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Residence strategies of illegal immigrants

Godfried Engbersen

Introduction

Fortress Europe is confronted with an increasing irregularization of migration. This irregularisation of migration becomes visible in the growing importance of new immigrant groups with ambiguous or no legal status who have to rely on other strategies than official wage labour or social security arrangements in order to survive (cf. Snel et al. 2000). The illegal immigrant, the man or woman 'without papers', is the archetypal representative of this trend towards the irregularisation of migration. The presence of large groups of illegal immigrants in advanced European societies demonstrates that national and European migration regimes are unable to prevent a sizeable category of undocumented foreigners from coming to live in Western Europe countries. The ineffectiveness of migration policy with respect to illegal immigrants can be accounted for in part by the role ethnic communities play in bringing in newcomers and helping them settle in European countries. In particular, the efforts of these communities enable specific groups of illegal immigrants to remain permanently in the Netherlands, although there are substantial differences in the positions various groups of illegal immigrants occupy in European societies.

This chapter addresses the ways in which illegal immigrants from Turkey, Morocco, Africa and other countries (Suriname, Eastern European countries) try to enter and reside in the Netherlands. My analysis will show that these strategies are directly related to the current restrictive Dutch migration policy. In exploring some of the informal residence strategies conducted by illegal immigrants the limitations and unanticipated consequences of the current restrictive migration regime become clear. In depth interviews with 170 illegal immigrants from the city of Rotterdam constitute the empirical basis of this chapter. In addition, data from police files on apprehended illegal immigrants were analysed (cf. Burgers and Engbersen 1999).

The structure of the chapter is as follows. First, four residence strategies will be discussed. Next, attention will be given to the influence of the illegal status on social relations. Finally, I will discuss the way in which the Dutch government tries to counteract the various residence strategies. In this last section of the chapter I will advance the thesis that the current restrictive illegal immigrants policy is better interpreted by the metaphor of 'panopticon Europe' than by the popular metaphor of 'fortress Europe', because the current migration policies emphasise the development of advanced identification and internal control systems to better safeguard the access to public provisions and the labour market, and to identify immigrants who break the law much sooner. I will argue that the founding of a panopticon Europe with its emphasis on administrative internal migration control systems instead of external border control has severe unanticipated consequences which should raise serious doubts with regard to its basic premises and policy instruments.

Residence strategies

In his essay Broken Lives, Broken Strategies, Zygmunt Bauman (1995: 78) states that the notion of quality of life has superseded that of survival as the standard against which the development of postmodern society can be evaluated: 'the idea of the quality of life came to replace the preoccupation with self-preservation and survival, which used to be at the heart of the modern critique. This change is an obvious one. With the increase of prosperity and the emergence of advanced welfare states the basic conditions for almost all citizens to survive (or at least so it has been assumed) became guaranteed. Unlike the notion of quality of life, the notion of survival does not offer the possibility of interpreting contemporary citizens' unlimited and unfixed pursuit of happiness. Therefore Bauman himself speaks of 'life strategies' instead of 'survival strategies'. Although Bauman's observations particularly relate to the shift in content of contemporary reality-critique, one can question his observation if one takes into consideration the position of 'unwanted immigrants'. Certain categories of asylum seekers or illegal immigrants have no political and limited social rights due to restrictive migration policy. Particularly the presence of illegal immigrants in advanced societies has led to the recurrence of old appearances of social inequality (Engbersen 1999). Many of these illegal immigrants are primarily trying to survive in countries that have declared them undesirable immigrants. They have developed 'old' survival strategies as well as 'new' strategies aimed at covering up their illegal status or even using it to their advantage. In the Netherlands, the physical existence of this group is seldom threatened, however. This is because the Dutch society has too many formal and informal buffers. In this chapter I therefore prefer to use the term 'residence strategies' instead of 'survival strategies'. Residence strategies are strategic activities aimed at prolonging residence in the Netherlands and preventing deportation.
This chapter deals with four residence strategies of illegal immigrants that are typical of the social position of illegal migrants: (1) the mobilisation of social capital, (2) (sham) marriages, (3) the manipulation of one’s own cultural identity and nationality, and (4) operating strategically in the public space. These four strategies, however, are not a postmodern game in which people continually change their life styles (Bauman 1995), but an existential game in which there is much at stake for the illegal immigrants: the continuation and improvement of their residence possibilities and life-chances in the Netherlands. Two other important strategies, i.e. legal action and crime will not be elaborated on below. Of the 170 respondents, approximately 29 per cent had contacted legal assistance counsellors (of whom more than 80 per cent did so for the purpose of legalisation). In most cases this meant acquiring the legal assistance of a lawyer. Due to the lack of reliable, systematic information about the course of legal procedures in these cases, I confine myself to merely mentioning this strategy. Incorporation of this strategy would have required additional interviews with the lawyers of the respondents, which was not possible within the scope of this study. That does not alter the fact that this is an important strategy, which is primarily aimed at prolonging residence in the Netherlands in order to increase the chances of legalisation.

Furthermore, approximately 10 per cent of the 170 respondent immigrants were engaged in criminal activities (Van der Leun 1999). An earlier analysis of police data on apprehended illegal immigrants, however, showed that there are considerable differences in the extent to which illegal immigrants from different countries of origin were engaged in criminal activities (Engbersen and Van der Leun 1998). These differences seem to be the result of differing ethnic community patterns of incorporation (Engbersen et al. 1999). The low crime rate among illegal Turks, for example, is a result of their embeddedness in the Turkish community. Their relations with their relatives and other compatriots in the Netherlands grant them access to specific forms of support and make them less dependent on survival criminality. Quite the opposite is the case with illegal Moroccans, who often have to manage on their own without a support network. In the Netherlands, illegal Moroccans are relatively often engaged in theft and burglary, and play an important role in the local drugs economy in the cities of Amsterdam and Rotterdam. Illegal Africans occupy a position in between the Turks and Moroccans. They can rely on more support than the Moroccans from their own ethnic community, but are involved to a far greater extent than the Turks in illegal and informal ways of earning a living. In the final section of this chapter, I will relate my findings on residence strategies to the relationship between illegality and criminality.

