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Faculty	FMG: Amsterdam Institute for Social Science Research (AISSR)
Year	2007

FULL BIBLIOGRAPHIC DETAILS:

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ILLEGAAL VERBLIJF

EN

VEILIGHEID

IN

NEDERLAND



Arjen Leerkes

**ILLEGAAL VERBLIJF EN VEILIGHEID
IN NEDERLAND**

ILLEGAAL VERBLIJF EN VEILIGHEID IN NEDERLAND

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad van doctor
aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus
prof. Dr. D.C. van den Boom
ten overstaan van een door het college voor promoties
ingestelde commissie,
in het openbaar te verdedigen in de Agnietenkapel
op dinsdag 18 december, te 14:00 uur

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Voorwoord

Via een doctoraalscriptie over maatschappelijk verantwoord ondernemen en een rapport over illegale bingo in het Amsterdamse, belandde ik in de criminaliteit: Kees Schuyt vroeg me Marion van San te assisteren bij haar studie over ‘criminaliteit en criminalisering van allochtone jongeren in België’. Daarna verrichtte ik beleidsonderzoek bij Regioplan. Ook probeerde ik mijn leven nog te beteren door met Rotterdamse sociologen onderzoek te doen naar transnationale oriëntaties van migranten. Maar zoals dat vaker gaat in de criminaliteit, ik recidiveerde. Tijdens het Rotterdamse project schreef ik met Godfried Engbersen een promotievoorstel over criminaliteit bij illegale migranten in Nederland en België, waarop ik in april 2003 werd aangenomen bij de ASSR.

Die internationale vergelijking bleek helaas niet haalbaar, al vonden we wel financiering voor een aanvullende promotieplaats (dat verhaal houdt u nog tegoed van Masja van Meeteren). Mijn onderzoek geeft, vooruit, wel een rijke analyse van de Nederlandse situatie – rijker dan ik zelf aanvankelijk voor mogelijk hield.

Uiteindelijk is het niet alleen een studie over criminaliteit geworden. Ik ga tevens in op andere vormen van regelovertreding en –naleving die van belang zijn voor de openbare veiligheid, vooral voor de meer subjectieve aspecten daarvan (veiligheidsbeleving). Ook kreeg ik aandacht voor de ruimtelijke component van mijn onderzoeksprobleem. In welke buurten vinden illegale migranten verblijf? Waarom daar? In hoeverre en onder welke omstandigheden heeft de aanwezigheid van illegale migranten gevolgen voor de veiligheid en leefbaarheid van de betreffende buurten? Ten slotte raakte ik geïnteresseerd in de mogelijkheid dat (illegale) migratie aanleiding geeft tot nieuwe zorgarrangementen voor armen in de landen van herkomst en/of bestemming. Die gedachte, die ik aan Bram de Swaan heb ontleend, wilde ik op een gegeven moment centraal stellen in mijn probleemstelling. Dat vond Godfried Engbersen geen goed idee, dus nu krijgt u het als nawoord, als ‘dessert’ voorgeschoteld. (Onderzoeken is ook onderhandelen...) Al met al is de studie volgens mij interessant voor een breed publiek, in binnen- en buitenland. Ik hoop dan ook dat in de loop van 2008 een volledig Engelstalige uitgave zal verschijnen.

Promoveren heeft de naam een solistische aangelegenheid te zijn. Dat viel mee. Bij de ASSR ontmoette ik veel promovendi. In die onderzoeksschool bleken zich doorlopend kleinere subschooltjes te vormen van mensen waarmee ik in een bepaald opzicht kon opzwellen. Met hen volgde en organiseerde ik vakken, gaf ik les, formeerde ik lees- en promotiegroepen en organiseerde ik bijvoorbeeld een conferentie rond de gemeenteraadsverkiezingen. Met sommigen gebruikte ik regelmatig een broodje of biertje, ging ik skiën of deelde ik een andere hobby, zoals fitness of salsa. Ik wil in het bijzonder de volgende mensen danken, omdat zij de afgelopen jaren interessanter en leuker maakten: Floris Noordhoff, Josien de Klerk, Gerben Korthouwer, Ward Berenschot, Corina Hendriks, Eelke Heemskerk, Deasy Simandjuntak, Hester Houwing, Daniel Reijer, Peter van der Graaff, Sjoukje Botman, Christian Bröer, Justus Uitermark, Bert Schijf, Jill Alpes en Imrat Verhoeven. Daarnaast wil ik hier de medewerkers José Komen, Hans Sonneveld, Miriam May, Teun Bijvoet, Anneke Dammers en Hermance

Mettrop danken. Tijdens mijn onderzoek spanden zij zich meer achter de schermen voor het onderzoek in. Dat geldt eveneens voor de mannen en vrouwen van de faculteitsbibliotheek, vooral dank aan Orpheus Roovers.

In mijn onderzoek heb ik, waar dat kon, binnen en buiten de ASSR samenwerking gezocht. Ik heb de afgelopen jaren gewerkt en geschreven met diverse andere onderzoekers: Godfried Engbersen, Marion van San, Wim Bernasco, Erik Snel, Jan de Boom, Joanne van der Leun en Jack Burgers. Dat was stimulerend en leuk en ik wil ze er graag voor bedanken.

Diverse overige instellingen en personen hebben financieel of op een andere manier aan mijn onderzoek bijgedragen. Mijn dank gaat uit naar het ministerie van VROM, het ministerie van Justitie, het onderzoeksprogramma Politie en Wetenschap, het Centraal Bureau voor de Statistiek, de Nederlandse politiekorpsen, de KLPD, de Taakorganisatie Vreemdelingen Zorg, medewerkers van de IND (vooral de onderzoeksafdeling INDIAC), de Vreemdelingenbewaring van de PI Tilburg, redactieleden en referenten van de tijdschriften *Urban Studies*, *The Netherlands' Journal of Social Sciences*, *Mens & Maatschappij*, *Sociologie*, *Migrantenstudies*, de gemeenten Rotterdam, Den Haag en Amsterdam (Simon Bontekoning), onderzoekers van het Europese *Imiscoe* netwerk, 'mijn' sociologiestudenten van de Universiteit van Amsterdam, het Landelijk Ongedocumenteerde Steunpunt (Rian Ederveen), bewoners van Bospolder-Tussendijken en de Schilderswijk en diverse medewerkers van enkele daar actieve woningbouwverenigingen en buurtcentra. Trouwe vriend Toon van de Put hielp bij het redigeren van hoofdstukken een, twee en acht. Johan Goudsblom wil ik bedanken voor zijn commentaar bij de hoofdstukken een en twee.

