

The logo for 'skape' features the word in a white, lowercase, sans-serif font on a dark grey rectangular background. To the right of the text is a solid dark red vertical bar. In the background of the slide, there is a faint, light grey network diagram with nodes and connecting lines.

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Comparing State Monitoring of Irregular Migrants in France, Germany & the UK

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Nodes of Interaction

(a) Border/entry control

(b) Registration with public authorities

- Police/local authorities
- As requirement for work/residence permit
- Regularisation programmes
- Data-bases

(c) Outsourcing to social systems

- Employers, carriers, schools, higher education, health, social security, landlords, banks

Implications of different nodes

- Migrants' welfare:
 - Stage of life/phase in stay at which they interact with authorities? (employment, schooling, healthcare, etc)
 - Enforcement associated with the node (exclusion, regularisation, detention/removal)
 - Deterrence effects, exploitation and vulnerability
- Immigration control:
 - Inadvertent effects of monitoring/control

Germany

- Reliance on registration and spot checks
 - Compulsory registration for residence and work permit, renewable
 - Spot checks of ID
 - Central Foreigners' Register
 - Outsourcing
 - Robust employer sanctions (since 1972, more robust in 2000s)
 - 1990 legislation obliging public authorities to report irregular migrants
 - Limited enforcement of other outsourcing (e.g. School exemption in 2011)
- Authorities are confident in robust immigration control

France

- Regularisation programmes
 - No post-entry registration system, but frequent regularisations
 - Since 2000s, more regular police ID checks on streets, leading to rise in detention
 - Limited outsourcing
 - Irregular migrants have separate welfare regime (and excluded from social and housing benefits since 1970s)
 - Attempt at school exclusion in 2000s, but strongly opposed
 - No formal outsourcing to banks, education or housing
- More accommodating of irregular migrants – policies recognise as structural problem

UK

- Traditional reliance on border control
 - No internal checks or registration related to residence
 - Focus is on *activities...*
- Outsourcing
 - Employer and carrier sanctions since 1980/90s
 - HEI and employer sponsorship system since 2008
 - Successive rolling out of checks since 2010s – landlords, banks, education, health

→ Strong political message on control– but patchy enforcement. Symbolic policy?

Implications for migrants' welfare

- Deterrence effects of all systems can create more vulnerability
- Registration/spot checks can be intrusive and discriminatory
- Outsourcing can generate discrimination re access to services
- Outsourcing can result in migrants being 'caught' far into their stay
 - E.g. Windrush Generation – identified through access to health, housing, social security
- New forms of monitoring can create problems for those who entered under more accommodating system
 - E.g. Windrush, potentially EEA nationals in the UK

Implications for enforcement

- Inadvertent effects of monitoring/control
 - Driving people underground
 - Depriving migrants of key services and rights (education, health, housing)
 - Impeding integration
 - Creating unmanageable expectations re detention and removal – apprehension does not always lead to return
 - But: trade-off between more accommodating systems, and immigration control goals?

Recommendations?

- Outsourcing should focus on employment
 - Backed up with enforcement of labour standards
 - Avoid nodes that 'catch' migrants later on in their stay
- Registration/documentation is not necessarily negative
 - Can help clarify status, and protect those legally resident – front-loading checks
- Regularisation addresses challenges of migrants' rights and enforcement – but needs to be designed to avoid 'pull' effect
- States should accommodate structural persistence of irregular migration!

Zooming in on the German case: evolution of robust monitoring

- Three key elements of monitoring:
 - Individual documentation
 - Authorities' cooperation duties
 - Databases
- The Central Foreigners' Register (*Ausländerzentralregister, AZR*)
 - Created in 1953 as merger database
 - Automated in 1967
 - Contains 26 million records accessed by over 14,000 authorities today

=> Attempt at “seeing” all foreigners who live in, or come through, Germany

The AZR and recent inflows of migrants

- The counts don't match:

- AZR: over 10 million foreigners total in Germany (end 2016)
- Census: 8.7 million foreigners (end 2015)
- Micro census: 7.8 million foreigners (end 2015)

=> probably somewhere in between

- Databases overcount: duplicates, out-of-date (unregistered departure)
- Arrivals in 2015: 1.1 million, later adjusted to 890,000 (EASY software)

=> Expectations about robust monitoring difficult to match with reality!