The utilisation of social capital

Many illegal migrants are supported by members of their own ethnic community, not only to realise their coming to the Netherlands, but also to provide them with housing, accommodation, work, healthcare, etc. One crucial residence strategy is therefore to use to the full the support potential that a certain ethnic community has to offer. In line with Bourdieu (1983), the sociologist Portes (1995) speaks of the capacity of individuals and groups to mobilise types of social capital from the social network or community of which they are part. Following classic anthropologists such as Mauss and Lévi-Strauss, he also states that the means acquired through social capital (e.g. a financial loan) usually bring with them the expectation and obligation that something is done in return. However, this is not always the case. There are also situations in which favours do not need to be repaid in kind. Portes therefore distinguishes four sources of support based on altruistic motives, on the one hand, and instrumental ones, on the other. Portes (1995, 1998) specifies the first source as value introduction, or simply as values. This involves internalised standards and moral principles that motivate benefactors to make gifts and provide support for altruistic reasons. This is the case, for example, when parents make gifts to their children on the basis of their affection for them. The second source, bounded solidarity, involves group-bound and problem-specific types of solidarity: one shows solidarity with members of one's own ethnic or religious group and when certain problems arise (e.g. in the case of sickness or death). The collections that are held when a member of the community has suddenly been confronted with serious misfortune are an example of this bounded solidarity.

In contrast to the other two sources, reciprocity, the third source, is based on instrumental motives. In this case people provide support because, eventually, they expect something similar in return. This may, for example, involve certain services to fellow entrepreneurs such as the provision of business information or the recruitment of personnel. A reciprocal relation differs from a market relation in two respects. First of all, the favours may be repaid in a different currency and, second, the moment of repayment has not been specified (Bourdieu 1977). The same goes for enforceable trust, the fourth source. Here, the relationship between giver and recipient is more anonymous. The giver does not know the recipient very well. The reciprocal relation is based on the fact that both actors are part of a common social structure. The giver provides help or support because he expects to gain from it— for example, he may acquire a higher status within his own community as a result of it—and/or trusts that the community will apply collective sanctions if the recipient does not fulfil certain obligations. Examples are study grants to talented young people from one's own community or the issue of unsecured loans to a member of the same religious community by a banker. The social structure of the community guarantees that the benefactor will gain in status and that the banker can count on repayment of the loan (cf. Portes 1995, 1998).

The above conceptual framework is relevant to the illegal immigrant problem, in so far as they are able to motivate members of their own ethnic
community to support them are much better off than those who are not able to do so. Furthermore, those illegal immigrants who are able to motivate members of their own ethnic community to support them for altruistic reasons are in turn better off than those who are primarily confronted with instrumental motives. After all, the socio-economic position in which illegal immigrants find themselves makes it very difficult for them to meet standards of balanced reciprocity (Engbersen 1996). In the long run, this asymmetric relation may lead to exclusion from social networks, because the illegal immigrant is not able to reciprocate the help and support in an adequate way. As illegal immigrants were the research subjects in this study, and not those who help them, it is impossible to indicate exactly which types of social capital play a role in the support of illegal immigrants. After all, the motives of aid providers have not been examined. However, in a more general sense, it could be ascertained that there are substantial differences as to the degree to which illegal immigrants are able to mobilize resources with respect to four vital matters: getting into the country, finding a place to stay, finding work, and obtaining medical assistance. The four tables below show to what extent the respondents have been receiving substantial aid, limited support or no support at all in these four crucial areas.

The first table shows that illegal immigrants from Turkey, Cape Verde and Suriname had received ample help that enabled them to come to the Netherlands. Family members and friends did not only help them to reach the Netherlands, but also provided aid and support. In the case of limited assistance, this was primarily confined to travel expenses and arrangements. This type of assistance is particularly common among Moroccans. Finally, it turned out that most Eastern Europeans arrived in the Netherlands, but in these four crucial areas (see Table 9.1).

It may be deduced from Table 9.2 that particularly the Turks, Moroccans, Cape Verdians and Surinamese offer free lodging. Moreover, many Turks find an apartment or house to rent with the help of family and friends. Also in finding accommodation, the Eastern Europeans usually cannot count on much support from their family or friends. They either found accommodation themselves or through charitable institutions and churches. It is rather striking that only 6 per cent of all respondents had no fixed abode.

It may be deduced from Table 9.3 that family members and friends play an important role in finding work. Seventy per cent of the illegal immigrants found a job through family or friends or receive help to find work. It also turned out that particularly Moroccans and Eastern European illegal immigrants try to find work themselves. It is mainly Turks and Eastern Europeans who find work through labour brokers.