Ik wil even apart stilstaan bij de illegale migranten die aan deze studie hebben meegewerkt, waarvoor ik ze zeer dankbaar ben. Ze hadden er misschien weinig bij te winnen. Ik heb hun ervaringen en geschiedenissen consciëntieus proberen te beschrijven.

De vakgenoot waarmee ik de afgelopen jaren misschien nog het meeste heb samengewerkt, en van wie ik ongetwijfeld het meeste heb geleerd, is Godfried Engbersen. Het is voor een promovendus vast een groot voorrecht als je promotor op maandagochtend belt of je misschien al terug bent van vakantie... Soms moest ik een compromis sluiten, maar er was altijd meer dan voldoende ruimte voor mijn inbreng. De samenwerking was prikkelend en prettig, en als dat een keer niet zo was kwamen we daar goed uit. Veel dank.

Je moet werk en privé gescheiden houden, wil de heersende mening, maar ze hebben elkaar natuurlijk toch beïnvloed. Meestal was dat positief: als het privé goed ging, had dat een gunstig effect op het werk en omgekeerd. En als het privé of in het werk – of au: allebei – even wat minder ging, waren mijn lieve vrienden en vriendinnen, familie (Ton, Ineke, Sander dankjewel), muziekmaatjes, sportmaatjes, dansmaatjes er gelukkig ook voor me.

Lieve Tessa, twee jaar geleden dansten we elkaar tegen het lijf. Dat was geen criminaliteit, maar liefde!

Verantwoording

Onderliggende publicaties

Hoofdstuk drie is eerder gepubliceerd als A. Leerkes, G. Engbersen en M. van San (2007) *Shadow Places. Patterns of Spatial Concentration and Incorporation of irregular immigrants in the Netherlands*, *Urban Studies*, 44 (8), pp. 1491-1516. Een Nederlandse versie verscheen als A. Leerkes, G. Engbersen en M. van San (2006) *Schaduwplaatsen. Patronen van ruimtelijke concentratie en incorporatie van illegale migranten in Nederland*. *Mens & Maatschappij*, 81 (3), pp. 223-51.

Hoofdstuk vier is een Engelse bewerking van A. Leerkes en W. Bernasco (2007) *Tegen de wetten van de staat, tegen de wetten van de straat? Illegaal verblijf en veiligheid in Nederlandse stadsbuurten*, *Sociologie*, 3 (2), pp. 168-204.

Aanzetten tot de uiteindelijke analyses in de hoofdstukken drie en vier staan in hoofdstuk drie en zes van A. Leerkes, G. Engbersen, M. van San, M. Cruijff en P. Van der Heijden (2004) *Wijken voor illegalen. Over ruimtelijke spreiding, huisvesting en leefbaarheid*. Den Haag: SDU.

Hoofdstuk vijf is een enigszins herziene en uitgebreide versie van A. Leerkes (2004) *Embedded Crimes? On the overlapping patterns of delinquency among legal and illegal immigrants in the Netherlands*, *The Netherlands' journal of social sciences*, 40 (1), pp. 3-23.

Hoofdstuk zes is een Engelse bewerking van A. Leerkes (2007) *"I am just trying to live my life". Statusdilemma's en criminaliteit bij illegale migranten met een asielachtergrond*, *Migrantenstudies*, 23 (3), pp. 180-206. Een eerdere analyse, met minder theorie en meer interviewfragmenten, verscheen als A. Leerkes (2006) *"Ik probeer alleen maar mijn leven te leven". Uitgeproceedeerde asielzoekers en criminaliteit*. Apeldoorn / Den Haag: Politie en Wetenschap / Elsevier.

De overige hoofdstukken zijn niet eerder gepubliceerd.

Over (de bijdrage van) de co-auteurs

Godfried Engbersen is hoogleraar Algemene Sociologie aan de Erasmus Universiteit Rotterdam. Hij fungeerde als promotor bij deze studie en schreef (in conceptvorm) de paragrafen *Introduction* en *Spatial Opportunity Structure* in hoofdstuk drie, evenals het grootste gedeelte van de paragraaf *Marginalization* in hoofdstuk zeven en een deel van de afsluitende discussie in het laatstgenoemde hoofdstuk.

Wim Bernasco is senior onderzoeker bij het Nederlandse Studiecentrum voor Criminaliteit en Rechtshandhaving (NSCR) van de Universiteit Leiden. In hoofdstuk vier schreef hij enkele delen van de paragrafen *Theoretical starting points* en *Data and Analytical Strategy*; hij redigeerde de overige delen en hielp mee met de vertaling vanuit het Nederlands. De conclusie van dat hoofdstuk was een echte *quatre-mains* waarvoor we gezamenlijk achter de computer zijn gaan zitten.

Marion van San is senior onderzoeker bij het Rotterdams Instituut voor Sociaalwetenschappelijk Beleidsonderzoek (RISBO) van de Erasmus Universiteit

Rotterdam. Ze hielp hoofdstuk drie redigeren. Samen schreven we delen van *Wijken voor illegalen* die de basis vormden van enkele paragrafen in hoofdstuk drie.

Joanne van der Leun is Universitair Hoofddocent Criminologie bij de Universiteit Leiden. Zij hielp hoofdstuk zeven redigeren.

De co-auteurs gaven daarnaast waardevol commentaar bij eerdere versies van de betreffende hoofdstukken, dachten mee bij de analyses, gaven suggesties voor inbedding in de literatuur en dergelijke. Dit geldt voor Godfried Engbersen tevens voor de hoofdstukken waarvan hij geen co-auteur is.

Deel 1

Probleemstelling en centrale bevindingen

Restrictief immigratiebeleid, illegaal verblijf en openbare veiligheid

Inleiding

Evenals andere westerse landen is Nederland vanaf het midden van de jaren negentienzeventig een restrictief immigratiebeleid gaan voeren voor mensen uit niet-westerse landen. Zij moeten tegenwoordig voldoen aan tal van voorwaarden als ze in Nederland willen gaan wonen of het land zelfs alleen maar willen bezoeken.

