Chapter 6

Undocumented immigrants

1. Introduction

The issue of undocumented immigrants in Europe has begun to attract close political and scientific attention since the beginning of the 1990s. It was at this time that European countries became aware of the consequences of, firstly, their termination of recruitment policies for official workers, secondly, the immigration reality created by the ethnic and political conflicts in Eastern Europe, Sub-Saharan Africa, and some Latin American countries, and, finally, by the general poverty and deteriorated living conditions in many other parts of the world from which a significant number of asylum seekers and economic immigrants originated.

In light of the increasing interest in the presence of undocumented immigrants in Europe, the goal of the current chapter is to discuss the issue of undocumented migrations from several angles. After a brief critique of the usage of terms such as "illegal immigrant", "illegals" and "(illegal) alien", the chapter will present a definition of the concepts "undocumented migrant" and "undocumented worker". We will proceed by summarizing the main research conducted on undocumented immigrants in Brussels and outlining the major findings. Subsequently an overview of the existing provisions for supporting undocumented immigrants will be made. We will conclude by assessing the overall state of research, and by analyzing its major drawbacks.

2. Terminological note about the expression "illegal" immigrant

Even though the phenomenon of undocumented migration has existed for more than a century, there is still no standard or uniformly accepted term to refer to undocumented migrants. Having witnessed and foreseen the terminological problems that will be

addressed below, in 1975 the UN General Assembly recommended that all UN bodies use the term "non-documented or irregular migrants/workers" as a standard[1]. This recommendation has however, a limited influence outside the UN and has been adopted only by some international organizations and NGOs.

The most frequently adopted designations in non-UN publications include "illegal (im)migrant", "illegal", "illegal alien", "clandestine", "irregular (im)migrant", "irregular alien", "undocumented immigrant", "without papers", and "wetbacks" in some cases of Mexican-U.S. migration. Very rarely an author provides a justification for the use of one term over another. Usually the terms are used synonymously, but there is a tendency to never use the terms "illegal" and "alien" in the same text with "undocumented" or "without papers". Hereby, we would like to argue against the usage of "illegal" and "alien" and any combinations that involve one of these words, firstly because when used to refer to people they are devoid of meaning from a legal and a linguistic perspective (simply put, their usage is inaccurate). Secondly, we criticize the use of these terms because of the negative social and political connotations implicated. Thirdly, these words are powerful tools of public opinion manipulation because these concepts construct what Charles Stevenson (1969, pp. 33) calls "persuasive definitions", where the emotive meaning of the word has the power to displace the descriptive meaning[2]; in an extreme case, it can equate the human right to migration[3] with a criminal act.

The primary critique against "illegal" and "alien" is based on the fact that only an act can be illegal while a person by him or herself cannot be "illegal" or "criminal". It is the act that falls under the provisions of the penal code of a country and it is respectively

[1] UN General Assembly resolution No. 3449/XXX from 09 December 1975.

[2] The emotive meanings of ethical judgments are normally constructed under high levels of irrationality.

[3] The right to migration has been recognized and codified in Article 13 of the Universal Declaration of Human Rights (UN, 1948) according to which (1) Everyone has the right to freedom of movement and residence within the borders of each state; and (2) Everyone has the right to leave any country, including his own, and to return to his country.

punished and not the person per se[4]. Another argument against the use of "illegal immigrant" could be formulated through an examination of the definition of "illegal". According to Merriam Webster Dictionary (2005), "illegal" means "not according to or authorized by law; contrary to or forbidden by law". The synonyms of "illegal" are the adjectives "illicit", "unlawful", "criminal", "illegitimate", and "wrongful". It is evident that none of these could be used to refer to a person. The widely adopted usage of "illegal migrant" has been somehow institutionalized by the U.S. legal tradition in which the term "illegal immigrant" is used to denote "an alien (non-citizen) who has entered the United States without government permission or stayed beyond the termination date of a visa" (Law.com Dictionary, 2006) On the other hand, the term "illegal" has two meanings, the second of which refers to the "status of a person residing in a country of which he/she is not a citizen and who has no official permission to be there" (Law.com Dictionary, 2006). Since the purpose here is not to analyze the creation of legal terminology in the United States we will conclude this section by deliberately illustrating an extreme by pointing to the fact that, strictly speaking, only an immigration judge in the United States can make a determination of "illegality" (Flores, 1984). By this we wish only to argue in favor of reconsidering the terminology used to describe foreigners without a legal status in a country; instead of labeling people as "illegal immigrants", as is done by many authors and public figures who are not legal practitioners, we should use the term "undocumented im/migrant".

Similar commentaries could also be made about the term "illegal alien". The literal meaning of "alien" according to Merriam Webster's Dictionary of Law (1996) is "relating, belonging, or owing allegiance to another country or government". Similarly, in Encyclopedia Britannica (2006) "alien" is defined as, "in national and international law, a foreign-born resident who is not a citizen by virtue of parentage or naturalization and who

[4] Exactly this legal reasoning is one of the elements that distinguishes democratic constitutional states (which have a democratic penal law driven by the act) from totalitarian regimes (which have an author-driven penal law), such as the national socialist regime in Germany, or the Stalinist regime in Russia, where individuals, and not acts, were prosecuted (Ferrajoli, 2001; Roxin, 1992).

is still a citizen or subject of another country". The problem with the word "alien" arises when it is combined with "illegal"; the term "illegal alien" could be addressed with the same arguments advanced against the use of "illegal immigrant".

Setting aside the linguistic and the juridical meanings of "illegal immigrant", the issue of how this term is used to address the larger public remains acute. The media and political figures, as powerful actors who influence public opinion, create prejudices, and shape uninformed opinions (especially in the case of socially sensitive issues), are primary proponents using the most negatively charged terms when referring to undocumented migrants or issues related to irregular migration. It would be banal to repeat the well known fact that the issue of undocumented migration is one of the major weapons used in political campaigns of extreme-right wing parties across the world and especially in Europe. We all know also that undocumented immigrants are like a disposable "tool", as they are the best and easiest scapegoat in moments of national economic recession, but they are highly desired (and respectively tolerated, not prosecuted and even actively recruited) during periods of industrial and agricultural boom when there is need of supplementing the work force (Stoddard, 1976). In this context, labeling the undocumented migrant in a derogatory way, which implies criminality, does have negative repercussions primarily for the migrant and especially when society feels anti-immigrant sentiments. This fact was, for the first and, unfortunately, only time, explicitly addressed in Europe by Claude-Valentine Marie (2003) who condemns the use of the word "clandestine" to refer to foreigners living illegally in a country not just for reasons of "nice semantics", but because the words used to refer to a given population or situation influence the way the latter are regarded and, most importantly, the political philosophy governing how they are handled. The author stresses that:

> … the term "clandestine" has the major effect of strengthening the public perception that migrants themselves generate crime and are a potential "threat", thus seeming to justify their situation being dealt with by policing alone, and a policy in which a *rationale of security* prevails over all others (Marie, 2003, p. 9, emphasis added).

By intentionally using words such as “illegal” or “clandestine” to refer to people, the political attention in Europe has shifted from unbiased observation, description, and subsequent management of undocumented migration, to a highly biased redefinition of one major part of international migration. This redefinition poses immigrants as a threat to the European Union and as criminal, not because of its nature per se but through the mechanisms introduced to protect Europe against it.

Some academics, however (e.g. Polinard *et al*., 1984, p. 782), ironically justify their preference of the term “illegal aliens” exactly “because of its widespread use in the media in the coverage of immigration issues”. Such an argument does not reflect at all upon the media’s reliability or its capacity to institute unbiased terminology, nor does it consider the consequences of allowing the media’s preferences, as stimulated by public opinion, to determine linguistic usage in academia.

