

Scientific Report on the
ESF Exploratory Workshop
‘Foggy social structures’ in European welfare states:
Irregular migration and the informal economy
Osnabrück, Germany, 13-15 July 2007

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1. Executive Summary

The workshop on “‘Foggy social structures’ in European welfare states: Irregular migration and the informal economy’ consisted of four sessions. Session 1 was dedicated to theoretical approaches to the subject of irregular migration, whereas sessions 2 and 3 dealt with European case studies from two major employment sectors, namely the domestic services and the construction sector. Finally, session 4 was about the perspectives of research on irregular migration.

In session 1, the contributors Giuseppe Sciortino, Robert Kloosterman/ Joanne van der Leun, and Michael Bommes tackled the problem of irregular migration from different but correlated theoretical angles: on the one hand, the welfare state perspective and policy impacts, on the other hand, the economical approach, addressing the question of the interdependence between economical informality and migratory irregularity. In a conflation, the political and the economical dimension were discussed as pseudo-autonomous forces of irregular migration: though articulating divergent interests, both subsystems are creating the matrix for economic informality, which is the basic prerequisite for irregular immigration. Whereas the welfare state intervenes in international migration processes and thereby establishes migration policies regarding and affecting the economy, nationally embedded economies (and some of its employment sectors more than others) are profiting from these interventions and subvert them often at the same time dependent on the perception and interpretation of the labour demand situation. Illuminating especially the coping strategies of irregular immigrants with the social structures created by the welfare state, Charlotte Fiala (kindly covering for Andrew Geddes who had to cancel his participation) offered a preliminary employment sector analysis by means of the likeliness of attracting informality as well as irregularity.

Based on this first approach, session 2 und 3 of the workshop provided insights into the reality of the ‘foggy social structures’ that emerge from organisational as well as from individual attempts to withhold the welfare state from observing their actions. The two main employment sectors brought to attention were the domestic services and the construction sector, both of which are extraordinarily susceptible to informality and irregularity. In the two sessions, the focus was directed towards empirical evidence from Germany, the Netherlands, Spain, Italy, and the United Kingdom. Since Ludovica Banfi had to cancel her participation on very short notice, it was not possible to find a substitute, and therefore in session 2 the Italian case study had to be left out. Moreover, because no researcher occupied with the domestic service situation in the Netherlands could be acquired, Emilia Lewandowska was invited to present her work on irregular migration in Dutch agriculture, a sector which as yet is highly unexplored. The other speakers were Magdalena Diaz (the case of Spain), Helma Lutz (the case of Germany),

and Sam Scott (the case of the UK). Besides the country-specific differences, some general conclusions could be drawn from the case studies as a whole: In all countries, the domestic service sector is growing due to the fact that women in industrialised countries increasingly choose gainful employment over family work. At the same time, this sector is explicitly suitable for structural informalisation since a) it traditionally has an 'informal quality' (being historically carried out by family members without payment), b) it is located in the private sphere of the family, and c) it is characterised by long working-hours (often 24/7) and difficult and high-skilled tasks, which makes it rather expensive on the regular labour market. It also became visible in all case studies that the domestic service sector particularly attracts foreign females since domestic work is a) traditional women's work and b) increasingly refused by native women who have better alternatives on the national labour market. In the discussion following the case studies it was argued that the domestic service sector as a niche for female irregular migrants is bound to alter family structures in both the sending and the receiving countries and therefore has a societal impact that cannot be underestimated.

In session 3, which dealt with empirical findings from the construction sector, Remus Anghel (the case of Italy), Ubaldo Martínez (the case of Spain), Norbert Cyrus (the case of Germany), Alex Balch (the case of the UK), and Dennis Broeders (the case of the Netherlands) presented their findings with the following key observations: In all investigated countries, there is a mounting awareness of the susceptibility of the construction sector to informalisation and irregular migration, and this awareness is always connected to a public sensibility for national unemployment problems. The answer to the waxing public attention is generally an intensification of control (workers on construction sites, contractors, subcontractors); while intensification of control usually comes along with a rise in detection rates, this does not necessarily mean that illegal construction work is being abated. In terms of irregular migration, technological advancement and economic growth increase the demand for manpower and high-skilled workers also on the informal level of the sector. The comparative discussion of the domestic service sector and the construction sector concentrated on two major differences: the gender-specific biases of the sectors, and the problem of high-level organisation of informality in the construction sector versus the low-level organisation of informality in the domestic services.

The statements on perspectives of research in session 4, submitted by Robert Kloosterman, Godfried Engbersen, Dita Vogel, and Michael Bommers, mainly put forth two different approaches to the problem of irregular migration: the actor-level research and the investigation of the structural level, which is pointed out in more detail in section 2 of this report.

2. Scientific Content of the Event

The scientific content of the workshop on “‘Foggy social structures’ in European welfare states: Irregular migration and the informal economy’ can be summarised as a three-dimensional approach to the problem of irregular migration: First of all, the theoretical framework within which the problem can be targeted; secondly, the empirical basis on which theoretical frameworks can be implemented and reviewed; and finally, the further research indicated on the grounds of theory as well as of empirical findings.