Veel westerse landen hebben daarnaast beleid ontwikkeld om te voorkomen dat dergelijke migranten zich zonder overheidstoestemming vestigen. Nederland doet dit voor een belangrijk deel door systematische sociale uitsluiting (Engbersen en Van der Leun, 2001). Zo werd een verblijfsvergunning een voorwaarde om met een sofinummer te werken op de formele arbeidsmarkt. Die vergunning is tegenwoordig ook vereist voor toegang tot andere instellingen van de verzorgingsstaat, zoals de officiële woningmarkt en (de meeste) sociale voorzieningen. Landen die zich minder inspanden om illegaal verblijf onaantrekkelijk te maken –die zelfs met enige regelmaat delen van hun illegale bevolking legaliseren–, zoals Spanje en Griekenland, hebben recent eveneens aanvullende restrictieve maatregelen genomen (Anderson, 2000; Kyle en Siracusa, 2005).

Zo werd in de westerse wereld de afgelopen decennia een nieuwe sociale figuur zichtbaar, de ‘illegaal’. Hoewel er daarvoor ook illegale vreemdelingen waren, is hun aantal ondanks (en dankzij) het restrictieve immigratiebeleid vermoedelijk toegenomen (Doomernik, 2001). Bovendien hebben zij door het restrictieve beleid een specifiekere maatschappelijke positie gekregen ten opzichte van reguliere ingezetenen, waaronder legale migranten. Vanuit sociologische optiek zijn illegale vreemdelingen in toenemende mate te beschouwen als een *klasse*, een verzameling mensen met een min of meer vergelijkbare maatschappelijke positie (Lanski, 1994; Bourdieu, 1990: 59). Illegaal verblijf verdient in die hoedanigheid specifieke sociaalwetenschappelijke aandacht (vgl. Engbersen, 1997).

Illegaal verblijf heeft een bescheiden omvang. In Nederland was tijdens de onderzoeksperiode naar schatting ongeveer een procent van de bevolking illegaal (Engbersen e.a., 2002; Leerkes e.a., 2004).¹ Het verschijnsel is echter sterk geconcentreerd in bepaalde agrarische gebieden en stedelijke achterstandswijken. In sommige stadsbuurten loopt het aandeel illegale bewoners vermoedelijk op tot zes à acht procent (Leerkes e.a., 2004). In landen met een grotere informele economie heeft het verschijnsel vaak een grotere relatieve omvang dan in Nederland. Voor de Verenigde Staten lopen de schattingen bijvoorbeeld uiteen van 3,4 miljoen (Espenshade, 1995) tot 9,0 miljoen (Martin, 2004: 60), oftewel circa 1,5 tot 3,0 procent van de totale bevolking. In Italië, dat pas recent een immigratieland werd, wonen naar verhouding minder immigranten dan in Nederland, maar is een groter deel illegaal (Castles en Miller, 2003: 83).²

Ondertussen vragen sociale wetenschappers zich af hoe er omvangrijke groepen in hedendaagse westerse naties kunnen verblijven ondanks een wettelijk verbod op hun

aanwezigheid. Een van de vervolgvragen is wat voor de vestigingslanden de maatschappelijke gevolgen zijn van illegaal verblijf. Wat zijn bijvoorbeeld de gevolgen voor de arbeidsmarkt, de economische ontwikkeling of de openbare gezondheid?

Deze studie stelt de vraag centraal in hoeverre het statelijke streven naar sociale uitsluiting van ongewilde migranten gevolgen heeft voor de openbare veiligheid, met bijzondere aandacht voor de buurten waar illegaal verblijf ruimtelijk is geconcentreerd.

Er zijn twee hoofdredenen om de relatie met de openbare veiligheid te thematiseren. Ten eerste maakt het restrictieve immigratiebeleid het voor ongewilde vreemdelingen lastiger om op een reguliere wijze te migreren. En wie er toch in slaagt om zich in Nederland te vestigen, heeft door de illegale verblijfsstatus zeer beperkte conventionele bestaanskansen. Het is denkbaar dat dit statelijke streven naar sociale uitsluiting dergelijke vreemdelingen aanspoort tot betrokkenheid bij alternatieve en illegale middelen van migratie en bestaan. Ten tweede vormt de precare maatschappelijke positie van illegale vreemdelingen misschien juist een belemmering voor regelovertreding. Is het niet óók zo dat het statelijke streven naar sociale uitsluiting de maatschappelijke druk vergroot om regels zo veel mogelijk na te leven om de kans op politiecontacten en daarmee uitzetting te minimaliseren?

In enkele grove streken is hiermee het onderzoeksprobleem geschetst waarop de vijf deelstudies in dit boek een antwoord proberen te geven. Dit inleidende hoofdstuk omschrijft de probleemstelling van de studie in het licht van het eerdere onderzoek op dit terrein. Ook wordt het Nederlandse immigratiebeleid besproken, evenals enkele overige kenmerken van de Nederlandse samenleving die voor een goed begrip van deze thematiek vereist zijn. Vervolgens wordt uitgelegd welke deelstudies er hebben plaatsgevonden en welke gegevensbronnen er zijn gebruikt. Het volgende hoofdstuk beschrijft de centrale bevindingen van de studie als geheel, steeds onder verwijzing naar de latere hoofdstukken.

Eerder onderzoek en bijdrage van de studie

Onderzoek naar (illegale) migratie en criminaliteit

Sociaalwetenschappelijk onderzoek naar de relatie tussen migratie en criminaliteit heeft een lange traditie, vooral in de Verenigde Staten (Thomas en Znaniecki, 1918; Shaw en McKay, 1942). Tegenwoordig vindt in diverse landen onderzoek plaats (Tonry, 1997; De Haan-Marshall, 1997; Waters, 1999; Van San en Leerkes, 2001).

Het taboe dat vooral na de Tweede Wereldoorlog in academische kringen op dergelijk onderzoek rustte (Saragin, 1980), is in Nederland in de jaren zeventig doorbroken.³ In het onderzoek heeft de nadruk steeds gelegen op groepen die de politie en de wijdere samenleving (op dat moment) met criminaliteit associeerde.⁴ Aanvankelijk waren dat vooral de Molukse jongeren (Buikhuizen en Timmermans, 1971) evenals Creoolse drugsdealers van Surinaamse herkomst (Van Amersfoort en Biervliet, 1977). Later verschoof de aandacht naar (tweede generatie) Marokkanen en Antillianen (Van Gemert, 1998; Van San, 1998). Nog wat later is daarbij aandacht gekomen voor de meest

recente migratiegolven, uit vooral Afrika en Midden- en Oost-Europa (Snel e.a., 2000; Kromhout en Van San, 2003; De Boom, Engbersen en Leerkes, 2006).