Finally, Table 9.4 indicates that 40 per cent of the Moroccan and Turkish illegal migrants have health insurance. This makes them, in principle, independent from the assistance of family and friends. The Cape Verdians and Surinamese receive help mainly in a concrete way from family and friends. That is to say, family and friends give advice, pay the medical bills, etc.
### Table 9.2 Assistance with housing

<table>
<thead>
<tr>
<th></th>
<th>Turks</th>
<th>Moroccans</th>
<th>Cape Verdians</th>
<th>Surinameses</th>
<th>East Europeans</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(N = 44)</td>
<td>(N = 47)</td>
<td>(N = 17)</td>
<td>(N = 8)</td>
<td>(N = 21)</td>
<td>(N = 25)</td>
<td>(N = 162)</td>
</tr>
<tr>
<td>Lodging: no payment</td>
<td>16 (36%)</td>
<td>24 (50%)</td>
<td>13 (77%)</td>
<td>5 (56%)</td>
<td>1 (5%)</td>
<td>3 (12%)</td>
<td>62 (38%)</td>
</tr>
<tr>
<td>Lodging: payment</td>
<td>7 (16%)</td>
<td>11 (23%)</td>
<td>1 (6%)</td>
<td>..</td>
<td>1 (5%)</td>
<td>9 (38%)</td>
<td>29 (18%)</td>
</tr>
<tr>
<td>(Semi)dependent housing with help of family/friends&lt;sup&gt;a&lt;/sup&gt;</td>
<td>19 (43%)</td>
<td>8 (17%)</td>
<td>2 (12%)</td>
<td>3 (33%)</td>
<td>4 (19%)</td>
<td>7 (28%)</td>
<td>43 (27%)</td>
</tr>
<tr>
<td>No aid from family or friends&lt;sup&gt;b&lt;/sup&gt;</td>
<td>2 (5%)</td>
<td>..</td>
<td>1 (6%)</td>
<td>..</td>
<td>11 (52%)</td>
<td>4 (16%)</td>
<td>18 (11%)</td>
</tr>
<tr>
<td>No permanent address</td>
<td>..</td>
<td>4 (9%)</td>
<td>..</td>
<td>..</td>
<td>4 (19%)</td>
<td>2 (8%)</td>
<td>10 (6%)</td>
</tr>
</tbody>
</table>

|                | 44     | 47        | 17            | 8            | 21             | 25     | 162    |
|                |        |           |               |              |                |        |         |
|                |        |           |               |              |                |        | Missing: 7 |


Notes:
- <sup>a</sup> (Semi)dependent housing: respondent got a house for himself or with several other (il)legals, with the help of family or friends.
- <sup>b</sup> No aid from family or friends: respondent found shelter by himself.

### Table 9.3 Assistance in getting a job<sup>c</sup>

<table>
<thead>
<tr>
<th></th>
<th>Turks</th>
<th>Moroccans</th>
<th>Cape Verdians</th>
<th>Surinameses</th>
<th>East Europeans</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(N = 46)</td>
<td>(N = 41)</td>
<td>(N = 17)</td>
<td>(N = 9)</td>
<td>(N = 18)</td>
<td>(N = 22)</td>
<td>(N = 153)</td>
</tr>
<tr>
<td>Through family/friends&lt;sup&gt;b&lt;/sup&gt;</td>
<td>30 (65%)</td>
<td>25 (61%)</td>
<td>14 (82%)</td>
<td>7 (78%)</td>
<td>12 (66%)</td>
<td>19 (86%)</td>
<td>107 (70%)</td>
</tr>
<tr>
<td>Through a labour subcontractor</td>
<td>9 (20%)</td>
<td>1 (2%)</td>
<td>..</td>
<td>..</td>
<td>3 (13%)</td>
<td>..</td>
<td>13 (8%)</td>
</tr>
<tr>
<td>Looking for, or having found a job without assistance</td>
<td>3 (7%)</td>
<td>13 (32%)</td>
<td>..</td>
<td>1 (11%)</td>
<td>3 (13%)</td>
<td>5 (14%)</td>
<td>23 (15%)</td>
</tr>
<tr>
<td>Not applicable&lt;sup&gt;c&lt;/sup&gt;</td>
<td>4 (9%)</td>
<td>2 (4%)</td>
<td>3 (18%)</td>
<td>1 (11%)</td>
<td>..</td>
<td>..</td>
<td>10 (7%)</td>
</tr>
</tbody>
</table>

|                | 46     | 41        | 17            | 9            | 18             | 22     | 153    |


Notes:
- <sup>a</sup> The respondents who are still looking for work are also included.
- <sup>b</sup> Through family/friends: family members or friends acted as a mediator, or employ the respondent.
- <sup>c</sup> Not applicable: respondent is not looking for a job or is too young.
Table 3.4: Assistance with medical care

<table>
<thead>
<tr>
<th></th>
<th>Turks (N = 41)</th>
<th>Moroccans (N = 45)</th>
<th>Cape Verdians (N = 17)</th>
<th>Surinamese (N = 6)</th>
<th>East Europeans (N = 17)</th>
<th>Other (N = 23)</th>
<th>Total (N = 149)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practical aida</td>
<td>1 (2%)</td>
<td>0 (0%)</td>
<td>1 (58%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>1 (5%)</td>
<td>29 (19%)</td>
</tr>
<tr>
<td>Giving health insurance card</td>
<td>3 (7%)</td>
<td>1 (2%)</td>
<td>1 (6%)</td>
<td>1 (17%)</td>
<td>0 (0%)</td>
<td>2 (9%)</td>
<td>10 (7%)</td>
</tr>
<tr>
<td>Practical aid and lending health insurance cardb</td>
<td>1 (2%)</td>
<td>1 (2%)</td>
<td>1 (17%)</td>
<td>1 (17%)</td>
<td>1 (4%)</td>
<td>1 (4%)</td>
<td>8 (5%)</td>
</tr>
<tr>
<td>Own health insurance card</td>
<td>10 (44%)</td>
<td>19 (42%)</td>
<td>6 (35%)</td>
<td>1 (17%)</td>
<td>1 (18%)</td>
<td>3 (13%)</td>
<td>50 (34%)</td>
</tr>
<tr>
<td>No family aid</td>
<td>6 (29%)</td>
<td>13 (29%)</td>
<td>4 (24%)</td>
<td>1 (17%)</td>
<td>1 (5%)</td>
<td>2 (8%)</td>
<td>30 (20%)</td>
</tr>
<tr>
<td>Not applicablec</td>
<td>11 (52%)</td>
<td>13 (29%)</td>
<td>3 (18%)</td>
<td>1 (17%)</td>
<td>1 (5%)</td>
<td>2 (8%)</td>
<td>30 (20%)</td>
</tr>
</tbody>
</table>

41          45         17        6          17         23         149     Missing: 20


Notes:
a Practical aid: giving advice, accompanying the respondent or referring to a general practitioner, paying the bill, or taking care of medicines.
b Practical aid and lending health insurance card: the respondent receives practical aid and is allowed to use the insurance card of family members.
c Not applicable: the respondent has never had any medical problems.