The main issue that emerged in the workshop discussions was that of the actor-oriented research and theory versus the structural approach. The majority of the presented case studies focussed on the actor-level, i.e. the individual situation of irregular migrants and the difficulties and barriers they are faced with in terms of their impacts on the actual life style of irregulars. The major problem appears to be the impaired or non-existing access to social welfare, e.g. schooling, health system, and unemployment insurance. Moreover, the absence of residence permits and work permits which characterises the ‘illegal’ status gives way to exploitation not only in the working sector (payment, insurance, safety, working hours), but also concerning housing (high rents for insufficient facilities), in terms of the human rights situation (slavery, physical punishment, abuse) and so forth. From this point of view, the ‘misery’ of irregularity is solely created by the welfare state denying irregular migrants a legal status and thereby the benefits of civil rights. Consequently, the mostly preferred solution in this argumentation is the legalisation approach, offering illegal aliens an opportunity to authenticate their residential status including work permits and social welfare access.

A first debate arose concerning the angle from which irregular migration is viewed when emphasising the individual distress of illegality; it was argued that the choice of being an illegal alien also comes with benefits not only for employers, but for the irregular workers themselves who are able to offer their services at a comparably low price and therefore get chances on the labour market which they would not obtain as legal employees. This might even be seen as a serious pull-factor for explicitly irregular migration, but at the least it is taken into account during the migration decision. The advantage of being ‘illegal’ would also have to be calculated in comparison to the sending countries, where the tenure of civil rights may not contain access to social welfare or protection against exploitation and therefore the irregularity in the receiving country does not necessarily mean the impairment of the individual situation.

In the course of the workshop discussions, it was suggested to turn the attention from the individual actor level to the structural level in order to gain more information on the mechanisms that produce and support irregular migration into the national labour

markets and beyond. When asking the question of how welfare states are creating the legal framework for illegal action, the first and foremost observation would be that any definition of what is legal inevitably also defines what is illegal. In this context, the exploration of the constitutional state with its specific regularisations regarding migration then provides an insight into the diverse ways of handling irregular migration as a solvable problem, as an ignorable problem or even as an acceptable problem. The states' approach to the problem yet structuralises the matrix within which irregular migration takes place. For example, if a state does implement legalisation programmes, it defines irregularity as an acceptable problem which *a posteriori* can be solved by granting amnesty, implying of course that illegal aliens do have a genuine interest to change their legal status. It is yet to be thoroughly investigated how this approach is bound to shape the irregular migrant inflows, especially when taking into account that regarding this matter employers who engage irregular workers have a different agenda than the welfare state.

In the final session of the workshop, the statements on perspectives of further research in this area turned out to be rather controversial when the role of the irregular migrants themselves was addressed. While the 'foggy social structures' that are to be further explored are commonly understood as the result of the welfare states' increasing control of immigration in and the economies' attempt to avoid this control and therefore to cloud their activities, it appeared to be highly debatable whether the irregular migrant mainly benefits from illegality or mainly experiences disadvantages. The crucial point in this discussion was (and will be) the question if welfare states do have an obligation to take active action on the matter, and how they are supposed to meet such an obligation (if at all). Therefore, one major future field of research will be the social structures that may provide functional equivalents to those social preconditions that are otherwise guaranteed by political decisions and legislative norms. If such structures can be identified as being essential, the assessment of the welfare state's role in this context must be reconsidered.

3. Assessment of the Results, Contribution to the Future Direction of the Field

One outcome of the workshop will be an IMISCOE publication on 'Foggy Social Structures' to be published by Amsterdam University Press (the editorial committee has already been contacted and gave the go-ahead). This publication is planned to be a joint compilation of papers from the ESF workshop and from another conference on the very subject, which took place in Madrid in 2006.

Papers presented at one of the conferences which cannot be considered for the AUP volume will be published in the December issue of the IMIS Beiträge (Osnabrück).

Since an urgent need for further investigations on the subject was explicitly identified at the conference, it has been agreed upon to work on a draft for a proposal for an ESF research project on 'Foggy social structures, irregular migration and the welfare state'. In this regard, the workshop helped to elaborate theoretical and methodological aspects of this proposal and to assure the adherence of the different partners from the respective countries.