Bijna al het nationale en internationale onderzoek betrof migrantengroepen die rechtmatig verblijf hebben. Daarin kwam vooral in Nederland verandering toen midden jaren negentig een verkennende studie verscheen, waarin met politieregistraties voor Rotterdam werd ingegaan op de ‘verwevenheid van illegaliteit en criminaliteit’ (Engbersen, Van der Leun en Willems, 1995). Deze studie vormde de opmaat tot een uitgebreid onderzoeksprogramma naar de sociale positie van illegale vreemdelingen in Nederland, vooral in Amsterdam, Rotterdam en Utrecht (Burgers en Engbersen, 1999; Engbersen, 1999, Engbersen e.a., 2002; Staring, 2001; Van der Leun, 2003). In dat onderzoeksprogramma bleef criminaliteit een van de centrale onderwerpen, naast aandacht voor andere sociologische thema’s zoals arbeid, huisvesting en gezondheidszorg.

Buitenlands onderzoek naar illegaal verblijf en criminaliteit was en is schaars (Wolf, 1988; Mc Donald, 1997, Alt, 1999; Van Meeteren, Van San en Engbersen, 2007).⁵ In enkele studies komt het onderwerp meer zijdelings ter sprake (Mahler, 1995; Grabosky and Smith, 2001). In het buitenland werd en wordt vooral onderzoek gedaan naar illegaliteit in relatie tot arbeid (zie bijvoorbeeld Cornelius e.a., 2004). Het criminologische onderzoek houdt zich vooral bezig met de fase van overkomst (mensensmokkel) en slachtofferschap bij specifieke groepen illegalen, meest in relatie tot vrouwenhandel (vergelijk Goodey, 2003).

De aandacht van de Nederlandse sociologie voor illegaal verblijf had in 2003, toen ik met deze studie begon, al tot enige theorievorming geleid over de relatie tussen illegaliteit en criminaliteit. Enerzijds werd verondersteld dat een illegale verblijfsstatus delinquent gedrag afremt (zie Van der Leun, 2003). Illegalen zouden er meer dan reguliere ingezetenen bij zijn gebaat om politiecontacten te mijden. Er waren echter geen concrete empirische aanwijzingen voor deze ‘afschrikkingsthese’, behalve de globale vaststelling dat een minderheid van de illegale vreemdelingen politiecontacten had wegens misdrijven.

Tegelijkertijd waren er aanwijzingen dat betrokkenheid bij criminaliteit een reactie was op de soms zeer marginale maatschappelijke positie onder bepaalde groepen illegale vreemdelingen. Een deel van de illegale vreemdelingen zou ‘overlevingscriminaliteit’ plegen als gevolg van het falen van een “geïntegreerde carrière” (Engbersen en Van der Leun, 1995: 254). Deze laatste veronderstelling stond te boek als de ‘marginaliseringsthese’.

De onderzoekers benadrukten dat niet alle illegale vreemdelingen een even marginale positie hadden. De gevonden patronen wezen volgens hen op het bestaan van een ‘differentiële kansenstructuur’ (vgl. Cloward en Ohlin, 1960), met drie dimensies. De dimensies betreffen de mate van toegang tot (i) formele instituties van de verzorgingsstaat, zoals de formele arbeidsmarkt en het stelsel van sociale zekerheid, (ii) informele instituties zoals de informele economie en netwerken van familie, vrienden en kennissen in Nederland en (iii) criminele circuits. Betrokkenheid bij criminaliteit zou

vooral ontstaan onder groepen illegale vreemdelingen met niet of nauwelijks toegang tot formele en informele instituties. Eventuele toegang tot criminele instituties zou wat meer georganiseerde delicttypen, zoals drugshandel, binnen het bereik van illegale vreemdelingen brengen.

Deze theoretische veronderstellingen leunden op drie belangrijke empirische bevindingen. Ten eerste waren er grote verschillen gevonden naar nationaliteit. Niet meer dan vier procent van de aangehouden illegale Turken bleek in Rotterdam in aanraking met de politie te zijn gekomen wegens criminaliteit. Bij Oost-Europeanen, Algerijnen en Marokkanen waren deze percentages respectievelijk 32, 54 en 65 (Engbersen en Van der Leun, 1995). Op grond van het veldwerk werd deze variatie toegeschreven aan nationaliteitsgebonden verschillen in sociale en dan vooral etnische bindingen. In sommige publicaties worden deze bindingen ook aangeduid met de termen 'relationele inbedding' of 'sociaal kapitaal'.

Veel Turkse illegale nieuwkomers bleken namelijk opgevangen te worden door de gevestigde Turkse migrantengemeenschappen in Nederland. De gezeten Turken vergrootten zowel de toegang tot formele instituties, bijvoorbeeld door het uitlenen van ziekenfondspasjes, als tot informele instituties, bijvoorbeeld door zwart werk te regelen in Turkse winkels. De illegale migratie van Turken zou bovendien in hoge mate het karakter hebben van *geregisseerde volgmigratie*. Nieuwkomers bleken vaak al op voorhand te weten waar ze zouden wonen en waar ze eventueel zouden werken (Staring, 2001). In groepen die minder steun krijgen van gevestigde landgenoten, zoals bij groepen uitgeprocedeerde asielzoekers en illegale 'pioniers' uit Oost-Europa, zou er vaker sprake zijn van *geïmproviseerde migratiepatronen*; migratie 'op de bonnefooi'.

De misdaad onder Noord-Afrikaanse illegale vreemdelingen was relatief hoog, hoewel er in Nederland veel gevestigde Marokkaanse migranten wonen. De onderzoekers verklaarden deze ogenschijnlijke discrepantie vanuit het gefragmenteerde karakter van de Marokkaanse migrantengemeenschap (vgl. Van Gemert, 1998). Bovendien bleken er vooral voor Franstalige illegale vreemdelingen bestaanskansen te liggen in de lagere echelons van Rotterdamse drugscircuits. In de jaren negentig was er in de havenstad een levendige straathandel ten behoeve van Franse en Belgische 'drugstoeristen'. Zij werden getrokken (en nog steeds wel) door de gunstige prijs en kwaliteit op de Nederlandse harddrugsmarkt. Ook in de illegale economie is Nederland de *mainport* van Europa (Zaitch, 2002).