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Paragon Europe and Illegal Immigrants 21

...come along when the illegal migrant needs to consult a doctor, borrowing accommodation (e.g., in a boarding home or as a subtenant), finding work through labour brokers, and getting access to healthcare (borrowing of...
medical insurance cards for a small fee, payment in cash of general practitioners), and the second is primarily based on all kinds of private aid organisations. It should be mentioned that the demarcation line between these two groups is not always very clear. Some illegal migrants use the premises of certain private aid organisations such as the Church of St Paul in Rotterdam as a shelter and as a base from which they organise part of their drug trafficking activities.

In his analysis of types of capital, Bourdieu (1983) introduced the element of convertibility, particularly with respect to converting cultural capital into economic capital. As illegal migrants occupy a very problematic position in the labour market, cultural capital appears to be of no great value to them. The certificates and language skills of highly qualified migrants are usually worthless. Social capital, on the other hand, is a much more important 'currency' for illegal migrants. Illegal migrants who can make use of a lasting network of relations are much more 'creditworthy' than those who cannot make use of such a network (cf. Bourdieu 1983). The results of this study therefore point towards a certain hierarchy within the category of illegal migrants: the illegal migrants from Turkey and Cape Verde can be found at the top, and the illegal migrants who have to fend for themselves (Eastern Europeans and West Africans) at the bottom. Illegal migrants from Morocco and Suriname occupy a position in the middle of this ethnic stratification.

Residence marriage

Marriage is a second strategy that migrants have developed to be able to remain in the Netherlands. Because work as a means to regularisation has become increasingly problematic, marrying a legal citizen is now the most effective way for illegal migrants to achieve a legal existence. Such a marriage does have to last at least three years, for it is only then that a foreign spouse becomes a legal resident in the Netherlands. The realisation of such a marriage is not always easy because of the inferior social position in which many illegal migrants find themselves. This makes it difficult to arrange a marriage, as is to some extent still customary in the Turkish community. An illegal migrant is usually not considered the ideal son- or daughter-in-law. Staring (1998) has pointed out three possible ways in which illegal migrants from Turkey may overcome their problematic position: asking relatives and acquaintances to put in a good word for them (which again proves the importance of social capital), paying an unusually high dowry, or eloping with the prospective spouse. As many migrants are not able to apply such strategies successfully within their own ethnic community, for example, because of a lack of social or financial capital, or because they are women (which makes elopement impossible), they are often forced to look for a possible partner outside their own community.

As a result, they often scour the obscure marriage markets. There are many places of entertainment in large cities where young illegal migrants and older men and women meet each other for various reasons. Some want to obtain legal residence and others a young or 'exotic' partner. All these different motives can, of course, lead to a marriage of convenience from which both parties may profit. However, sometimes such relationships are broken off prematurely so that the goal of legal residence cannot be realised. We encountered several examples of this among Cape Verdran respondents. Moreover, some Moroccan respondents made mention of the fact that some partners broke off the relationship before the end of the three-year term to prevent their spouse from acquiring an independent and more equal position. It is not only in the labour market, but also in the marriage market that exploitation occurs.

The marriage of convenience is the most extreme variant of an 'arranged' marriage. Such a marriage merely serves the purpose of either gaining admission to, or continuing the stay in, the Netherlands. Both parties are aware that it is a sham marriage. There are many different variants of the marriage of convenience. Sometimes people enter into such a marriage out of compassion or friendship and do not ask any money for it (Van Ee 1998: 30). More often, however, it is simply a transaction involving considerable amounts of money. In a tragicomic reconstruction of an unsuccessful sham marriage – the potential partners could not understand each other as neither of them spoke the other's language – Staring (1998) stated that the arrangement had cost as much as $5,000. Other respondents mentioned comparable amounts or other amounts that they were willing to pay. A subsequent study conducted in the Bijlmermeer district of Amsterdam made mention of amounts of around $10,000 (Engbersen et al. 1999). It is clear, however, that the arrangement of a sham marriage takes some preparation, the more so since the Marriage of Convenience Prevention Act has been in effect since 1 November 1994. As a result of this Act, the motives of the prospective partners have to be examined if one of them is not a Dutch citizen.

Our study does not provide any indication as to how many respondents have been looking for a marriage partner and proved successful. Nevertheless, the option of marriage clearly came up on a number of occasions, not only during the interviews, but also afterwards. On several occasions the researchers received a veiled marriage proposal or were asked whether they knew any suitable candidates. The following excerpts give a few examples of the contexts in which the option of marriage came up. They all concern Turkish respondents.
The manipulation of personal identity

In the 1990s, several measures were taken to exclude illegal immigrants from labour and public provision, including the linkage between tax number and a valid residence permit, and the implementation of the Compulsory Identification Act and the Linkage Act. These measures make clear how important official documents are, first to be admitted to Dutch territory and then to get access to the labour market and public provisions in the Netherlands (cf. also Torpey 2000). Illegal migrants are ‘people without documents’. In America, they are called ‘undocumented immigrants’ and in France sans papiers. In the literal sense, these terms are not quite correct. Most illegal immigrants do have ‘papers’, but the point is that they lack the right ‘admission tickets’ (such as a valid travel document and residence permit, social security number, medical insurance card, etc.). As a result, illegal migrants develop various strategies to change and mask their personal identity and illegal status. Three variants have been developed in this respect by illegal immigrants: (1) the structural or situational adoption of a false identity; (2) the obliteration of their own identity – more particularly, their nationality – vis-à-vis the Dutch authorities; and (3) the concealment of their illegal status from third parties such as employers and members of their own ethnic community. Each of these three strategies will be briefly discussed below.