Here we will use one example to illustrate how easily and tenuously derogatory terms referring to undocumented migrants are promoted by the European Union, unconditionally due to linguistic negligence or a purposeful strategy to inappropriately equate undocumented migration and criminal acts. The following words of the former Commissioner for Justice and Home Affairs provide the reasoning of the highest echelons of migration management in the European Union and they also indicate the way in which policies that are formulated to cope with irregular migration can be intrinsically biased exactly because of this perception of undocumented migration:

> The fight against trafficking in human beings and illegal immigration can only be effective if we set objectives and apply legal and administrative instruments at European Union level. The *criminals* who commit these *hateful* acts are organized in transnational networks and we must not allow them to exploit the differences between – or indeed the inadequacies in – national legislation in order to escape justice (emphasis added).

This very statement of Antonio Vitorino has been eagerly adopted by the press and was also presented to the public by the Commission's press release from February 12, 2002 (Reference IP/02/224) entitled "Combating illegal immigration and trafficking in human beings: the Commission's proposal for residence permits for victims who cooperate with the authorities reminds the Member States that the phenomenon cannot be tackled at the national level alone", a press release designed to disseminate the Community efforts in fighting irregular migration. The press release offers a good summary of the traditional thinking on migration issues upheld by the Commission and the Council and it requires some comments. In the first place, there is an indisputable tendency to impose the term "illegal" as the only correct term to address all forms of irregular migration. The outcome of this linguistic preference is that all cases in which people deliberately or unwillingly remain in an irregular situation in the destination country (such as, for example, remaining in the EU despite the country's denial of asylum, when the conditions in the country of origin and not safe) are stamped as an act of crime. Since this is the case in the large majority of the EU texts where the issue of illegal migration is discussed, one can see the pronounced inclination to criminalize the act of residing in a state without the necessary documentation. Moreover, this is done without considering provisional measures for assessing the cases in which an undocumented migrant has indeed broken an immigration law as opposed to the cases when the migrant has been a victim of a sluggish reception system that has, de facto, transformed him or her into either an undocumented worker during the asylum application's processing or into an irregular migrant after the application was rejected[5]. To put it another way, the intentional or non-intentional attempt by the EU to equate undocumented migration with crime is clear because the different forms of

[5] In this case we refer to the fact that undocumented work is a natural response to the length of time required for an asylum application's assessment, which can last up to five or even seven years, and that during this period the asylum seeker in Belgium has no formal right to work. Consequently, after residing in Belgium for such a long time without obtaining refugee status, many former asylum seekers tend to remain in the country illegally.

undocumented migration are collapsed in one. To use the EU's vocabulary, while documented migration is "managed", undocumented migration "should be combated".

The EU's inability to separate criminal and non-criminal acts is also evident from the fact that the terms illegal immigration and trafficking go hand in hand in all Council and Commission texts. However, considering trafficking as a form of illegal immigration is conceptually wrong, since immigration is a willful and conscious act of rational agents while trafficking is not a result of free and rational decision-making by the trafficked person. This is explicit in Article 3 (a) and Article 3 (b)[6] of the United Nations "Supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" of the "Convention Against Transnational Organized Crime", according to which the definition of trafficking is as follows:

> a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.
> b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used (UN, 2000a).

[6] Article 3 (c) and (d) specify that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) and that "child" is any person under eighteen years of age.

Thus, in the case of genuine trafficking, according to the above definition, the deeds of the trafficker rather than the deeds of the trafficked person may be considered a crime. One outcome of trafficking is the de facto "creation" of undocumented status, which has not been rationally chosen by the trafficked person. Even though trafficking is a form of irregular migration, the actions of the undocumented migrant cannot be viewed as not abiding by law. Nevertheless, traffickers are punished only in rare occasions while their victims are systematically prosecuted (IOM, 2005).

The case of smuggling is different, as defined in Article 3(a) of the "Protocol against Smuggling of Migrants by Land, See and Air", which supplements the "Convention Against Transnational Organized Crime" according to which:

> "Smuggling of Migrants" shall mean the procurement, for financial or material gain, of the illegal entry into a state of which that person is neither a citizen nor a permanent resident (UN, 2000b).

In the case of smuggling no element of force, deception, or abuse of power is present and the immigrant has consciously chosen to employ the services of a smuggler, by personally requesting smuggling services or by the smuggler's suggestion. The most important difference between smuggling and trafficking is therefore the consent of the migrant. In the case of smuggling the migrant has consented to the operation which ends with his or her arrival at the destination, while in the case of trafficking the person has either never consented or, if there was initial consent, that consent has been rendered meaningless by the coercive, deceptive, or abusive actions of the trafficker; the person's exploitation is an ongoing process that continues after arrival at a given destination (IOM, 2005).

This presentation of the internationally accepted definitions of smuggling and trafficking has been introduced to stress the necessity of making explicit the distinction between trafficking, illegal immigration, and smuggling, especially when policies for managing migration in the European Union are being formulated. Failing to do so and

adopting the standard way of addressing the issue of "illegal migration" as identical to trafficking and stamping it as a "hateful act" will only lead to the misperception of the phenomenon and subsequently presenting it to the public in an erroneous way. Moreover, the lack of conceptual clarity hinders the adequate management of undocumented migrations.

The purpose of this introduction was to argue against the arbitrary choice of terminology referring to undocumented migrations. Taking into consideration some legal, linguistic, and social-political concerns indicates that the use of "illegal migrant/alien" should be seriously reconsidered and replaced with alternative terms, such as "undocumented" or "irregular immigrant", which are both correct and lacking in the negative social implications induced precisely by "illegal immigrant/alien" or of "clandestine alien".

To summarize, it should be noted that in the present text we make a terminological distinction between the victims of trafficking and smuggled migrants (as described above), undocumented immigrants, undocumented foreign workers, and immigrants. For undocumented migrants, we refer to foreigners who are residing and or working in the host country without residence and/or entitlement to work; for undocumented workers we mean legal or irregular migrants who do not have the right to work[7]; and for immigrants we mean foreigners who are residing legally in Belgium. Within the group entitled immigrants, one could distinguish between short-term immigrants, which includes all foreigners residing in the country for less than three months, and long-term immigrants, or those who are residing in the country for more than three months (for a thorough presentation of these categories of migrants see Chapter 8, section 2). To conclude, the focus of the present thesis will be on undocumented foreign workers and undocumented migrants.

[7] For a detailed discussion of these categories of migrants, see the next section (3) of the present chapter.

3. Who are undocumented immigrants?

Prior to introducing a summary of the undocumented migration worldwide and in particular to Brussels, we would like touch upon the question, who are undocumented immigrants? This is of primary importance for comprehensively understanding the phenomenon, especially in the current Belgian situation where the term "undocumented immigrant" has no legal definition and is not used in legislation. As the expression "undocumented immigrant" refers only to the administrative situation of a particular person or group of people, it fails to project the wide range of circumstances leading to this situation as well as the diversity of immigrants' life histories and survival strategies following immigration that result from the various ways of becoming undocumented.

Even though the meaning of the term undocumented migrant seems somewhat intuitive, an examination of the literature on undocumented migration as well as the policy measures for managing undocumented migration in the European Union reveal that there is no unanimity in definition or related terminology. This is often a result of the specific research goals or policy objectives pursued. Among the main approaches attempting to create a typology of undocumented migrants, one could distinguish between subjective, structural, and legal perspectives, which in fact offer no more than different accounts for the reasons why a migrant becomes undocumented. The subjective approach, which is essentially in the same line as the classical push-pull factor theories of migration, views irregular migration as a result of one's economic aspirations and the impossibility to achieve them in the country of origin. Related factors that generate flows of undocumented migration, are quality of life, job opportunities, salary, the health system and so on (Chiswich, 1980; Rivièra & Goodman, 1982). Opponents of the subjective approach raise the critique that it does not take into account structural factors such as labor market segmentation and the need for an undocumented work force in particular sectors which are highly labor consuming and low paying for which no native employees can be contracted (Moulier-Boutang *et al.,* 1986). The structural approach focuses therefore on the sectors where undocumented migrants are recruited and on the current vital importance of

clandestine work for certain sectors, such as confection industry and building/reconstruction, which must use this work force in order remain competitive (Slimane, 1995). In other words, undocumented migration can be viewed as a result of the need for a cheap labor in a capitalist society because it maintains competitiveness on the global market.