De tweede empirische bevinding werd eveneens vergaard tijdens het Rotterdamse veldwerk (Burgers en Engbersen, 1999: 255). De onderzoekers interviewden er 165 illegale vreemdelingen en stelden vast dat degenen die in Nederland verwanten en een vaste verblijfplaats hadden, minder vaak betrokkenheid bij criminaliteit rapporteerden dan dak- en thuisloze illegalen die het (in Nederland) zonder verwanten moesten stellen.

De derde empirische aanwijzing was gebaseerd op politiegegevens over alle illegale vreemdelingen die in Nederland waren aangehouden tussen 1997 en 2000. In 1997 waren verdenkingen van lichte delicten nog de reden van 18,5 procent van de aanhoudingen, in 2000 was dat 28,2 procent (Engbersen e.a., 2002). In die periode is de Nederlandse overheid zich meer gaan inspannen om illegaal verblijf onaantrekkelijk te

maken (zie hierna), waardoor illegale vreemdelingen sterker werden uitgesloten van formele instituties.

Huisvesting en ruimtelijke spreiding van illegale vreemdelingen

Voorals Burgers (1998) heeft zich in de jaren negentig verdiept in de huisvestingssituatie van illegale vreemdelingen. Op basis van de resultaten van het veldwerk in Rotterdam en met behulp van de inzichten van Mahler (1995) voor de Verenigde Staten, wees Burgers op het bestaan van ‘parallele huisvestingsmarkten’ in Nederlandse wijken, dat wil zeggen informele markten die een grote mate van overeenkomst vertonen met de formele woningmarkt. Door de huurprijsregulering liggen de huren in Nederland veelal onder de marktprijs. Dit vergemakkelijkt het voor legale ingezetenen om (delen van) hun huurwoningen goedkoop door te verhuren aan illegale familie of kennissen. Ook kunnen zij hen eventueel gratis laten inwonen. Anderzijds trof Burgers een commerciële, meer particuliere sector aan waar ook illegale vreemdelingen tegen hogere huurprijzen terecht konden.

Van der Leun (2003: 71) deed met politiegegevens een verkennend kwantitatief onderzoek naar de ruimtelijke concentratie van illegale vreemdelingen in Rotterdam. De geregistreerde woonadressen suggereerden een sterke oververtegenwoordiging van illegale vreemdelingen in gedepriveerde stadsbuurten. Ruim zestig procent van de woonadressen bleek namelijk in drie Rotterdamse deelgemeenten te liggen, terwijl die samen maar een derde van de legale bevolking omvatten. Van der Leun wijdt deze ruimtelijke concentratie aan de aanwezigheid van migrantengemeenschappen, legale familieleden en de werkgelegenheid die er voor illegale vreemdelingen in deze buurten zou zijn. Internationaal waren er eveneens diverse studies beschikbaar die aanwijzingen verschafte over de determinanten van het ruimtelijke vestigingspatroon van illegale vreemdelingen.

Bijdrage van de studie

Bovengenoemd onderzoek naar illegaal verblijf gaf nieuwe inzichten, maar kende ook beperkingen. Ten eerste was er nog amper gesproken met illegale vreemdelingen die misdrijven hadden gepleegd. De respondenten in Rotterdam rapporteerden delinquent gedrag aan de hand van een gestructureerde vragenlijst, maar werden over eventuele misdrijven verder niet geïnterviewd. Daardoor was onvoldoende duidelijk hoe delinquente illegale vreemdelingen omgaan met de omstandigheden die zij in het bestemmingsland aantreffen, wat zij met criminaliteit proberen te bereiken en in hoeverre delinquentie pas ontstaat na vestiging in Nederland.

Voorts zijn de criminaliteitspatronen onder illegale vreemdelingen in deze studie voor het eerst systematisch vergeleken met die in andere bevolkingsgroepen, waaronder vergelijkbare migrantengroepen met rechtmatig verblijf. In het bestaande onderzoek werd het belang van de illegale verblijfsstatus mogelijk overschat. Ook is er in sterkere mate gebruik gemaakt van theoretische inzichten uit het onderzoek naar criminaliteit bij reguliere migranten. Zo is er meer aandacht voor culturele aspecten van delinquentie,

evenals voor betrokkenheid van illegale vreemdelingen bij criminele migratie, waarbij het plegen van misdrijven over de grens een migratiemotief is.

Kwalitatieve deelonderzoeken en explorerend onderzoek vormden, zoals gezegd, de basis van de bestaande wetenschappelijke kennis over de ruimtelijke spreiding van illegale vreemdelingen en de determinanten daarvan. Daarom is daarnaar in deze studie voor het eerst systematisch onderzoek gedaan. Voorts is er voor het eerst onderzoek gedaan naar de eventuele gevolgen van de geconcentreerde aanwezigheid van illegale vreemdelingen in bepaalde woonmilieus voor de lokale buurtveiligheid en –leefbaarheid. Wat dat laatste betreft is verder van belang dat er nog geen enkel onderzoek was over de relatie tussen illegaliteit en patronen van overtreding en navolging van *ongeschreven sociale regels in de openbare ruimte* en de relatie met de meer subjectieve aspecten van veiligheid, met veiligheidsbeleving.

Precisering van de vraagstelling

Achtergronden van het Nederlandse immigratiebeleid

Nederland is een welvarend land dat door de eeuwen heen vaak veel migranten heeft aangetrokken. Het heeft zijn *Gouden eeuw*, de 17^{de} eeuw, zelfs in belangrijke mate te danken aan nieuwkomers, zowel arme arbeidsmigranten als bemiddelde vreemdelingen die veelal om religieuze redenen hun toevlucht zochten in de betrekkelijk tolerante Hollandse steden. Er is echter nooit onverdeeld positief gereageerd op nieuwelingen. In Amsterdam konden welvarende vreemdelingen als de Franse Hugenoten rekenen op gunstige vestigingsvoorwaarden (Lucassen en Penninx, 1997), terwijl nieuwkomers die niet voor zichzelf bleken te kunnen zorgen, of overlast veroorzaakten, veelal werden weggestuurd (De Swaan, 1988). Delinquente bannelingen kregen soms een snee in hun wang, zodat ze bij recidive beter geïdentificeerd konden worden (Spierenburg, 1995). Lange tijd was het zigeuners verboden om in Nederland te verblijven aangezien zij dieven zouden zijn (Lucassen en Penninx, 1997).

