



# MIGRATION INFORMATION SOURCE

FRESH THOUGHT, AUTHORITATIVE DATA, GLOBAL REACH

## Belgium's Undocumented Hold Lessons for EU

**By Marco Martiniello, University of Liège and Andrea Rea, Free University of Brussels**

February 1, 2004

The metaphors used for Europe's borders often portray two extremes; where one analyst sees Fortress Europe, another sees a sieve. Much of Europe's brewing migration debate carries this polarized tone of certainty, and migrants themselves are often slotted into neat "political" and "economic" categories. But accounts from undocumented immigrants in Belgium indicate that these oversimplified images are short on reality.

By definition, these illegal and clandestine migratory flows are difficult to quantify and remain misunderstood on the qualitative level. What prompts these migrants to leave home? How do they manage to live illegally in an unfamiliar country? Qualitative research into the behavior of undocumented immigrants in Belgium, outlined below, can shed some light on these questions and on the possibilities for a more suitable immigration policy in Belgium and the European Union.

### Belgium's Case

The undocumented aliens and even applicants for refugee status surveyed in Belgium offered multiple, rather than single, motivations for migrating. This fact weakens the case of those who would venture a rigid and single-factor comparison between "political" immigration and "economic" immigration. In reality, these factors are often mixed, even for applicants for refugee status, who tend to highlight the political nature of their motivations.

For many asylum seekers, for example, persecution is not necessarily imposed by the government or other official institutions in their country of origin. Some may face violence at the hands of mafia networks, armed groups, or a dominant majority group in connection with factors that are not directly political, such as ethnicity. Others may be threatened for having a lifestyle that involves a socially unacceptable choice of spouse, sexual orientation, etc. As a result, some people are threatened and persecuted without fully meeting the demands of the 1951 United Nations Convention relating to the Status of Refugees (see box) and the related domestic and European legislation.

While Belgium's current political climate has promoted the unmasking of "economic refugees" allegedly masquerading as political refugees, qualitative research indicates that many undocumented aliens have emigrated for political reasons, yet do not wish to apply for asylum. Interviews indicate that more of the undocumented population could meet 1951 Convention criteria than have applied. This suggests that there may be more legitimate refugees in Belgium than are indicated by official statistics. These individuals prefer to live without formal recognition because they fear the

### Methodology

This article is based on interviews with 130 undocumented immigrants in eight cities in Belgium: Liege, Brussels, Antwerp, Charleroi, Ghent, Verviers, Turnhout, and St. Niclaas. Interviewees came from nine groups: Eastern Europe and the Balkans, the Maghreb (North Africa), Turkey and the Middle East, Francophone West Africa, Anglophone Sub-Saharan Africa, the Congo, South America, South Asia (India, Pakistan, and Bangladesh) and East Asia (especially China). Of those interviewed, 23 had applied for asylum and 107 were in the country illegally. The sample was diversified based on type of stay, length of stay, and type of social welfare (or employment).

### Who Is a Refugee?

Understanding the problems confronting refugees — and those striving to protect them — depends on grasping precise legal definitions. The core definition of a "refugee" is contained in the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol relating to the Status of Refugees, which define a refugee as an individual who: "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable or unwilling

government, the police, and the rejection of their [redacted] to avail himself of the protection of that application.

### Poverty in the Mix

Poverty, while a commonly cited factor "pushing" migration, is difficult to define. Many undocumented aliens and unauthorized residents identify varying thresholds of hardship at which they were motivated to migrate. This generic term therefore covers a wide range of facts.

At the minimum, however, it is possible to distinguish between the poverty of "condition" and the poverty of "position" that characterizes the undocumented in Belgium, and often in other countries. In the former situation, the two main factors are a lack of employment and steady income, which prompt a feeling of having "nothing to lose." The undocumented immigrants who face this situation are prepared to bear very great hardships in terms of housing and living conditions. Their biggest concern and expectation is to improve their physical well-being, something they regard as impossible at home.

Poverty of position, in contrast, involves migrants who use emigration as a way of more rapidly climbing the social ladder. These migrants feel that their income and position in their home country will never match their social capital (for example, their level of formal education or training). They move to places where they believe they can realize their aspirations. In this case, they move to Belgium.

### Strategies to Survive

Undocumented aliens and illegal residents in Belgium are forced to employ many strategies for survival on a daily basis. Often facing dire need, they have no other means of surviving than to work illegally and without labor rights. While they fear being stopped by the police, they nevertheless sometimes sense a relative tolerance from Belgian authorities for their work, at least in comparison with the lesser tolerance shown for their violation of their residence status.

This laissez-faire attitude towards unauthorized work is best represented by the line of some 200 unauthorized residents and undocumented aliens that forms every day at a particular place Brussels, a spot well known for the recruitment of illegal labor. This illegal work is concentrated in specific sectors such as cleaning services, construction, hotels, restaurants, and agriculture. The wages are low and working and safety conditions are particularly precarious. Employers include small firms and subcontractors; some individuals are self-employed. In all cases, the undocumented have no rights or means to pressure employers.