Various illegal migrants make use of the first strategic variant, i.e. the structural or situational adoption of a false identity. Particularly widespread is the acquisition of other people’s medical insurance cards, and to a lesser degree, passports and/or social security numbers. Moreover, nine respondents stated that they had entered the Netherlands with a false passport. The importance of relevant travel, work and medical documents has led to a brisk trade in legitimate and illegitimate papers. This trade finds expression in the existence of a circuit in which false papers are produced and sold. That these false documents play an important role may become clear when one looks at the main reasons why illegal immigrants are apprehended by the Rotterdam police and the Immigrants Department. From 1989 to 1994, approximately 14 per cent of the arrests were related to the possession of false documents (Engbersen and Van der Leun 1998). On the other hand, there is a widespread practice of lending legitimate documents to illegal migrants, either free or for money (passports, social security numbers, medical insurance cards, etc.). On the basis of our interviews with 170 illegal migrants, it could be determined that two-thirds of this group were not insured, but also that nearly a third of this group who were not insured made use of the medical insurance card of someone else (usually a family member). It also proved that various respondents had succeeded in acquiring relevant work documents through family members, acquaintances and labour brokers. When obtained with the help of labour brokers, the fee for this service was deducted from the illegal immigrants’ salary. In other words, the acquisition of a ‘false’ identity – either through a false identity
card or by taking on someone else’s identity – enables illegal migrants to enter Dutch territory and gain access to the labour market and public provisions in the Netherlands. Chavez (1992: 169–71) speaks in this respect of “seeking the security of documentation”.

Illegal migrants also use their false identity as a major strategy to ensure that they can stay in the Netherlands in case they get arrested by the police. The relatively high number of Algerians among apprehended illegal migrants may very likely be explained by the fact that many Moroccans assume an Algerian identity, which makes it more difficult to deport them. At present, the Algerian authorities do not really cooperate when it comes to possible deportations. Rotterdam police officials have pointed to this phenomenon of strategic switch of origin (Engbersen and Van der Leun 1998). They suggest that the number of illegal Algerians apprehended in the period from 1989 to 1994 is an overestimation of the actual number. The same study proved that a third of the arrested illegal migrants in the sample had given another name on earlier occasions. The largest part of this group consisted of people of North African origin. It was also recorded when people were vague about their nationality. Again, this was the case with a third of the group of apprehended illegal migrants. As a result of the high number of false names (on average four per person), illegal migrants were also able to avoid being declared undesirable in a criminal sense.

A second variant is the obliteration of personal identity by destroying identification papers. Thus, illegal migrants can prevent and obstruct deportation. As far as deportation is concerned, unidentifiable illegal migrants prove rather invulnerable. They are the ‘unmanageable’ cases that the immigrants administration does not know how to cope with, so that these seldom, if ever, are deported. Non-deportable illegal migrants are sometimes cynically called the ‘diplomats among the poor’. A recent study by the Rotterdam police showed that only 17 per cent of a group of illegal immigrants who were apprehended for frequent criminal offences proved to be deportable. The other cases involved lengthy investigations into the true identity of immigrants. There are indications that sometimes, due to this problematic deportation, Rotterdam police officers refrain from arresting certain groups or that, in some cases, the regular police do not hand illegal immigrants over to the Immigrants Department, because certain individuals or groups are not deportable anyway. During our study into the interrelationship of illegality and crime, we also found some examples of this (Engbersen and Van der Leun 1998).

A third variant is the concealment of the illegal status from relevant others (employers, members of the ethnic community the illegal immigrants in question belong to, government officials, etc.). For example, a fifth of our respondents stated that they had not informed their employers about their illegal status, mainly because they were afraid to lose their jobs. A number of respondents were absolutely convinced that they would be fired immediately if their employers were informed about their illegal status. It also happens that the employers never asked the respondents about their status, though they are suspected to know all about it. This may become clear from the different way they treat illegal migrants: some illegal employees work more hours and receive less pay compared to the legal employees. One remarkable finding was that, in a certain period (July–November 1998), approximately a third of the detained immigrants in the Rotterdam region were illegal (see Burgers and Engbersen 1999). However, the judicial organisations were not always aware of the residence status of these detainees so that some of these illegal migrants were set free at the end of their detention instead of being handed over to the Immigrants Department.

Illegal immigrants often also conceal their illegal status out of fear of repercussions from their own circle if others get to know about it. Such knowledge may lead to an inferior position in their own community. Böcker (1994) and Staring (1998) have pointed to the different treatment of Turkish illegal migrants in the labour and marriage markets. Turkish ‘tourists’ occupy a low position in the social hierarchy of their own ethnic community. They therefore benefit from concealing their illegal status. However, over the years, this strategy has become rather difficult, particularly due to the linkage between the social security number and valid identification papers, and the implementation of the Compulsory Identification Act. Previously, it was much easier for illegal migrants to support themselves independently. This has now become much more difficult so that their illegal status is revealed much sooner. In other words, the legal measures have sharpened the social dividing lines within the ethnic communities and make the illegal migrants more dependent on legal migrants.