Toen de Hollandse steden hun leidende positie moesten prijsgeven aan Engeland en Frankrijk en, weer wat later, de Verenigde Staten, nam de immigratie af en kwam er bovendien een omvangrijke *emigratie* naar de nieuwe wereld op gang. In die situatie kwam pas verandering in de tweede helft van de twintigste eeuw, toen Nederland in toenemende mate industrialiseerde en de economie in een stroomversnelling raakte.⁶ Vooral in de tweede helft van de jaren vijftig en in de jaren zestig werden in diverse sectoren arbeidsmigranten geworven, voornamelijk in landen rond de Middellandse Zee (Italië, Spanje, Portugal, voormalig Joegoslavië, Marokko en Turkije). Dit gebeurde deels met hulp van de Nederlandse overheid. Laaggeschoolde werknemers waren op dat moment zeer welkom vanwege de aanbodskrapte aan de onderkant van de Nederlandse arbeidsmarkt.

Na de wereldwijde oliecrisis in 1973 gaan er steeds meer stemmen op om een restrictiever immigratiebeleid in te voeren voor niet-westerse landen. Een vermindering van het aantal niet-westerse nieuwkomers wordt dan nodig gevonden om de verzorgingsstaat te beschermen vanwege de toenemende werkloosheid. Daarnaast was

die vermindering, volgens sommigen, vereist voor de integratie van eerdere immigratiestromen die, naar men in de jaren tachtig begint in te zien, tot de vorming van etnische minderheden hebben geleid (Bade, 2004).⁷ In het verlengde daarvan speelt meer recent de zorg of voortdurende immigratie, vooral uit Arabische landen, verenigbaar is met overige gevestigde, meer ‘culturele’ instituties, zoals de gelijkheid tussen man en vrouw, homorechten en de scheiding tussen kerk (moskee) en staat (Fortuyn, 2001).

Ondanks de soms treffende en veelzeggende historische analogieën op het vlak van migratiecontrole, zijn er ook belangrijke verschillen tussen het moderne immigratiebeleid en eerdere vormen van migratiebeheersing. Zo wordt de gewenste selectie van immigranten nu vaak op voorhand gemaakt (Wray, 2006). Een ander verschil is dat politieke elites vroeger in sterkere mate controle uitoefenden over *emigratie* van hun onderdanen; veel mensen waren *omvrijen* die niet zomaar mochten vertrekken (Torpey, 1999).⁸ Voorts heeft in de twintigste eeuw de Europese eenwording gestalte gekregen, waardoor het Nederlandse immigratiebeleid steeds inniger verknoopt is geraakt met dat van andere West-Europese landen. Dat beleid is daarmee juist steeds liberaler geworden ten aanzien van de vestiging van EU-burgers. Sinds 1968 kunnen burgers van landen van de Europese Gemeenschap, in 1992 overgegaan in de Europese Unie, de toegang tot Nederland in principe niet meer geweigerd worden (Lucassen en Penninx, 1997). Ook mogen zij sindsdien werk zoeken zonder speciale vergunning. Het totale Nederlandse en EU- immigratiebeleid kan daarom worden gekwalificeerd als *selectief restrictief*.

In de jaren negentachtig en negentig zijn in Nederland diverse maatregelen genomen om migratie van buiten de Europese Unie, en dan vooral uit niet-westerse landen, tegen te gaan. Zo kwam er de Wet Arbeid Vreemdelingen (1995), die de tewerkstelling van vreemdelingen op de arbeidsmarkt regelt. De wet bepaalt dat arbeidsmigranten alleen een verblijfsvergunning krijgen als er onvoldoende aanbod is van werknemers uit de zogenaamde EER-landen: de landen van de Europese Unie, Noorwegen, IJsland en Liechtenstein. Op het gebied van gezinsvorming en –hereniging zijn er eveneens strengere voorwaarden gekomen. Tegenwoordig, sinds de wijziging van het Vreemdelingenbesluit 2000, moeten Nederlandse ingezetenen die een partner willen laten overkomen minimaal een jaarcontract hebben, minstens 21 jaar oud zijn en minimaal 120% van het minimumloon verdienen. Ook het asielbeleid is diverse malen aangescherpt.⁹

Toeristen uit visumplichtige landen moeten aantonen dat zij voldoende bestaansmiddelen hebben, of moeten een voldoende vermogende inwoner van Nederland (of een ander Schengenland) bereid vinden om garant te staan. Een vermoeden tot illegale vestiging is een reden voor weigering van een toeristenvisum. Het aantal visumplichtige landen is diverse keren uitgebreid, onder meer met Suriname (1980), Turkije (1980) en Noord-Afrikaanse landen (1983). Het visumbeleid voor toekomstige lidstaten van de Europese Unie vormt in dit opzicht weer een uitzondering. Voor Polen verdween de visumplicht voor toeristen aan het begin van de jaren negentig. Voor Bulgarije (2001) en Roemenië (2001) verdween de visumplicht recenter.

Door de afnemende controle over de eigen buitengrenzen vanwege de Europese eenwording, en doordat een stijgend aantal migranten zich illegaal bleek te gaan vestigen, is Nederland in toenemende mate zijn ‘binnengrenzen’ gaan afschermen (Engbersen, 2003). Zo kunnen illegale vreemdelingen sinds 1991 geen sofinummer meer krijgen, waarmee zij op de formele arbeidsmarkt kunnen werken (Van der Leun, 2003). Werkgevers die illegalen in dienst hebben, riskeerden tot 2005 een boete van 900 euro per werknemer; in 2005 is die boete verhoogd naar 8.000 euro. In 1994 is verder de Wet op de Identificatieplicht ingevoerd, die bepaalt dat mensen zich moeten kunnen identificeren bij misdrijven en overtredingen, op het werk en bij een verdenking van illegaal verblijf. Sinds de inwerkingtreding van de zogeheten Koppelingswet (1998), waardoor diverse bestanden van overheidsinstanties werden gekoppeld aan het bevolkingsregister, kunnen migranten zonder rechtmatig verblijf bovendien effectief uitgesloten worden van (de meeste) gezondheidszorg en collectieve voorzieningen, zoals het uitkeringstelsel en de sociale woningbouw (zie verder Van der Leun, 2003). Illegale vreemdelingen hebben nog wel recht op elementaire medische zorg en juridische bijstand, al mag de zaak alleen in Nederland worden afgewacht in het geval van mensenhandel. Kinderen zonder rechtmatig verblijf hebben recht op onderwijs.

Hoewel Nederland voorop loopt in het afsluiten van binnengrenzen vanwege zijn, naar verhouding, sterk ontwikkelde verzorgingsstaat, hebben zich in veel andere westerse landen parallelle ontwikkelingen voorgedaan (zie daarvoor Andreas en Snyder, 2000; Cornelius e.a., 2004).