The legal approach however is the only one offering a formal definition of the "undocumented migrant", a definition based exclusively on the possession or lack of sojourn documentation as required by state legislation (Böhning, 1984; Kagné, 2000; Bouckaert, 2001). At this point, it could be argued that all classifications of undocumented immigrants not accounting for the legal basis for undocumented status indeed do not contribute to the conceptualization of the term "undocumented migrant" since it is only the judicial factor which transforms a foreigner to an undocumented migrant. The subjective motivations, the existing push and pull factors, and the market needs cannot produce undocumented migration by itself. What create undocumented migration are the legal restrictions regarding entry, residence, and settlement of third country nationals. The most vivid evidence for this is the undocumented migration from Mexico to the United States, which is probably the most comprehensively studied issue of clandestine migration in the past 60 years. This undocumented migration status has been proven to be the outcome of simply the imposed legal restrictions on entry, or to quote Ellwyn Stoddard (1976, p. 158):

> *…the patterns and practices of illegal immigration from Mexico have been operative ever since the arbitrary bi-national boundary* between the U.S. and Mexico *was established*.

In the context of strict legal criteria that define when a person is an "undocumented migrant", special attention should be given to the phenomenon of *undocumented work*, which does not necessarily involve only undocumented migrants. The category "undocumented migrant workers" is much larger than that of "undocumented migrants" since it refers to all those people, residing legally or illegally, who are gainfully employed

without entitlement to working rights or who are working on the black market. In any of these situations, the income of the undocumented worker is not reported to the tax services. As far as the existence and the perpetuation of undocumented working practices is concerned, the impact of the previously described structural, subjective, and other push-pull factors can be clearly distinguished. Undocumented work can be a consciously chosen strategy for increasing personal or family income (e.g. earning extra money, avoiding taxes, avoiding the payment of social security contributions). It is often reinforced by market and industry needs such as the need for cheap and flexible employees – these workers remain cheap only when they are undocumented. In the case of undocumented immigrants, it testifies for the fact that no legal provisions for third country nationals exist. There are, however, less clear-cut situations in which undocumented work is the result of an interaction between subjective, structural, and legal factors. An example is the case of people who have residence documents as students, tourists, or spouses, but who have abused the entry system just to get legal access to be in the target country and then work illegally in sectors relying heavily on undeclared work.

Taking all the above-mentioned issues into consideration leads to the conclusion that an undocumented immigrant could be defined as a person who is not in the possession of a valid residence permit delivered by the competent authorities in the country where he or she lives (Kagné, 2000). When referring to undocumented immigrants one could distinguish between two different paths to undocumented status: first, via irregular entry and, second, via irregular residence. These two forms are not mutually exclusive, however, as illegal border crossing does not necessarily lead to illegal residence and irregular residence does not always presuppose illegality. Undocumented immigrants who gained access to a country via irregular entry are, for example, victims of human trafficking, those who have entered with false documents or without valid documents, but have avoided border controls, and “false” asylum seekers or economic migrants who have abused the asylum system in order to have access to the destination state. On the other hand, one also could consider undocumented residents to be those who remain in a country beyond the allowed period of three months; immigrants whose residence permit expires and is not

renewed; those came on tourist visas who have prolonged their stay; students who did not return home after finishing their studies and failed to renew their residence documents; family members who do not fall under the category of family reunification but who remain in the country; foreigners who have lost their diplomatic or consular status; former au-pairs; former athletes; rejected asylum seekers who have not left the host country upon application rejection; and last but not least those who are in the process of requesting extensions to their residence permits or visa *after* the expiry date of their documents. Irregular immigrants who are also involved in economic activities without obtaining the needed authorization could be defined as "undocumented workers". It should be noted however that the category "undocumented worker" does not include only undocumented immigrants who are gainfully employed but also documented people who are not entitled to work. In the latter category are all those who work as "false students", tourists, and work permit holders who exercise lucrative activities beyond the allowance of the work permit.

Due to their status, undocumented immigrants are excluded from the formal labor sector and most of the health and social services. They face social stigmatization and exclusion and are widely considered to be living in legal disobedience. The predominant attitude towards them is one of intolerance, discrimination, and exploitation. These people are perceived by the public as inferiors who steal employment from the local residents and contribute to reducing the use of legal labor, they are understood to be benefiting from the welfare system in the country, and as involved in criminal activities (Eaton, 1998; Engbersen & Van der Leun, 2001; Kundani, 2001; Venturini, 1999). Somehow this perception fails to account for the fact that undocumented immigrants are employed in sectors, demanding low-skilled and low-paid workers, where the local population refuses to work. It disregards the facts that: they could hardly rely even on emergency health care although they are one of the most vulnerable social groups; they face endless problems such as finding satisfactory jobs and shelter, harsh exploitation, and even physical abuse by employers; they live under permanent stress that they will be discovered and deported and therefore in a situation of complete uncertainty about the future (Camerota, 1998; Chavez, 1998; Huntoon, 1998). They are, further, restricted from participating in numerous

activities for which one needs to have "papers" and, not lastly, they are often unable to return to their countries of origin (Aroian, 1993). Still they prefer to remain in the host country because of the very few, but subjectively positive interests, such as escaping from regions of violent conflict and starvation where the chance of merely surviving is questionable. In the case of the undocumented workers, it is better to live in this situation in the host country, to work hard and to earn and save in order to escape from poverty.

4. An international perspective on undocumented immigrants

Studies on undocumented migration worldwide are difficult to enumerate and to present in a coherent way. The social, academic, and political interest in the phenomenon of irregular migration and undocumented work has yielded thousands of research accounts on virtually every aspect of undocumented migration and produced a broad range of characteristic of irregular migrants. Without claiming to encompass all fields of research or to systematize all disciplinary and methodological perspectives, throughout the next paragraphs we will attempt to illustrate the fields of interest in undocumented migration and thus testify to the importance of the phenomenon from an international perspective. By reviewing the existing literature on undocumented migration, we have tried to summarize the primary angles from which irregular migration has been studied (as presented below[8]) and in this way offer to those interested in undocumented migration a starting point for understanding this vast subject. It should be noted that quite often one particular research project or report deals with more than one facet of irregular migration, so the following enumeration of research perspectives should not be considered final or exclusive[9].

1. A geo-historical perspective: The research in this field aims to understand the patterns of population movements and the historical international developments in irregular

[8] Since a multidimensional classification of the research on undocumented migration falls outside the scope of the present contribution, we will not attempt to systematize the research as it is conducted at the national level but will only present the main streams of academic research according to the way it appears worldwide.

[9] Contributions mentioned elsewhere in the current work will not be included here.

migration. It may also include the demographic structure of immigration by age and gender, country of origin, educational status, language proficiency, ethnicity, religious affiliation, living and housing conditions, family structure and so on. For example, Adepoju (1984) offers a summary of undocumented Nigerian flows; Villar (1984) illustrates irregular migration to Argentina and the subsequent policy responses; Roy (1984) and Pellegrino (1984) concentrate on Venezuela; the French experience is presented by Thierry (2001); the changing migrant populations in Russia are discussed by Popson & Ruble (2000); the case of Greece is illustrated by Lazaridis & Poyago-Theotoky (1999) and Lianos (2001); Poland and its irregular migrants are analyzed by Okolski (2000c); the Italian case is presented by Golini & Strozza (1998); Nepalese undocumented flows to Japan, by Yamanaka (2000). Roer-Strier & Olshtain-Mann (1999) offer the readers an in-depth exploration of undocumented Latin American workers in Jerusalem. The South African experience of undocumented migration can be consulted in Crush (1999) and a contemporary perspective about the dynamics of irregular migration in Europe is offered by Le Voy, Verbruggen & Wets (2003).