Operating strategically in the public space

A fourth major strategy concerns the illegal migrants’ behaviour in public spaces. Chavez (1992: 157) speaks in this respect of ‘learning to live as an illegal immigrant’. An important aspect is the reduction of the risk of being arrested in the public space. Some migrants stated that risk reduction was the reason why they chose to live in a large city and not in a small town. The anonymity of a large city offers them a certain protection. Almost a quarter of the respondents therefore stated that they were really afraid to be recognised as illegal migrants and arrested. Many of the respondents were continually on their guard and, if possible, they tried to avoid certain risks. This risk-avoiding behaviour finds expression in their geographically limited life-world. There is a great contrast between the usually long journey they made to get to Rotterdam and their immobile behaviour in the Netherlands. Illegal migrants operate mainly close to certain groups (family, compatriots) or charitable institutions where they may find partial or temporary protection. Many of them prefer to stay at home. When the respondents were asked whether they spent much time at home, 42 per cent of them answered affirmatively. They usually only went out to go to work, the mosque, the
documents than illegal migrants who cannot make use of such a network. On the other hand, a close network of relations may also make them conceal their illegal status in order to prevent loss of status within their own circle, as this would lead to isolation and, possibly, to socio-psychological distress. But there are more connections between the various strategies. For instance, the possession of a false passport of high quality may directly influence the illegal migrant’s confidence as far as his behaviour in public space is concerned. What is most evident, however, is the perceived significance of social capital. A second important observation is that the illegal status has a great influence on the ways in which illegal migrants establish relations and behave in society.

Illegality as a master status

V. S. Naipaul’s book *In a Free State* (1975) contains a story about an Indian servant from Bombay who accompanies his employer to the United States in order to continue working for him there. However, after some time, he leaves his employer and starts working in a restaurant. He then realises he has forfeited his work permit:

I understood that because I had escaped my employer I had made myself illegal in America. At any moment I could be denounced, seized, jailed, deported, disgraced. It was a complication. I had no green card; I didn’t know how to set about getting one; and there was no one I could talk to. *I felt burdened by my secrets...* and the effect of this was that my sickness became like a sickness of the soul.

(Naipaul 1973: 46–7, my italics)

In literary form, Naipaul expresses here what the socio-psychological consequences of illegality are. The main character in his story shuts himself up in his apartment and turns away from his immediate colleagues. His physical condition deteriorates, he has no hope for the future and loses his self-respect. As he no longer has a valid identity card, his newly acquired freedom proves to be very relative: ‘I was a free man; I had lost my freedom’ (1973: 49).

It is possible to relate Naipaul’s literary representation of illegality to Simmel’s concept of the ‘secret society’ (Simmel 1950). In his treatise on the secret society, Simmel distinguishes two types of relations: on the one hand, the relation between persons with a secret and persons do not know about it, and, on the other hand, the relation between persons who share a secret. Both types of relations also emerge in our study. Examples of the first type mainly concern the relations between employers and employees, and the mutual relations within ethnic communities. In these cases, the secret usually takes the shape of a white lie: illegal migrants tell untruthful things about their status, and, with the use of false identity papers, they conceal their true identity. In this respect, the lie is a constitutive element of the social relation.
between individuals and groups. It may also happen that there is a public secret: employers, next of kin and others involved know that they are dealing with an illegal migrant, but nonetheless choose to keep silent about it, either out of discretion or self-interest. Many illegal migrants find it very difficult to maintain the secret of illegality. This often causes health complaints, especially psychological complaints (see Burgers and Engbersen 1999), as well as a fear of being rejected and cast out by people whom they refuse to let in on their secret for various reasons.

The second type of relation is less common, that is to say, in its purest form. Secret societies consisting exclusively of illegal migrants are not very apparent. Most of the networks in which illegal migrants are embedded also include legal migrants. Groups in which illegality is an exclusive means of organisation and of which all members are illegal are hard to find. Groups that might fit this description are, for example, those of illegal employees who are hired collectively to get a certain job done (e.g. in agriculture and market gardens) or illegal migrants who get organised to enforce legal regularisation. However, the latter actually seek publicity (cf. the hunger strikes of Turkish illegal migrants in churches in Amsterdam and The Hague).

Nevertheless, the various characteristics that Simmel attributes to secret societies are of some importance for the networks in which illegal migrants are embedded, particularly those of (1) protection and confidence, (2) the art of keeping silent, (3) the attitude towards written communication, and (4) shielding ritual. The first characteristic can be related to social networks in which illegal migrants are embedded. Particularly illegal migrants who receive substantial help to trust that they will be protected by their family and relatives. Such supportive relations are based on mutual trust. In addition, family members and others are masters of the art of keeping silent as they do not want to put their illegal relatives in any danger or cause them any embarrassment. Furthermore, they are aware of the dangers of the written word. The fact that some illegal migrants destroy their original identity papers is the most evident proof of this. As Simmel puts it (1950: 352): 'Writing is opposed to all secrecy.' Finally, there are the specific rituals aimed at shielding the illegal migrant from the public domain: the above-mentioned telephone etiquette is part of this, but also certain shielding strategies used in the workplace gets checked, or certain strategies aimed at obtaining medical care without running much risk. However, it should be mentioned that most illegal migrants do not live in an isolated, secret social world. The social position of illegal migrants is actually characterised by the fact that many of them are part of the public domain in various ways, and even have access to public amenities, despite their illegal status.