De Nederlandse staat probeert tevens te komen tot een effectief uitzettingsbeleid, als laatste stap in een restrictief illegalenbeleid (ACVZ, 2002; Minderhoud, 2004). Ondanks dit streven wordt minder dan de helft van de opgebrachte illegale vreemdelingen effectief uitgezet (Engbersen e.a., 2002; Van Kalmthout en Van Leeuwen, 2004). Uitzettingen falen mede doordat illegale vreemdelingen soms feitelijk niet vertrekken kunnen, aangezien zij stateeloos zijn of doordat de herkomstlanden geen zogeheten *laissez passer* (reisdocument voor terugkeer) verlenen. Het kan ook zijn dat de migrant niet terug wil, bijvoorbeeld wegens gebrek aan perspectief in het herkomstland, of migratieschulden. Illegale vreemdelingen kunnen de uitzetting bemoeilijken als ze hun identiteit verzwijgen.

Tegen deze achtergrond doet zich de vraag voor welke gevolgen ‘illegale blijvers’ – illegale vreemdelingen die niet weggaan of die ondanks het ontmoedigingsbeleid naar Nederland komen (vgl. ROB, 1998)– ondervinden van, en zelf verbinden aan, een immigratiepolitiek die de migratie- en bestaanskansen voor illegale vreemdelingen sterk beperkt, maar geen volledig effectief uitzettingsbeleid kent.

Een gesloten verzorgingsstaat én een gedifferentieerde, open marktsamenleving

In het voorgaande kwam al aan de orde dat Nederland getypeerd kan worden als een relatief gesloten verzorgingsstaat. Tegelijkertijd is Nederland een gedifferentieerde en open marktsamenleving. Beide laatstgenoemde kenmerken zijn eveneens essentieel voor een goed begrip van deze studie. Daarom zullen ze hieronder in het kort worden

beschreven. Overigens zijn ook die kenmerken min of meer typerend voor alle moderne (westerse) landen.

Ten eerste kenmerkt de sociale structuur in Nederland zich door een hoge mate van economische, etnische en (sub)culturele differentiatie. Het Centraal Bureau voor de Statistiek (CBS) vindt het nuttig om meer dan duizend economische sectoren te onderscheiden. Die bieden werkgelegenheid in ruim honderd ‘lagere’ en ‘hogere’ beroeps categorieën. Ook de verscheidenheid naar etnische herkomst is aanzienlijk. Bijna 1 op de 5 inwonenden (19%) is in het buitenland geboren of heeft minstens een ouder die buiten Nederland geboren is. Circa een op de tien inwoners heeft – eventueel naast de Nederlandse nationaliteit – een buitenlandse nationaliteit. Ruim zes procent van de bevolking is geboren in een niet-westers land. Er zijn in Nederland zesenvijftig vreemde nationaliteiten met meer dan 4.000 personen (Blom e.a, 2005).

Economische differentiatie en etnische pluriformiteit staan niet los van elkaar. Mede door zijn geschiedenis als handelsnatie en voormalige kolonisator heeft Nederland sterk deel aan een marktsamenleving die in toenemende mate de gehele aardbol omspant. Aan de Nederlandse grenzen is van oudsher een omvangrijk internationaal verkeer van goederen, ideeën en mensen. Zo bedroeg het bruto binnenlands product in 2005 505 miljard euro. In dat jaar werd voor maar liefst 250 miljard euro aan goederen en 68 miljard euro aan diensten ingevoerd, waarvan 139 miljard van buiten de Europese Unie. Uitgevoerd en doorgevoerd werd er nog meer: 281 miljard euro aan goederen en 74 miljard euro aan diensten, waarvan 98 miljard naar niet-EU landen. De ‘openheid’ van Nederland blijkt tevens uit het grote aantal vakantiereizen naar het buitenland: Nederlanders gaan bij elkaar ruim 14 miljoen keer per jaar op vakantie in het buitenland, waarvan 2,1 miljoen keer buiten de Europese Unie.¹⁰

In de hedendaagse, gedifferentieerde marktsamenlevingen hebben mensen relatief veel persoonlijke vrijheid en verantwoordelijkheid (Beck en Beck-Gernsheim, 2002). De variëteit aan mogelijke levensstijlen is aanzienlijk, al kiezen velen nog altijd ‘voor de kudde’ (Duyvendak en Hurenkamp, 2004). De partnerkeuze wordt bijvoorbeeld veel minder dan vroeger voorgeschreven door de familie en/of de gemeenschap. Mensen willen en moeten die keuze in hoge mate individueel bepalen (Shorter, 1975; Collins, 1988). Op dit moment is ongeveer een op de drie huishoudens van een alleenstaande, vooral in de steden wonen veel *singles*. Een deel daarvan is weduwe of weduwnaar, anderen hebben om andere redenen (even) geen vaste partner. Veel mensen hebben tegenwoordig tijdelijke relaties met partners waarmee ze al dan niet getrouwd zijn en/of samenwonen (Bauman, 2003). Dit geldt in mindere mate voor mensen met een traditionele, niet-westerse achtergrond en oriëntatie. Daar bepalen traditie en familie de partnerkeuze vaker (Hooghiemstra, 2003).

Nederland is een seculier, democratisch land. Met de opkomst van het liberalisme en het ideaal van de zelfregulerende markt, is het economisch handelen in westerse landen in sterkere mate losgekoppeld van familiale en politieke verbanden (Polanyi, 1944). Ondernemingen kunnen en moeten op de arbeidsmarkt de arbeid inhuren waarmee ze hun voordeel denken te doen. Ascriptieve kenmerken van de werknemer, zoals herkomst en geslacht doen minder ter zake dan voorheen. Maar niet alleen de

markt, ook andere instituties die het maatschappelijke verkeer ordenen, hebben in een democratie betrekkelijk veel vrijheid. De staat beschermt de relatieve autonomie van krachten in de *civil society* en het familieleven zelfs in hoge mate met wetgeving, met ‘rechten’. Naarmate volksvertegenwoordigers via wetgeving bepaalde ordeningen tot ideaal verheffen die sterker indruisen tegen de agenda’s van segmenten van het maatschappelijke weefsel, zal de handhaving daarvan problematischer en de naleving ervan onvollediger zijn.