2. A legislative and policymaking perspective: These studies concentrate upon: the advantages and the drawbacks of immigration legislation on the national, international, or European Union levels; the historical changes in the legal meaning of irregular migration; the ways undocumented populations occur; the ways irregular migration control and management are established and the implications of such measures. Some contributions in this field include Stoddard (1976) on the institutionalized support for undocumented Mexicans in the United States; Brennan (1984) on policymaking regarding irregular migration in Africa and Asia; Couper & Santamaria (1984) on the changing concept of "undocumented migrant" in the United Kingdom; Simpson (1984) on U.S. reactions to undocumented migration from the early 1980s; Epstein *et al.* (1999) on the occurrence of undocumented migrants; Huntoon (1998) on the issues in creating a common EU policy on immigration; Robinson (1984) on the Canadian experience. Additionally, the criminal behavior of undocumented migrants in Holland has been studied extensively by Engbersen & Van der Leun (2001).

3. An employment and labor perspective: In its broad scope, this research questions: the immigrant employment status; the relation between education, professional experience, and occupation after immigration for different immigrant groups in various countries; the patterns in occupational mobility and career development; adaptation to the job market; issues of entrepreneurship and self-employment; illegal work; and the main problems encountered by immigrants such as racism, discrimination, underpayment, unequal treatment, unsafe working conditions, and so on. An example of the working conditions in sweatshops is presented by Kwong (2002); of the relationship between legal and illegal employment, the impact of illegal work on the local economy, and the determinants of illegal work by Ethier (1986), Slater (1986), Baldwin-Edwards (1998), Venturini (1999), Hazari *et al.* (2000), and Bansak & Raphael (2001); of undocumented Latino females' labor force participation in the United States by Cobb-Clark & Kossoudi (2000). The role of foreign undocumented workers in Portugal was analyzed by Malheiros (1998).

4. A psychological perspective: The psychological research on immigration seeks to understand primarily immigrant adaptation, acculturation, and integration into the host society; characteristic personality traits and the value systems of immigrants; attitudes toward every aspect of immigrant life in a host country; motivations for emigrating; the coping strategies for the whole variety of problems encountered during and after immigration; the predominant ingroup-outgroup relations, bias, and stereotyping; levels of psychological and emotional distress, and so on. It would not be exaggerating to say that disciplines such as personality, social, organizational, and clinical psychology tested their empirical hypotheses with both local and undocumented immigrant populations. For research on psychological and emotional distress one could consult, among others, Berry & Kim (1987), Rodriguez & DeWolfe (1990), Nguyen & Peterson (1993); on attitudes towards undocumented Mexicans in the U.S., see Cowan *et al.* (1997); on attitudes towards immigrant exclusion from public services in the U.S., see Quinton *et al.* (1997). The issue of integrating undocumented migrants at the European level is tackled by Böhning (1991); acculturation of immigrants in the U.S. is handled by Fuchs (1984); exclusion and racism in France is considered by Dubois (2000).

5. A sociological perspective investigates the process of formation and maintenance of immigrant networks and the process of reestablishing communities in host countries; the modes of group formation, as well as inter- and intra-group communication. The most numerous contributions in this aspect draw upon Mexican migration to the United States (see Rosenthal-Urey (1984) and Krissman (2005)). The development of ethnic networks of undocumented migrants in Japan is studied by Yamamoto (2000). The importance of ethnic communities for undocumented migrants in Holland is presented by Burgers (1998). In this context we should stress that the concept of the migrant network has become paramount in explaining and understanding international migration to such degree that other migration related factors have begun to be overlooked (for a recent critique of the network approach one could consult Krissman (2005)).

6. A health perspective, focusing on: the physical and metal health of undocumented immigrants, their perception and reaction to stressful life events, and immigrant children's survival rates. For medical services by undocumented immigrants, the reader could consult Reijneveld *et al.* (2002); the HIV prevalence among undocumented migrants in South-East Asia is recorded by Bain (1999); the degree to which hospitals in the U.S. can help undocumented migrants, by Bilchik (2001); health care use and hospitalization rates among undocumented Latinos in the United States, by Berk *et al.* (2000).

7. A distinct line of research concentrates upon refugees, asylum seekers and displaced people: what are the best ways of protecting refugee rights?; what is adequate treatment of refugees?; how are genuine asylum seekers distinguished from economic migrants who exploit the available refugee system? This last point is one of the hot topics nowadays leading to cases of human rights violations, changes in legislation, and broad political arguments. Ouali (2004) offers a recent contribution on the Belgian experience, while Kundani (2001) presents the present racism towards asylum seekers in the United Kingdom.

8. Immigrant trafficking, abuse, and trade in human beings are other immigration realities attracting the attention of social scientists, police, and policy makers. Analysis of these phenomena in general is offered by, among others, Schloenhardt (1999), Taylor &

Jamiesson (1999), and Aronowitz (2001); about Europe by Salt (2000); about the Canadian experience by Oxman-Martinez *et al.* (2001) and Thobani (2001); about trafficking between the Philippines and Belgium by Van Impe (2000); about Italy by Campani (1998).

We will conclude this attempt to present at least some of the research traditions in undocumented migration by stressing again that the quoted contributions are only a minor reflection of the voluminous materials dedicated to the phenomenon of irregular migration flows and stocks. In the next section, we will proceed towards summarizing and analyzing the known information on the particular case of Brussels and its undocumented migrants.

5. Information about undocumented immigrants in Brussels

The scientific interest on undocumented immigrants in Brussels accelerated in the early nineties and, until now, it has been predominantly concentrated on the largest and easily identifiable immigrant groups: namely, the Polish, Romanian Roma, Latin American, Filipino, and Congolese immigrants. At present, the research on undocumented immigrants could be described as still developing and, broadly speaking, knowledge about the phenomenon remains scant and limited in scope.

The main problem that researches face and attempt to overcome is the high invisibility and mobility of the studied population, which presents serious difficulties to identify the undocumented immigrants, quantify the obtained information, and then draw reliable generalizations. Considering these obstacles it is not surprising that the main practical studies have been initiated by anthropologists and have been implemented by adopting qualitative research methods. For this reason, the range of the research remains, by and large, purely descriptive.

To further summarize, the most important research questions address the typical profiles of undocumented immigrants in Brussels, their past and current migration histories, their work practices and job search activities, and finally their everyday life survival strategies and informal mechanisms for protection from discovery by the public authorities (Leman, Siewiera & Van Broek, 1994; Slimane, 1995; Leman, 1997; Bafekr, 1999a;

Bafekr, 1999b; Soenen, 2001). Some of the research focuses on undocumented immigrants from all nationalities (Slimane, 1995; Adam *et al.,* 2002) while other research explores one particular group such as the Colombian community (Van Broek, 1994), the Nigerian community (Nwolisa-Okanga, 1999), the Polish community (Siewiera, 1994; Kuzma, 2003), and the Bulgarian and Polish communities (Paspalanova, 2004).

The first main conclusion that could be made regarding the conducted research is that while the undocumented immigrants share some characteristics in common, these cannot be reduced into a typical profile. Hereafter we will try to summarize the most distinctive tendencies relating to the undocumented immigrants' histories and life trajectories in Brussels, but the reader should bear in mind that these are subject to permanent change depending on the social and political conditions in the country of origin, changes in immigrant family status, improvement in financial situations, motivations for migration, and numerous other factors. Finally, it should be stressed that immigrants' nationalities and their reasons for coming to Brussels (seeking asylum and protection or for undocumented work) are the two major factors responsible for the various profiles of undocumented immigrants (Leman, 1997). For example, undocumented workers in Brussels are only motivated to earn enough money to fulfill their economic goals, but they do not expect any form of support from the Belgian state. Asylum seekers who have been denied and are therefore undocumented, on the other hand, have no prospects in their countries of origin and tend to develop a sense of dependency, expecting support from the Belgian welfare institutions in cases of illness, or financial and accommodation problems (Leman, 1997).