For many illegal migrants, their illegal status is nonetheless a master status, that is to say, it is a dominant social characteristic overshadowing all other personal characteristics (Hughes 1994). It is an invisible status that migrants, by means of various strategies, try to hide from others who might make improper use of the information. Illegal migrants therefore have to learn to tell lies in specific circumstances, and also how to behave in the public space and towards employers, bureaucrats and authorities. In other words, the illegal status influences the establishment of social relations. This sometimes causes illegal migrants to lead a shadow life, but that certainty does not apply to all. Depending on the specific context and situation, illegal migrants share the secret of their illegal status with employers, relatives, compatriots, doctors and loved ones. But there is always the danger of a leak, and of betrayal and disclosure (cf. Goffman 1971). Scheppele (1988) says that a secret is not a characteristic of individuals or groups, but a characteristic of information. But in the case of illegal migrants, the secret becomes an essential characteristic of their social identity. This characteristic distinguishes them explicitly from other marginal groups.

The unanticipated consequences of panopticon Europe

Three phases can be distinguished in the ways in which the Dutch society has reacted to the arrival and presence of illegal immigrants. The first phase (1960–9) was that of welcoming 'spontaneous migrants', who could easily be legalised and employed in factory work and agriculture. The second phase (1970–91) was that of 'silently tolerating the groups of illegal workers', which enabled them to gain access to the formal labour market and take care of themselves. The current, third phase is that of excluding and deporting 'illegal aliens'. This third phase (1991–present) forces illegal immigrants, more than ever before, to resort to the four described strategies: the mobilisation of social capital, the residence marriage, the manipulation of personal identity, and strategic and careful behaviour in the public space.

It is clear that the government tries to influence these four residence strategies through the law concerning immigrants and criminal law. By laying down stringent conditions regarding marriage and the issuing of tourist visas, the government can devalue the social capital that migrants are able to mobilise, for example, for the realisation of the journey to the Netherlands or the legalisation of their stay by means of marriage. It is conceivable that the current conditions for getting a tourist visa will become more stringent in the near future, and that citizens are held accountable for the return of 'tourists' for whom they took responsibility. The 'tourist route' towards illegality may thus be closed off. Furthermore, the Compulsory Identification Act that was implemented in 1994 has made it possible to apprehend people in the public space under certain conditions, and proposals are currently being developed for the introduction of a system of accurate registration and identification of immigrants.

As regards immigrants (asylum seekers, illegal immigrants, 'criminal' immigrants), plans are being drawn up for the utilisation of advanced biomedicine registration technology. Recently, the Netherlands has accepted the results of DNA research as proof in procedures in which the biological descent line is relevant for the final decision, as is already the case in other
European countries such as Germany and England. This will concern in particular the use of DNA material in family reunification procedures, both in the Netherlands and at Dutch embassies abroad. In this way the Dutch government hopes to speed up the labour-intensive identification procedures and prevent a large number of unjustified requests for family reunification. In addition, proposals for extending the possibilities of taking fingerprints, both under the law concerning immigrants and criminal law, are presently being discussed. It is hoped that thus the so-called 'criminal immigrants' (legal as well as illegal) can be combated effectively. In the European context, partly as a result of the Schengen arrangements and the Amsterdam Treaty, an impressive information system is being set up to keep out, among others, undesirable persons.

These types of plans make clear which drastic legal and policy efforts are required to combat illegality. Fortress Europe is turning into a panopticon Europe, in which not the guarding of physical borders is central, but far more the guarding of public institutions and labour markets by means of advanced identification and control systems. Panopticon Europe guards the 'system border' of rich welfare states. At the same time, what Bauman (1998) claimed about modern prisons in America is also applicable to this situation. Panopticon Europe is not a 'factory of correction'. Its aim is not disciplining and correcting undesirable migrants. Panopticon Europe is designed as a 'factory of exclusion' and of people habituated to their status of the excluded' (Bauman 1998: 113). The so-called 'Linking Act' that was implemented in the Netherlands in 1998 symbolises the dominant trend from external border control to internal border control. The new border police in the Netherlands consist predominantly of street-level bureaucrats who work in labour inspection agencies, schools, public housing agencies, welfare and social security departments, hospitals and other health organisations. These gatekeepers must protect the Dutch welfare system by excluding migrants from the labour market and public services if they don't have a legal residence permit. This shift from external to internal control indicates that the Dutch government has accepted the fact that it cannot totally prevent immigrants from getting into Dutch territory. Its main aim nowadays is to prevent any costs whatsoever that illegal immigration could cause Dutch society and to prevent illegal immigrants from endangering the labour market position of established immigrants.

However, panopticon Europe does evoke three important unanticipated effects (Bernini and Engbersen 1999). First, it generates its own crimes to subsequently combat these with advanced identification systems. The Italian sociologist Giacomo Luciano (1998) speaks of a 'criminalization of migration' in this respect. Our findings show that illegal immigrants who entered the Netherlands after 1991 (and are unable to obtain a social security number of their own) have more difficulty in getting access to the labour market. As a consequence they may look for work in the informal economy or seek refuge in criminal circuits. As a result, the number of criminals among migrants will increase (Engbersen and Van der Leun 1998). One-third of the 170 illegal immigrants we interviewed between 1993 and 1995 were working in the informal economy, and we predicted that this figure would rise in the near future as a consequence of the new policy measures. The Minister of Social Affairs and Employment has acknowledged the fact that there is a growing informal economy, especially in agriculture, in which illegal immigrants work. Furthermore, a study by the Rotterdam police showed that illegal immigrants were overrepresented among a group of delinquents who were frequently apprehended for criminal offences in the inner city of Rotterdam. This study made it very clear that illegal immigrants with little social capital commit crimes in order to survive.