For employers, this is an attractive bargain. For businesses in some sectors, such as construction or hospitality, illegal labor is a critical lifeline. Those interviewed indicate that this labor is sought after by employers, who demand a highly flexible, docile, and low-paid workforce that is ready to accept intensive and socially scorned jobs. The interviewees also said that female domestic workers are the most exploited and mistreated by employers.

A legal employment contract could pave the way for these individuals to gain legal residence. Instead, the double violation of their unauthorized work and undocumented status links them, in the public mind, to illegal activity, and by extension, criminality. As a general rule, moreover, employees, rather than employers, are more frequently prosecuted for consenting to these illegal arrangements.

### The Paradox of Insecurity

Those interviewed revealed a seemingly contradictory situation. The precarious nature of their lives, a consequence of the lack of legal residence status, forces them to replace whatever initial plans they might have had with basic plans for survival, which include clinging more tenaciously to the desire to stay in Belgium. At the same time, ironically, the first thing that many undocumented aliens want to do if they achieve legal status is return home, while having the assurance of being able to come back to Belgium.

One of the main lessons of the survey is that the conditions for survival lead undocumented aliens to only rarely give up their settlement in Belgium and return home.

In fact, those interviewed rarely mentioned the possibility of returning at all. When forced to compare the harshness of living as an undocumented alien with hardships at home (political persecution, poverty, violence, the lack of any future, etc.), undocumented immigrants mainly choose illegal residence in Belgium. There, they focus on a number of considerations, including education for their children, emancipation (for some women), and the hope that tomorrow will be better.

### **Neither Fortress Nor Sieve?**

Accounts from the undocumented aliens surveyed demonstrate how the metaphorical views of Europe as a fortress or sieve are simplistic. On the one hand, the Fortress Europe concept essentially focuses on the role of external border controls and neglects the entry and settlement of clandestine immigrants and undocumented aliens. At the same time, border controls, deportations, mass arrests, and internment of migrants in closed centers and prisons invalidate the thesis of Europe as a sieve.

The accounts of those surveyed underscore the fact that contemporary clandestine migration flows cannot be viewed merely as an expression of failed border controls or restrictive policies. In other words, it is not simply that economic migrants are passing as political refugees, an interpretation that is often used to justify tighter border controls, more expulsions, and repatriations. Rather, contemporary clandestine immigrants are drawn to Belgium and remain there illegally based on a complex set of personal motivations. Furthermore, these individuals have by necessity generated sizeable networks to deal with the very obstacles set in their paths. The qualitative research in Belgium indicates that people's experiences and motivations belie the idea of purely "political" refugees or "economic" migrants. More research of this type may reveal the reality beneath metaphors and misconceptions, opening the way for policies that better serve the interests of both nations and immigrants.

*Marco Martiniello is Senior Research Associate in political science at the National Fund for Scientific Research (FNRS) and Director of the Centre for Ethnic and Migration Studies (CEDEM) at the University of Liège (ULg).*

*Andrea Rea is a Lecturer at the Free University of Brussels (ULB) and Director of the Study Group into Ethnicity, Racism, Migration Flows and Exclusion (ULB).*

*This article includes part of the introduction and conclusion from a collective work entitled "Histoires sans" - Editions Vista (Brussels). The paper is the result of inter-university research sponsored by the Fondation Roi Baudouin (King Baudouin Foundation) and carried out by three research teams: the CEDEM (University of Liège), the GERME (Free University of Brussels) and the Steunpunt Mensen zonder Papieren.*

### **Sources**

Alaluf M. (2001), "Des clandestins aux sans papiers, in Pickels A., À la lumière des sans papiers," Brussels, Editions Complexe, pp. 89-98.

Bigo D. (1999). "Europe passoire et Europe forteresse : la sécurisation-humanitarisation de l'immigration," in Rea A. (Ed.), Immigration et racisme en Europe, Brussels, Editions Complexe.

Bourdieu P. (dir.) (1993). La misère du monde, Paris : Editions du Seuil.

Brun F. and Laacher S. (2001). Situation régulière, Paris, CEE-L'Harmatan.

Fassin D., Morice A. , Quiminal C. (Eds), (1997). Les lois de l'inospitalité de l'immigration à l'épreuve des sans papiers, Paris, Éd. La Découverte.

Martiniello, M. (2002). "Belgium's Regularization of Undocumented Aliens in 2000: Sign of a New Immigration Policy?," in Withol de Wenden C., Mohsen-Finan K. (Eds.), New European Identity and Citizenship, Aldershot, Ashgate, pp 69-78.

Sénat (2000). Documents parlementaires. Rapport fait au nom de la commission de l'intérieur et des affaires administratives par M. Wille, Mme Nagy, et M. Daif, "La politique gouvernementale à l'égard de l'immigration," Sénat, pp. 2-112/1.

Tarrius A. (2000). Les fourmis d'Europe: migrants riches, migrants pauvres et nouvelles villes internationales, Paris, L'Harmatan.

Copyright @ 2010 Migration Policy Institute. **All rights reserved.**  
MPI • 1400 16th St. NW, Suite 300 • Washington, DC 20036  
ph: (001) 202-266-1940 • fax: (001) 202-266-1900  
[source@migrationpolicy.org](mailto:source@migrationpolicy.org)