Before discussing particular characteristics of different immigrant groups, it should be noted that undocumented immigrants have the following priorities in common: finding residence and work, living as cheaply as possible, and saving as much as possible to send to family at home or in order to achieve personal goals, such as improving one's standard of living upon return to the home country, building or purchasing a house, investing in the education of children, or setting up one's own business.

Several general attributes of all immigrants groups are also distinguishable. Regarding living conditions, undocumented immigrants in Brussels tend to settle in immigrant districts, such as Schaarbeek, Molenbeek, Saint Gilles, Anderlecht, and Saint-Josse-ten Noode, where the cost of living is lower and the chance for remaining unnoticed is greater. Sharing a small apartment with relatives, friends, or colleagues is a common practice. One does not usually invest in decent furniture or household appliances as the place is considered only a temporary residence.

In their daily lives, immigrants have little contact with Belgians or the Belgian administrative, social, and cultural institutions. This makes any form of integration into the local society difficult if not impossible. For the majority of undocumented workers the only contact with Belgians is at the work place or with school directors and teachers of the children of these undocumented workers. Living in illegality also has either a negative impact on or makes impossible a whole range of activities, such as opening a bank account, using medical services, signing a rent contract, joining a sports club, driving a car, using a library, etc. Living on the margins of the society is further aggravated by the constant fear of being discovered and deported from Belgium. Undocumented immigrants seek to alleviate the difficult situation by interacting with their own community. The church plays a prominent role in this community life and immigrant support. It is often after a church service that immigrants from the same nationality meet to find mutual support in their everyday lives and also to exchange information about existing job opportunities, accommodation, schools, doctors, etc. Going to church offers one of the few opportunities for developing a social life.

As far as the employment of undocumented immigrants are concerned, one should recognize the fact that immigrants are often underpaid or not paid the agreed salary and they are often fired without warning, especially in cases of work injury or pregnancy. Undocumented employees in the construction industry often work in dangerous settings, without adequate safety equipment, which heightens the risk of occupational injuries.

Finally, immigrants are reluctant to use health services, even in cases of serious health complications, because of anxiety regarding their immigration status, language comprehension problems, and economic pressure.

5. 1. Undocumented Polish immigrants in Brussels

One of the first in-depth studies about the Polish immigrants in Brussels was conducted in 1992-1994 and was followed by two studies questioning the situation of Polish immigrants' children and pregnant Polish women in Brussels (Leman, Siewiera & Van Broeck, 1994; Bafekr, 1999a; Bafekr, 1999b). The primary interests of these studies have been the immigrants' motivations for coming to Brussels, the prevailing types of work activities, housing and living conditions, the predominant type and frequency of social relationships maintained both in Brussels as well as with people in the country of origin. All conducted research tries to identify the immigrants' future prospects e.g. to return home, to migrate to another country or to settle permanently in Belgium. The answers to these questions reveal several general characteristics of Polish undocumented people in Brussels, which will be presented in the following paragraphs.

The main reason for emigration to Brussels is economic in nature. The majority of Polish immigrants originate from the provinces of Bialystok and Lomza in the Northeastern region of Podlasie, which was poverty-stricken at the time of the research and offered very few options for employment (these were mainly in the agricultural sector). Most of the villages of Podlasie had no doctors, schools, post offices, or even telecommunications. At the household level, the situation was not much better – many families did not have even minimal living conditions such as a charcoal oven for cooking and heating, running water, or toilet facilities inside the house. In this situation, most of the residents saw migration to the big cities and more often immigration abroad as the only ways of improving their lives. The largest migration to Brussels took place in the period 1991-1993, and was made possible by the existent immigrant networks in Brussels. As a rule, immigration seldom took place randomly and immigrants depended either on a loan from relatives or friends or on the help of countrymen settled in Brussels who provided initial support to find a job, a

general orientation to the peculiarities of living with an undocumented status in Brussels, and sometimes they provided assistance with accommodation. Indeed, the Poles who had already settled in Brussels and had established professional contacts with local employers acted as the major assistants for finding jobs. The most common practice in this context is that an "old" immigrant "sells" a job to a newcomer, after finding a better job or in the case of return migration. Another widespread phenomenon is the "black" recruitment practices established by some immigrants, meaning that some immigrants act as recruitment intermediaries; they first contact employers and assure job vacancies and then sell the job to a new immigrant for a given commission.

A closer look at the demographic characteristics of the Polish immigrants reveals that the average age of immigrants has decreased[10] and the number of female immigrants has increased. The feminization of migration is increasingly widespread, but remains understudied because of the traditional immigration research style that considers female migrants dependent on their husbands. For example 80% of Polish immigrants in Brussels are female, a rather striking fact that should receive more attention (Leman, Siewiera & Van Broeck, 1994).

As far as the immigrant educational status is concerned, one should notice that the women are better educated than the men and the younger immigrants better educated than the older. Looking at the professional activities before emigration reveals a uniform pattern of women active as tailors, kitchen personnel, clerks, nurses, hairdressers, and factory workers; and men active as farmers, mechanics, electro- and auto-technicians, plumbers, and painters. In Brussels, the women are employed mainly as domestic workers, cleaning ladies, baby-sitters, or assistants for old people, and to a lesser degree as hotel or restaurant personnel, while the men are employed in the construction sector. Most of the Polish women work for several employers and try to work at least 40 hours per week to secure a

[10] The research on Polish immigrants in Brussels reveals the increasing presence of teenage (17–18 year old) Poles who have migrated alone.

monthly income ranging between 20,000 and 30,000 Belgian francs (or approximately 500 € to 750 €).

Further on, it should be mentioned that no particular type of family status is predominant among the undocumented Poles. Research reveals that all varieties of family structures are equally represented. In Brussels there are immigrants who reside in the country alone, single parents (usually the mother) with a child or children, divorced persons; people who came alone and later on found a partner in Belgium (mainly of non-Belgian nationality), and families with or without children. Family status is, however, to a certain degree related to the employment and lifestyle of each migrant.

Single people tend to work longer hours – 12 to 14 hours a day including the weekends – and try to save as much as possible in a short time. There is, however, a tendency to switch to a more "relaxed" lifestyle if the immigrant remains in Brussels longer than the initially planned time. In comparison with families and single parents, single immigrants have more time for leisure activities such as seeing friends, going out for a drink, or organizing small parties at home.

Young single immigrants migrated to Brussels not only for economic reasons, but also with the intent of becoming independent from their parents, to escape from family conflicts, and to enjoy the freedom that they have in Brussels. The initial excitement, however, cools after several months of residence in Belgium, especially when they realize that the financial prosperity dreamed of is not achievable in a mere two or three months of work in Brussels on the black market.

Polish families residing in Brussels are a relatively smaller group compared to the other groups. The main goals that families have, besides economic progress, include achieving certain level of stability, finding decent accommodation and stable work, and providing an education for their children.

The situation of immigration is most difficult for family members who remain separated. The detrimental effects of immigration could be observed on several levels. Firstly, it is not uncommon that immigration of one of the partners leads to permanent separation or divorce, especially after one of the persons starts a new relationship.

Secondly, children who remain at home become alienated from their parent abroad and have resultant adaptation problems that negatively influence their educational progresses or have harmful impacts on their social lives. Separated children are also reported to have more behavioral and social problems compared to the children living with their parents.

Polish families and single parents who have children rely on the services of a Polish caretaker or send the children to private kindergartens run by co-nationals.

As is the case for most of the other undocumented immigrants, Polish immigrants live in poor neighborhoods and have small apartments, which often offer a roof for several persons. One could hardly speak about comfort: too many residents share the same accommodation, visitors come and go at any time of the day, the furniture is old and worn out, and the children often do not have a separate space for studying and doing homework. However, after a longer stay in the host country some undocumented immigrants invest in more comfortable living standards.