Second, the restrictive policy has a negative effect on the self-regulating capacity of certain ethnic groups to support illegal immigrants. In the recent past, illegal guests were eventually able to find formal employment and a marriage partner, which enabled them to live on their own. However, this is nowadays becoming increasingly difficult. As a result, illegal migrants stay dependent on family and acquaintances much longer. Due to the problems surrounding the provision of lasting support, members of ethnic communities become more and more critical of illegal migrants and refuse to take the responsibility for the journey and stay of illegal compatriots. This weakening of informal support systems contributes to a further informalisation and criminalisation of life strategies. In this way, the formal types of exclusion (by the state) and informal types of exclusion (by ethnic groups) cause more and more illegal immigrants to go underground.

Third, the strengthening of the internal border control and the attempt of the Dutch government to create an administratively transparent control system (cf. the Linking Act) has the effect that some illegal immigrants do not exercise the rights they - or their children - actually do have (for example, the right to primary and secondary education for children). Some parents have withdrawn their children from schools because the children nowadays need to have a special registration number in contrast to the children of legal residents, who are regularly registered by their social security number. Illegal immigrants are afraid that making public their illegal status will endanger their position. The same kind of problems occur in the spheres of health and legal aid. Some illegal immigrants are afraid to ask for medical assistance or do not dare to report crimes committed against them or to report unacceptable forms of labour exploitation (for example, in the sex industry). In other words: the current measures contribute to the marginalisation of undocumented immigrants and the weakening of patterns of solidarity within ethnic communities. Our findings show that this policy of marginalisation does not automatically lead to the exit of illegal immigrants from Dutch territory. Many of them stay in the twilight zone of society, and their presence could have serious long-term effects on public safety, public health and the life chances of young children (cf. Burgers and Engbersen 1999; Baldwin-Edwards 2000).
The unanticipated effects of panopticism Europe raise the main issue of a growing imbalance between the effects of severe enforcement of internal controls and the problem governments wanted to attack in the first place. Especially in a country like the Netherlands with a limited number of illegal immigrants (approximately 50,000 to 100,000 persons) it may well be more rational to rely on the self-regulatory capacities of labour markets and ethnic communities in combination with a selective amnesty programme and an intelligent toleration policy of illegal immigrants than to create a massive and costly control system which puts very vulnerable groups at risk and creates at the same time serious risks for society as a whole.

Notes
1 This is a revised and elaborated version of 'Sams-papiers. Les stratégies de désépargie des immigrants clandestins', in Actes de la recherche en sciences sociales (débits d'immigration), 129, September 1999, 26–8.
2 It is clear from the quantitative analysis of almost 7,000 police files pertaining to the arrests of more than 6,000 suspected in 1995 that in the large cities in the Netherlands, illegal Turks are barely involved in certain forms of crime, if at all. In Amsterdam, more than twice as many illegal Moroccans as Turks were arrested in 1995, and in Rotterdam almost ten times as many Moroccans as Turks were arrested that year. Most of the Turks were arrested for being in the country illegally, working illegally or other violations. Moroccans, however, were much more frequently arrested in connection with actual criminal offences (burglary, theft). This was particularly the case in Amsterdam and Rotterdam. In 45 per cent of the cases, petty crime was the reason for the arrest of Moroccans in Amsterdam, and in Rotterdam 16 per cent of the arrests had to do with drugs. Africans exhibited lower crime rates than Moroccans. Particularly in Amsterdam, though, they did commit certain offences, which involved petty crime in 94 per cent of the cases (see Tables 9.2 and 9.3). In the other three cities, the African crime rates were lower (Staring et al. 1998).
3 The act 'amending the Immigrants Act and some other acts in order to link immigrants' claims against administrative bodies regarding provisions, facilities, benefits, and exemptions and permits, with rightful residence in the Netherlands'—also known as the Linkage Act (implemented in 1998)—regulates that in principle only immigrants who reside legally in the Netherlands may lay claim to public provisions. The purpose of this act is to discourage illegal residence and to prevent illegal immigrants from obtaining rights and therewith the legitimacy, which, in the course of time, may make it difficult to deport them.
4 Simmel wrote (1950: 89): 'As long as the existence, the activities, and the possessions of an individual are secret, the general sociological significance of the secret is isolation, contrast, and egotistic individualization. The sociological significance of the secret is external, namely the relationship between the one who has the secret and another who has not. But as soon as a whole group uses secrecy as its form of existence, the significance becomes internal: the secret determines the reciprocal relations among those who share it in common.'
5 However, unlike skin colour and specific cultural customs, for which this concept of master status was developed, this status is inviable. See Hughes (1994: 145–56).
6 Schepppele (1988: 12) defines the notion of a secret as follows: 'A secret is a piece of information that is intentionally withheld by one or more social actors from one or more other social actors.' She describes secret societies as 'organizations about which the distribution of information is limited. It is not, properly speaking, the society that is secret; it is the information about the existence, membership, or purpose of the society that is restricted.'
7 DNA tests can only prove a biological relationship. A positive result does not prove whether a child belongs to a family. Furthermore, several cultures consider 'non-biological' children as legitimate children and, consequently, the parents are obliged to take care of these children. Another limitation is that DNA research does not provide any information on a person's age. The minority of a child will have to be determined in some other way, for example, by means of bone examination.
8 This procedure takes place on a voluntary basis. If those concerned cannot prove a descent relationship, they may opt for a DNA test. A substantial part of the DNA material is collected by a qualified doctor at the Dutch embassy under the supervision of an official of the embassy in question. The material is then transported to the Nederlands on the responsibility of the Ministry of Foreign Affairs, and delivered to the laboratory that will conduct the test. As many requests for family reunification come from recognized Iraqi and Afghan refugees residing in the Netherlands, priority will be given to the implementation of the DNA methodology at the Dutch embassies in Ankara, Damascus, Islamabad and Amman.

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