asylum are frequently labelled "economic migrants". No matter how justifiable the distinction between economic migrants and refugees may be from a legal point of view<sup>64</sup>, it is important not to overlook the fact that this term is perceived as pejorative by the public. It emphasizes the false statements made in the application for asylum, but neglects the refugee from poverty, i. e., the person trying to escape from a desperate economic situation.

6. These attempts at escape will continue as long as the precarious socio-economic situation in Kosovo, as described in Item 3.2, remains unchanged. Many families in Kosovo have been surviving for more than ten years on the capital transfers from the so-called diaspora. This fact acts as a powerful pull factor for immigration into Austria and into other EU countries, even if the migration project is rendered impossible by the laws of the country.

*"In spite of its formal independence, Kosovo will not be able, at least not in the mid-term, to achieve a stable and sustainable improvement of its economic situation without outside help. Both foreign financial assistance and direct investments will be required to a large extent in order to boost economic development and to cushion the social crises."*<sup>65</sup>

For persons who have few human or material resources, a return is difficult unless they receive help by way of well-thought-out projects.

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<sup>64</sup> Economic migrants may benefit from the protection of their state of origin, while the refugees do not have that possibility. Economic migrants do not fulfil the criteria of the refugee's status and for this they may not benefit from international protection of refugees. "(Kuçi 2007, S. 17)

<sup>65</sup> Džihić, 2008 p. 13

- The experience of NGOs in Kosovo has shown that such projects do not necessarily have to be expensive or complicated in execution. People are highly motivated and mainly need help in (re)establishing an infrastructure (micro-credits, acquisition of machinery, tools, livestock, etc.) and in creating possibilities of vocational training.
- While in the 1980s, the so-called “rotation principle” was abandoned and a migration population emerged, there are other factors nowadays that could ensure a short stay of Kosovar migrants in Austria (2–4 years). These are the geographical proximity of the homeland and the desire to return. Against this background, it appears desirable to grant Kosovar immigrants access to the labour market in order to promote the overall development of the country and to achieve a reduction of the number of emigrants from the region in the medium term.
- Finally, it appears to make sense to implement projects aimed at granting young Kosovars the possibility of obtaining professional qualifications. Some projects of this kind involving students of the Vienna University of Natural Resources and Applied Life Sciences (*Universität für Bodenkultur*) are already being carried out. It would also be a good idea to provide support to non-academic experts by means of projects. The Republic of Kosovo is unable to cope with the educational needs of its young population. For this reason, Hafiz Leka, the Minister of Labour and Social Welfare, would welcome the implementation of cooperation projects with Austria, by which German-speaking Kosovar apprentices and polytechnic students would be enabled to do internships or practical training courses.

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## GENERAL CONCLUSIONS AND RECOMMENDATIONS

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Although the research reports have been kept apart due to the very different frameworks of every country, some general conclusions and recommendations can be drawn. The conclusions are based on the findings in the three countries. The research being part of the RIIM project, experiences in both the implementation of the project and the research are linked. Therefore the report will end with some recommendation for future policy, generated from discussions during the RIIM workshop in November 2008.

### **General conclusions**

Irregular migrants can not be considered as a homogeneous target group. The research in Germany and the Netherlands resulted in a richness of data and stories but both researchers found it difficult to draw general conclusions. Irregular migrants are as varied as there are nationalities, personal situations, motives for coming to the EU, possibilities for making a living. The stories of irregular migrants are very different and can hardly be standardized into questionnaires. Also, the group is of a very volatile composition that can experience huge changes within a few years. The research in Austria, focusing on one target group, was more able to have an in-depth study on living conditions and reasons to migrate. However in general, what factors are most critical with regard to the decision making process on return will differ from person to person as well. As a general rule not one single condition, but a vast variety of conditions affect the decision making process on return.

Generally, the influence of the social network of migrants is very important. Social or family ties can seriously affect the decision making process on return. Just like the decision to migrate to Europe, leaving Europe is also a decision that can be strongly influenced by the social network.

Not surprisingly, the security and economic situation in the country of origin also heavily has impact on the decision to return. Especially the deter-effect of a worsening security situation in general withholds migrants to seriously consider returning. Moreover, if the migrant left his country because of violence or political prosecution and has witnessed traumatic events, it might be impossible for him to think about returning, even if the situation in the country of origin has changed significantly. There are indications that a rising economy in the country of origin does positively affect return, but the relation between the economic situation and return seems less strong than the security situation and return.

If economic reasons were the decisive factor to travel to the EU, there are useful incentives at hand to motivate migrants to return. Start-up-programmes can be of interest to those migrants, providing that they are tailor made and the means meet the necessities.

The impact policy changes have on the actual decision making process of an individual migrant is limited. This does however not imply that policy does not at all influence return migration. Policy changes can (in)directly affect the decision making process on return. Opening up the labour market for Polish workers has had a direct push-effect on Ukrainian irregular migrants wanting to leave the Netherlands. The findings suggest furthermore that strict border patrols in the EU may have a stay effect on migrants. Once they managed to enter the EU after having invested much time, energy and financial means, they are less likely to consider returning. The (debate) about the regularization scheme had a significant stay-effect, whereas intensified police- and labour inspections acted as a push-factor. Feeling the

pressure to leave can be a strong incentive to return but can also induce a person to stay in an even more invisible and undercover situation.

Nevertheless native counselling has proven to be a successful tool to reach out to and assist irregular migrants and rejected asylum seekers, with regard to the gathering of data for the research and for assisting migrants to make a decision on voluntary return. Their specific cultural background and language knowledge enables them to assist migrants in a tailor made way. Given the multitude of factors that may influence the decision making process of potential returnees, the guidance and objective information NC's offer can be most helpful for the target group.

### **General recommendations**

In the framework of the project, partners and policy makers shared information and experiences during a workshop in November 2008. The results of the surveys were an important topic for discussions. Based on the gathered knowledge in each country, some recommendations were defined:

- Sharing of experiences on the local (city) level is an important added value for dealing with problems a city is faced with by the presence of irregular migrants. Irregular migrants are placed in an extreme vulnerable position and therefore prone to exploitation. Although situations and target groups differ per country and city, there is much to learn from existing solutions, taking into account the specific local situation.
- A major constraint of the implementation of the research but also of the implementation of Assisted Voluntary Return programmes is the difference of legal framework, means of survival and offered means of reintegration when returning in each member state of the EU. This hampers the implementation of a project like RIIM by making it unnecessarily complex, but also gives room for inequality in the treatment of migrants already in a situations with very limited rights and opportunities. Every migrant should be treated in the same way in the EU. The EU should work on a similar package for all returnees unregarding the host country they are departing from.
- There is much to win by investing in a better structure for reception facilities in the countries of origin. Returnees are not always willing or able to be aware of the reality in the country of origin. Better information and preparation before departure enables a better start upon arrival and a well managed reintegration enhances the chances of sustainable return.
- Reception centers for returnees could function as information offices for migrants who wish to go to the EU. This would stimulate legal migration.
- The success of the RIIM project is reached mostly by creating a contact between counsellor and migrant on the same level. Migrants are stimulated during the counselling process, to think about and take responsibility for their future perspectives and find viable solutions to problems. This enhances ownership and in the case of a decision to return, sustainability of the return.









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