The social lives and the social relationships of undocumented Polish immigrants in Brussels are restricted mainly to contact with co-nationals. One could speak about a well-distinguished Polish community whose members keep in constant contact, concentrated primarily around Polish churches and the markets in Anderlecht. Usually on Saturdays and Sundays, people meet to exchange news, to chat with friends, to buy cheaper goods, and discuss work opportunities. The Polish shops and slaughterhouses in Anderlecht are common places for "buying" a job, finding Polish newspapers, and even videos in the Polish language. In this Polish community one could find all kind of services offered by co-nationals such as repairs, medical care, baby-sitting, hair dressing and the like, so that one could actually live in Brussels without leaving one's own community except for work and shopping. In this situation and considering the undocumented status of the people involved, is not surprising that few immigrants are interested in the social reality outside of their community.

Finally, it should be stressed that the probability of return migration cannot be estimated in a reliable way. As it has already been pointed out, Polish immigrants come to Brussels with the intention to earn as much as possible in the shortest time and then to

return home. Once in Brussels however, it turns out that the initial plans fail to be realized and the sojourn in Brussels grows. Often, instead of the intended six months of stay, immigrants remain in Brussels for several years. The reasons for this are diverse. On the one hand, people are unable to earn the desired amount of money to repay their debts in Poland or the earnings are insufficient to satisfy their goals. On the other hand, many immigrants become used to the standard of living in Belgium; while nevertheless being quite poor they find it still better than what they had in Poland. The situation becomes more complicated once parents enroll their children in local schools. Many parents believe that their children will have better opportunities in life if they are educated in a foreign language environment. The chances of return migration are even more difficult to estimate if we take into account another typical characteristic of the Polish migratory pattern: namely, migration rotation practices. The basic principle of the rotation system is that upon the (planned) return of one person to Poland, another one arrives to take the vacant job. The person who is in Brussels has the responsibility to initially support the new arrival with accommodation and a familiarization of the work tasks. Later on, however, the return migrant arrives once again in Brussels and takes over the job. This pattern of working and traveling suggests that immigrants are able to secure jobs in Brussels and this in turn further postpones a decision to return to Poland definitively.

5. 2. Latin American undocumented immigrants in Brussels

The conclusions about Latin American immigrants in Brussels are drawn from a qualitative study conducted with 120 undocumented Colombian and Peruvian women, aged 20 to 50 years old (Van Broeck, 1994).

Unlike immigrants from Eastern Europe, the Colombian and Peruvian undocumented immigrants in Brussels undertook migration not only for financial reasons, but also because of precarious political situations in their countries of origin. The daily lives of these immigrants were constantly endangered by armed conflict, criminality, and physical violence. Many of them had a relative or friend killed or reported missing. The

political instability naturally created a constant concern for personal safety and the opportunity to develop their and their children's lives.

Similar to Polish immigrants, the selection of Brussels as a target destination city was stimulated by the existence of a Latin American network in Brussels. The first waves of migration from Colombia and Peru in 1980 and 1985, respectively, initiated this network in Brussels. Since then a practice of chain migration gathered speed. This is further explained by the traditional importance of solidarity for Latin Americans. Quite often, the unwritten social rule says that a family member abroad is responsible for helping future immigrants. The help provided to the newcomer ranges from paying for the trip to Brussels to providing accommodation even if it is for more than three months, and helping the newcomer to find a job.

The professional activities and social relations of the Latin American women do not differ from those of Polish immigrants. They also work mainly as household help for Belgians and sometimes work in restaurants, shops, and factories. After work and during their free days, these immigrants tend to move only in circles of co-nationals.

Plans for return migration are more vague for Latin American immigrants to Brussels due the geographical distance of their countries of origin, the greater investments made in immigration, the larger debts to be repaid, and, not least, the insecure political and social environment in the home country.

5. 3. Pregnant, undocumented women in Brussels

In light of the afore-mentioned fact that the majority of undocumented immigrants in Brussels are women, the situation of undocumented pregnant women poses a distinct problem. Considering the current situation in Belgium where medical provisions for undocumented immigrants are available only in emergency cases and where pregnancy is not considered an emergency, the survival strategies and living conditions of undocumented pregnant women reveal a worrying reality. In the first place, the majority of undocumented women who are pregnant rarely have regular medical checkups, even when there are complications. Secondly, delivery sometimes takes place at home in unhygienic and

precarious conditions that pose a serious risk to the lives of both the mother and the baby. When undocumented women give birth in a hospital, they tend to leave shortly after the delivery because they are unable to pay for the medical costs. Avoiding medical help is also provoked by the fear of being discovered and deported from Belgium. All these factors are shown to lead to higher prenatal mortality, more complications during pregnancy, pathological pregnancies, and a higher risk of illness in the group of undocumented women.

The seriousness of this issue was addressed in a systematic way for the first and only time in a study about the coping strategies of undocumented pregnant Polish, Filipino, Romanian Roma, and Congolese women residing in Brussels (Bafekr, 1999a).

The study reveals that the overall situation of pregnant women residing illegally in Brussels depends largely on their family status and nationality. So, for example, undocumented Polish women who live in a stable relationship with a husband or a partner and who are professionally active are more careful during pregnancy and undergo more regular medical examinations in comparison with all other immigrant groups. These women stop working four to six weeks before delivery and receive extensive financial and psychological support from their partners and their relatives who come to Brussels to support them several weeks before and after delivery. It is not uncommon that the family members take over the domestic tasks of the home in this period.

Single pregnant women, on the other hand, are in a much more difficult situation. Usually they are in their early twenties and in most cases the father of their child has abandoned them. These women usually also have dysfunctional contact with their family members in Poland from whom no assistance can be expected. During pregnancy, they are unable to keep a job and under these circumstances they depend solely on the help and support provided by friends and co-nationals in Brussels or by priests and social organizations in their commune.

Filipino women have usually arrived in Brussels accompanying diplomatic personnel, as domestic staff for foreign embassy officials or executives from international companies, or through chain migration. A considerable number of them live in the house of their employer and therefore have undefined working hours, while others share and

apartment with two or three other Filipino women. Women from the Philippines have exclusively Filipino or Belgian partners. Pregnant women stop working eight to ten weeks before delivery at which time their partners take over their work. The Philippine community of legal immigrants is an important source of support for undocumented women. As a rule, legally residing immigrants voluntarily provide their compatriots with addresses of doctors and medical institutions that assist undocumented women during pregnancy.

The Romanian Roma women, who live in much worse conditions compared to other undocumented immigrants – often sharing a room or a small apartment with a husband and four or more children, where basic provisions such as heating, hot water, and electricity are not available – have significantly more serious health complaints and psychological problems during pregnancy. Pregnant Roma women do not undergo regular medical examinations and, in cases of complications and delivery, rely on emergency medical services.

However, undocumented Congolese women seem to be in the most difficult social situation compared with the previously described groups. These women often come to Belgium with false documents or as students and stayed on to work on the black market. A significant number are rejected asylum seekers who did not leave the country upon a denial of their applications. Since most of the Congolese women are single mothers, the biggest complication in their cases is the lack of a support network or a partner who can provide at least some psychological support. Pregnant Congolese woman do not undergo the needed medical examinations and do not take medicine because they lack the financial resources.

Considering the situation of the undocumented pregnant women in Brussels one might notice that immigrants: are often unaware of existing assistance for pregnant women; refuse to use private health insurance because they unwilling to pay extra; do not anticipate serious health complications. Immigrants are seldom informed about the varying prices in different hospitals and they often have no chance to choose which services to use, which

poses a serious problem in cases that could, in principle, be reimbursed by a Public Social Welfare Center.

There are several organizations providing help for undocumented immigrants during pregnancy. In the first place, women can rely on free medical checkups from the group, Child and Family. In cases of complications or pathological pregnancy, women are assisted by Doctors without Borders or by the Support Center for People without Papers, who can cover medical expenses. Finally, Sint-Pieters Hospital in Brussels provides free help when urgent medical intervention is needed.