4. Final Programme

Friday, July 13th

- 13:00 – 14:00 *Arrival at the meeting place and registration*
- 14:00 – 14:30 Meeting introduction by the convenor
Presentation of the European Science Foundation
SESSION 1: Theoretical concepts
Chair: Joaquín Arango (Complutense University Madrid)
- 14:30 – 15:00 Giuseppe Sciortino (University of Trento): Irregular migration and different types of welfare state models
- 15:00 – 15:30 Robert Kloostermann (University of Amsterdam) & Joanne van der Leun (University of Leiden): Informal economy and irregular migration
- 15:30 – 16:00 Discussion
- 16:00 – 16:30 *Coffee break*
- 16:30 – 17:00 Michael Bommers (University of Osnabrück): Foggy social structures as a result of the interrelationship between irregular migration, the informal economy and the knowledge production and control of state institutions
- 17:00 – 17:30 Charlotte Fiala (University of Oxford/ Instituto Ortega y Gasset): Migrants' varying responses to state structures. A comparison among employment sectors: The case of Ecuadorian immigrants in Spain
- 17:30 – 18:00 Discussion
- 19:30 *Common dinner: Café-Restaurant Vernissage, Johannisstraße 37-38*

Saturday, July 14th

- SESSION 2: Irregular migration and domestic services: empirical findings
Chair: Godfried Engbersen (Erasmus University Rotterdam)
- 09:30 – 10:00 Magdalena Diaz (University Carlos III Madrid): The case of Spain
- 10:00 – 10:30 Helma Lutz (University of Münster): The case of Germany
- 10:30 – 11:00 *Coffee break*
- 11:00 – 11:30 Sam Scott (University of Liverpool): The case of the UK
- 11:30 – 12:00 Emilia Lewandowska (University of Warsaw): The case of the Netherlands: Irregular migration in Dutch agriculture
- 12:00 – 12:30 Godfried Engbersen (Erasmus University Rotterdam): Comment on the four cases presented
- 12:30 – 13:30 *Lunch*
- SESSION 3: Irregular migration and the construction sector: empirical findings
Chair: Holger Kolb (University of Osnabrück)
- 13:30 – 14:00 Remus Anghel (University of Bielefeld): The case of Italy
- 14:00 – 14:30 Ubaldo Martínez (National Distance University of Spain): The case of Spain
- 14:30 – 15:00 Norbert Cyrus (University of Oldenburg): The case of Germany
- 15:00 – 15:30 *Coffee break*

15:30 – 16:00 Alex Balch (University of Liverpool): The case of the UK
16:00 – 16:30 Dennis Broeders (Scientific Council for Government Policy, WRR): The case of the Netherlands
16:30 – 17:00 Holger Kolb (University of Osnabrück): A comment on the five cases presented
17:00 – 17:30 General discussion
19:30 *Common dinner: Café-Restaurant Arabesque, Osterberger Reihe 12*

Sunday, July 15th

SESSION 4: Perspectives of research on irregular migration
Chair: Michael Bommes (University of Osnabrück)
09:00 – 09:30 Michael Bommes (University of Osnabrück): Comparative resumé
09:30 – 10:30 Statements on the perspectives of research on irregular migration:
Godfried Engbersen (Erasmus University Rotterdam)
Robert Kloosterman (University of Amsterdam)
Dita Vogel (University of Oldenburg)
Michael Bommes (University of Osnabrück)
10:30 – 11:30 Concluding discussion
11:30 *Lunch*
End of the conference

5. Statistical Information

Senior Researchers: 11 (55%)

Junior Researchers: 9 (45%)

Female Participants: 8 (40%)

Male Participants: 12 (60%)

Countries of Origin: D 7 (35%); NL 4 (20%); E 3 (15%); GB 2 (10%); I 2 (10%); PL 1 (5%); RO 1 (5%)

6. Final List of Participants

1. Remus Anghel
University of Bielefeld
2. Joaquín Arango
Complutense University Madrid
3. Alex Balch
University of Liverpool
4. Michael Bommers
University of Osnabrück
Institute for Migration Research and Intercultural Studies (IMIS)
5. Dennis Broeders
Scientific Council for Government Policy (WRR)
Project Group “Migration and Integration”
6. Norbert Cyrus
University of Oldenburg
7. Magdalena Diaz Gorfinkiel
University Carlos III Madrid
Departamento de Ciencia Política y Sociología
8. Godfried Engbersen
Erasmus University Rotterdam
Faculty of Social Sciences
9. Charlotte Fiala
University of Oxford/ Instituto Universitario Ortega y Gasset
10. Claudia Finotelli
Instituto Universitario Ortega y Gasset
11. Robert Kloosterman
University of Amsterdam
Faculty for Social and Behavioural Sciences
12. Holger Kolb
University of Osnabrueck
Institute for Migration Research and Intercultural Studies (IMIS)
13. Emilia Lewandowska
The University of Edinburgh
School of Social and Political Sciences
14. Helma Lutz
University of Muenster
Institut fuer Erziehungswissenschaften, Abt. III
15. Ubaldo Martínez Veiga
Universidad Nacional de Educación a Distancia (UNED)
16. Giuseppe Sciortino
Università degli Studi die Trento
17. Sam Scott
University of Sheffield
The Department of Politics
18. Joanne van der Leun
University of Leiden
Faculty of Law
19. Dita Vogel
University of Oldenburg

20. Fakultät I, IBKM
Maren Wilmes
University of Osnabrück
Institute for Migration Research and Intercultural Studies (IMIS)