Women may also rely on the support provided by some advisory centers. Planning F, for example, assists women who would like an abortion. The Social Service for Foreigners provides help especially in cases when pregnant women are expecting deportation. In these cases, the center tries to postpone the decision for deportation from the eight month of pregnancy until the third month after the child is born. Exil is an organization providing therapeutic help in cases of serious psychological problems. Espace P supports women working as prostitutes and Pag-Asa focuses on the victims of human trafficking.

Unfortunately, the existent support and intervention infrastructure is fairly unknown to immigrants and is also insufficiently popular, especially among interested groups.

5. 4. The children of undocumented immigrants in Brussels

Information about the children of undocumented immigrants is limited. What there is can be drawn from two studies based on 121 interviews with children and adolescents from Poland, Kosovo, Albania, Armenia, Serbia, Guinea, the Czech Republic, Rwanda, Congo, Brazil, Colombia, FYR of Macedonia, the Philippines and Romania (Bafekr, 1999a; Bafekr, 1999b).

Some general conclusions from this research are that most of the children experience educational problems because of insufficient language proficiency and a lack of decent conditions for studying at home. In a situation of absent parents, there is no one to stimulate and support children in the educational process. Given the additional fact that

contact with local children is basically nonexistent, the children of immigrants commonly spend the day after school watching TV or playing video games. In cases of children who are willing to study, one can often see the detrimental effect of factors such as a lack of space for studying and constant disturbances from people living in the same apartment and the constant presence of visitors.

A child's educational progress is also shown to depend on the nationality of the parents. Women from the Philippines are most likely to support their children's education. The same tendency is typical for the Polish immigrants, but it is not true for Congolese and Romanian Roma immigrants.

6. Support and assistance for undocumented immigrants

As it has already been described, the undocumented immigrants in Belgium live in precarious legal and social situation, uninformed about their basic rights, often becoming victims of exploitation by employers and proprietors. In this context, providing assistance and guidance to undocumented immigrants is especially needed for these groups of people who are not able to survive on their own and who often have to live in situation that violate their most basic human rights. The response of the Belgian public authorities towards the problems of undocumented immigrants consists mainly in managing some accommodation centers for people in need, organizing expulsions, and rarely implementing campaigns for the regularization of undocumented immigrants (Kagné, 2000). Consequently, one cannot fail to observe the necessity of institutions and non-governmental organizations to observe, protect, and promote migrant workers' rights, to provide practical information about the peculiarities of living as an undocumented immigrant, and to assist as much as possible with material help and legal advice at both the individual and group levels.

The work of the organizations active in the field of assisting undocumented immigrants is hindered, however, by the fact that such aid is often viewed as a criminal act by national legislation. The Belgian legislation allows assisting undocumented immigrants only in the cases of "mainly humanitarian considerations". In all other cases, knowingly assisting foreigners to accomplish illegal entry or settle illegally in Belgium could be

punished[11]. Criminalizing the assistance provided to undocumented immigrants is very worrying from a human rights perspective, especially when special assistance should be provided to victims of human trafficking, people who suffer from serious illnesses, and rejected asylum seekers who await deportation to a country where their lives will be in danger. Providing assistance to undocumented immigrants in need is vital if Belgium wants to avoid their further social exclusion and exploitation, which in its turn will lead to new poverty and deviant survival strategies among clandestine migrants. Therefore, it is important that assistance provided to undocumented immigrants at least not be hindered, if not actively promoted.

All organizations active in protecting the rights of undocumented workers in Belgium consider as a basic value several international conventions and treaties, such as the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families (ICMW, adopted on December 18, 1990) (UN, 1990), the Universal Declaration of Human Rights (UDHR, adopted on December 10, 1948) (UN, 1948), the European Convention on Human Rights (adopted on November 4, 1950) (Council of Europe, 1950), the Convention on the Rights of the Child (adopted on November 20, 1989) (UN, 1989), and the International Covenant on Economic, Social and Cultural Rights (adopted on December 16, 1966) (UN, 1966). Moreover, the organizations standing for immigrant rights refer to article 23 of the Belgian constitution of February 17, 1994, establishing the principle of recognition of economic, social, and cultural rights for everyone living on Belgian territory, as well as article 191, which says that every foreigner on Belgian territory has the right of protection granted to persons and goods, besides those exceptions provided by law. It should be stressed that these principles are difficult to apply to undocumented immigrants who, though they cannot benefit from health protection and social security, should at least be provided with the rights of immigrants to live a life of dignity (which includes the right to decent accommodation and a means of survival) and protection from exploitation and abuse.

[11] Belgisch Staatsblad/ Moniteur Belge, 26 June 1999.

Bellow, we will present the main actors in the field of immigrant protection – non-governmental organizations and trade unions – who try to overcome the legal hindrances to acts that aim to safeguard and promote immigrant rights.

The Platform for International Cooperation on Undocumented Migrants (PICUM), for example, is an association of German, Dutch, Belgian, and British as well as numerous international NGOs who actively: promote respect for the basic social rights of undocumented immigrants, inspect the possibilities for and promote the regularization of irregular migrants' residence, and promote humane treatment during the process of their detention and involuntary return.

Protection for undocumented migrant workers is provided by the by the Belgian General Federation of Labor[12] which supported the regularization of undocumented immigrants who have lived in the country for five years or more. One of its branches, the Union of Employees, Technicians, and Managers in Brussels[13], has, among other aims, the goal to prevent the exploitation and victimization of undocumented workers due to their the lack of papers. In 1999, the Union was also active in recruiting undocumented immigrants and immigrants who were already in the process of regularizing their status to assist in the regularization campaign held by the Belgian state. Likewise, the Confederation of the Christian Trade Unions[14] insisted on the regularization of refugees from Kosovo living in Belgium since July 1998, (European Foundation for the Improvement of Living and Working Conditions, 1999).

The main support to undocumented immigrants in Brussels is provided, however, by numerous local non-profit NGOs. Depending on their resources and power to influence policy decisions, these organizations cover a wide range of activities, usually aiming at assisting more than one group of immigrants. NGOs such as APD (Assistance for

[12] Algemeen Belgisch Vakverbond (ABVV) / Fédération Générale du Travail de Belgique (FGTB)

[13] Bond der Bedienden, Technici en Kaderleden (BBTK) / Syndicat des Employés, Techniciens et Cadres (SETCa)

[14] Algemeen Christelijk Vakverbond (ACV) / Confédération des Syndicats Chrétiens (CSC)

Displaced Persons), CIRE (Co-ordination and Initiatives for Refugees and Foreigners)[15] and OCIV (The Consultative Center for Integration of Refugees)[16] assist refugees, asylum seekers, and undocumented immigrants by providing accommodation, legal and psychological support, and orientation to life in Belgium. Other institutions, such as the federal Center for Equal Rights and Struggle against Racism and MRAX (Movement against Racism, Anti-Semitism, and Xenophobia)[17] focus their efforts not only on undocumented immigrants, but also on victims of racial discrimination by lobbying widely for the protection of the interests of immigrants. The Support Center for People without Papers[18] provides aid and assistance in various areas to both undocumented immigrants and asylum seekers. For emergency and regular medical help undocumented immigrants can rely on the help provided by Doctors Without Borders. Caritas International Rescue specializes in providing accommodation and special assistance in situations of distress to asylum seekers, rejected asylum seekers, and undocumented immigrants. The Association for Foreigners' Rights[19] focuses its efforts on legal consultations for immigrants in need and especially on training field workers, such as lawyers and volunteers, to assist irregular migrants. Without getting into a comprehensive description of the activities held by all NGOs[20] we would just like to stress the fact that immigrants' rights and interest are protected and promoted by many non-profit organizations and it is important that undocumented immigrants are made aware of the existing support structures. Providing adequate information and sensitization to target groups could ameliorate the situation of not only those who suffer from violations of human rights, but also the individuals who need a guided support in the process of regularizing their status.

[15] Coordination et Initiatives pour et avec les Réfugiés et Étrangers (CIRE)

[16] Het Overlegcentrum voor Integratie van Vluchtelingen

[17] Mouvement contre le Racisme, l'Anticémitisme et la Xénophobie (MRAX)

[18] Steunpunt Mensen Zonder Papieren (SMZP)/ Point d'Appui

[19] Association pour le droit des étrangers (ADDE)

[20] For a more detailed presentation, the contribution of B. Kagné (2000) on undocumented immigrants in Belgium can be consulted.

7. Conclusions

Conducting research on undocumented immigrants is problematic considering the invisibility of the population under study and the difficulties of identifying, reaching, and recruiting respondents for research purposes. Undoubtedly, pursuing detailed research with members of those populations is a cumbersome process and scientists working in the field are often satisfied with merely being able to locate their respondents. In this context, the research done in Brussels is contributing to the general knowledge about the realities of undocumented people and makes some initial conclusions about these people possible: who they are, what makes them come to Brussels, how they survive in illegality, and what their future life prospects are. The conducted research has some limitations, however, which should be considered in order to achieve better understanding of the obtained results and to outline the aspects that require further attention.

We would like to start by focusing on some limitations of the study of Bafekr (Bafekr, 1999b), regarding the characteristics of children of undocumented immigrants, that should be considered when interpreting the research results and using them further in other studies. Firstly, we stress the terminological incorrectness of the description of the "Eastern European Romany Gypsies", who, according to the author, are "comprised of 'residence illegals' whose presence in Belgium is *completely* illegal" (Bafekr, 1999b, p. 295, emphasis added). In this context, we would like to refer to the definitions of irregular migrants presented in the beginning of this chapter. As already mentioned, in legal terms, immigrants are either documented or undocumented depending on the possession of residence and work permit. Documented immigrants could be involved in gainful activities without having the right to do so, but this fact does not change their status to undocumented or illegal. In this context the term "completely illegal" is incorrect and could be viewed as a tool purposefully communicating a message about the gravity of the "illegal" status, thus

prejudicing the reader against the unprivileged Roma community and reinforcing negative sentiments about Roma immigrants in Brussels[21].

Secondly, the study reports the results of 121 interviews conducted with children from 32 nationalities, not all of which have been specified, but conclusions have been drawn only about the Polish and the Romanian Roma children. In the research framework presented, it is unclear how many Polish and Romanian children were interviewed, and therefore no conclusions about the representativeness or validity of the study could be made.

Thirdly, the possibility for generalizing the research results for other members of the studied populations is also questionable since no standardized research methodology has been used. The interview questions were not specified in advance and questions were included or excluded from the interview depending on the respondents' cultural background, which makes the comparability of the results impossible and suggests further that the obtained results could be a mere artifact of the interview framework.

The author also reports using projective and intelligence tests for "understanding many difficult situations" (p. 296) but the tests used and the theoretical considerations upon which these tests were based remains unspecified. In this situation, one should consider with extreme caution the author's conclusion that "on standardized intelligence tests the children scored far below average" (p. 301). Conclusions of this nature, especially when it is unclear if the tests were standardized for Polish and Romanian Roma children, bring us back to the issue of intentionally stigmatizing and discriminating against the children of undocumented immigrants.

Some comments should be introduced also when interpreting the results of Polish and Latin American immigrants in Brussels. In the first place, the methodological instrument in this study is "participant observation" meaning that the researcher collected

[21] The author uses the phrase "completely illegal" to refer *only* to the Roma children and not to undocumented migrants of other nationalities discussed in Bafekr, 1999a and Bafekr, 1999b.

information about the studied phenomena by participating in the respondents' everyday life and by occasionally conducting unstructured interviews. A complication for interpreting the obtained results and drawing conclusions about generalizability of the revealed patterns arises however because no information about the implementation of the "participant observation" is available. Lack of information about which part of the daily life of the immigrants was observed, and for how long, could also raise a question about the validity of the obtained results.

Secondly, it seems that the interview structure was different in the studies of the Polish and Latin American immigrants; this limits the comparability of the obtained results. In the first case, for example, the authors provide a detailed profile of the immigrants according to their family situations, while this information is missing in the second study. On the other hand, the study of Latin American immigrants asked more in-depth questions about the social life and leisure time activities of the respondents, but at the same time it fails to account in a systematic way for their professional activities.

Considering further the fact that the main motivation for migration for all studied immigrant groups was economic in nature, it is striking that in all studies systematic information about the economic situations and remittances is missing. Brief mention is made regarding how much money the immigrants earn on average per hour or per month, but one cannot conclude, based on this information, whether this is regarded as sufficient by the immigrant, nor such things as: how much is needed to fulfill pre-emigration plans, what is the level of spending in Brussels, and how much longer does the immigrant plan to stay in Brussels to achieve his or her goals. Without exploring this issue, making even rough predictions about the future migration intentions is hardly possible, which leaves one of the primary research questions in all available studies unanswered.

The study of the Latin American immigrants in Brussels draws the reader's attention to the inhumane deportation practices in Belgium, for example of a police check after which people were kept in detention and later on deported without the opportunity to collect their property and savings. However, the author does not report how this information was collected. In the beginning of the chapter, the author states that 120

interviews with people residing in Brussels were conducted, but does not report if any of the interviewees disclosed the knowledge of relatives or acquaintances who were deported. The absence of a single interview in which encounters with the police have been described is, in this context, remarkable and puts into question the credibility of the information used to raise allegations of mistreatment of undocumented immigrants in the process of deportation. The sensitivity of the issue of deporting immigrants in humane and safe way, especially in the light of the widely recognized fact that undocumented immigrants are easy victims of exploitation and human rights violations, calls for special attention. With the lack of evidence about deportees' inhumane treatment, the information about the deportation practices could have easily served only as a tool for reinforcing the message about the harshness of the life of undocumented immigrants. Here we are not attempting to depreciate the gravity of living with undocumented status. In line with all stated commentaries, hereby we try to argue that objective justification is needed, especially when delicate and easily manipulated issues are studied scientifically.

Without going deeper into particular details about the conducted research one final conclusion could be drawn: the purely qualitative and descriptive nature of the studies presented, as well as the non-standardized methodology: makes it impossible for us to estimate the strength and the preponderance of the patterns discussed, puts into question the significance of the results, and, finally, prohibits a comparison of the research findings. A review of the research on undocumented immigrants in Brussels suggests that the clandestine nature of the phenomenon "undocumented migration" offers an excuse for the lack of analytical rigor applied to the studies of informal migration. The underground nature of the phenomenon is difficult to capture by standard survey techniques, but this is not a reason for leaving entire segments of the social reality in Brussels unstudied.

These limitations, which by no means diminish the importance of the research conducted, could be employed as a starting point for enhancing future endeavors in the field of undocumented migration. For example, the utilization of both qualitative methods such as participation observation, semi-structured in-depth interviewing, and quantitative research techniques such as applying standardized questionnaires, could be instruments for

revealing the diversity and the complexity of the studied phenomena and allow us to make more general conclusions based on the comparability of the results obtained.

The research discussed above also addresses the necessity to elaborate further on the variety of immigrant groups studied. Considering the fact that during the last 20 years, immigration to Europe has become highly differentiated in terms of country of origin, entry status, educational level, and skills (Kofman, 2002) and that the old economic migration and family reunification is overshadowed by massive flows of asylum seekers coming from armed conflicts in Eastern Europe, the Middle East, Africa, South Asia, and some parts of the former USSR, should draw the researcher's attention not only to the most identifiable groups (such as Polish, Latin American, and Philippine immigrants), but also to the more invisible, undocumented migrant workers such as those from Eastern Europe and the former Soviet republics. This could prove to be of major importance as the number of undocumented immigrants residing in Europe and in Brussels is rising due to the tightened conditions for entry and settlement and the increased rejection rate of asylum seekers.