Ook de staat zelf is geen monolithisch geheel. Ten eerste is er het onderscheid tussen de gemeentelijke, de provinciale en de rijksoverheid (met daarbinnen de verschillende ministeries), evenals het niveau van de Europese Unie. Ten tweede is er de scheiding tussen de wetgevende, de uitvoerende en rechtsprekende macht. De belangen die in deze deelsferen van de staat op de voorgrond staan, kunnen onderling in conflict komen. Het kan bijvoorbeeld zijn dat ambtenaren die uitvoering moeten geven aan het restrictieve immigratiebeleid in de praktijk hun beroepsideologie laten overwegen. Mede daardoor is er soms een verschil tussen het *de jure* en het *de facto* beleid (zie daarover Van der Leun, 2003).¹¹ Ambtenaren die verantwoordelijk zijn voor de economie stellen soms andere eisen aan migratiebeleid dan ambtenaren die zich bezig houden met de openbare orde en veiligheid (zie Cornelius e.a., 2004).

Het gelijktijdige gesloten én open karakter van de Nederlandse samenleving bevordert de ambivalentie over migratiestromen. In delen van de samenleving bestaat behoefte aan de arbeidskracht van vreemdelingen, zijn er familiale of vriendschappelijke bindingen over landsgrenzen heen –denk aan migrantengemeenschappen die buitenlandse familie hebben of Hollandse vakantiegangers met een vakantie vriendje (Portes, 1999)– of vinden mensen dat Nederland zijn traditie van openheid en tolerantie in stand moet houden. Maar juist vanwege de toegenomen afhankelijkheid van buitenlanders vrezen veel (andere) gevestigden voor hun instituties en privileges (Elias, 1939; Polanyi, 1944; Popper, 1945).

In het huidige tijdsgewricht zien de meeste staten zich genoodzaakt om zich vooral in de handel te openen voor externe invloeden. Maar de wens om de eigen instituties te handhaven – de gereguleerde arbeidsmarkt, het stelsel van sociale voorzieningen, ‘culturele’ verworvenheden, de ‘openbare orde’ – produceert onder veel gevestigden een gelijktijdige behoefte aan sociale sluiting. In de immigratiepolitiek bevordert de spanning tussen inclusieve en exclusieve tendensen een geneigdheid tot selectiviteit: men tracht open te staan voor wenselijke invloeden, en wil tegelijkertijd gesloten blijven voor ongewenste invloeden. Illegale vreemdelingen belichamen bij uitstek deze paradox van de ‘dubbele beweging’ (Polanyi, 1944). Juist in een gedifferentieerde, open marktsamenleving liggen er in diverse maatschappelijke *niches* verblijfs- en bestaansmogelijkheden voor velerlei *migranten*, maar de zucht naar veiligheid en geslotenheid in (andere delen van) de samenleving maakt dat de overheid hen classificeert als *illegalen*.

Effecten van het restrictieve immigratiebeleid voor de openbare veiligheid

Het restrictieve immigratiebeleid is deels gericht op het voorkomen van veiligheidsproblemen. De staat kan een toeristenvisum of verblijfsvergunning weigeren, intrekken of niet-verlengen als er aanwijzingen zijn dat de vreemdeling de openbare orde heeft geschonden, of zal schenden (ACVZ, 2005). Wellicht beschermt dat beleid tevens op indirectere wijze de openbare veiligheid, door de vestiging van kansarme migranten af te houden. In de steden van veel niet-westerse landen gaat de ‘overmatige’ –en minder goed te weren– binnenlandse migratie vaak gepaard met veiligheidsproblemen in relatie tot de vorming van sloppenwijken. Dergelijke effecten van restrictief immigratiebeleid vallen buiten het bestek van deze studie.

Ik ben in deze studie vooral geïnteresseerd in de eventuele effecten van restrictief immigratiebeleid voor de groep die geen toestemming krijgt om zich in Nederland te vestigen, maar dit toch doet, hetzij door middel van illegale grensoverschrijding, hetzij door niet te vertrekken nadat een eventueel rechtmatig verblijf, bijvoorbeeld als toerist of als asielzoeker, is geëindigd. Ik wil weten in hoeverre het gedrag in deze groep, voor zover relevant voor de openbare veiligheid in het land van vestiging, te verklaren is vanuit de specifieke relatie met de betreffende nationale overheid. Mijn interesse gaat daarbij primair uit naar het illegale verblijf en in mindere mate naar het migratieproces dat daaraan vooraf is gegaan. Dit brengt ons tot de eerste hoofdvraag: *In hoeverre en onder welke omstandigheden hebben het verblijf en de migratie door ‘illegale vreemdelingen’ gevolgen voor de openbare veiligheid in Nederland, en welk aandeel heeft het restrictieve immigratiebeleid daarin?*

Deze hoofdvraag is deels onderzocht vanuit een ruimtelijk gezichtspunt. Voorafgaand aan dit onderzoek waren er, zoals gezegd, aanwijzingen dat illegaal verblijf in bepaalde typen buurten is geconcentreerd. Daarbij heeft veel criminaliteit plaats in de nabijheid van de verblijfplaats van de dader (zie bijvoorbeeld Kleemans, 1996). Veiligheidsbeleving heeft eveneens een ruimtelijke component (vgl. Covington en Taylor, 1991). Daarom viel te verwachten dat het antwoord op de eerste hoofdvraag in elk geval zou verschillen van woonplaats tot woonplaats en daarbinnen van buurt tot buurt. Bovendien vergroot de studie van de ruimtelijke spreiding van illegaal verblijf ons inzicht in de sociale bindingen tussen illegale vreemdelingen en meer gevestigde groepen in de samenleving. Een van de thema’s die als een rode draad door de deelstudies loopt (zie hoofdstuk 2), is dat deze bindingen mede bepalen in hoeverre en hoe de onrechtmatigheid van het verblijf gevolgen heeft voor de openbare veiligheid. De *ecologie* van illegaal verblijf fungeert zo als een venster op de *sociologie* van illegaal verblijf. Dit brengt ons tot de tweede hoofdvraag: *In welke mate en op welke wijze is illegaal verblijf in Nederland ruimtelijk geconcentreerd en hoe kunnen patronen van ruimtelijke concentratie en incorporatie worden verklaard?*

Precisering van begrippen

Een aantal centrale termen wil ik in dit inleidende hoofdstuk toelichten. Het betreft een omschrijving van wat ik versta onder een *illegale vreemdeling*, onder *objectieve* en *subjectieve veiligheid* en onder *misdrijven*.

Illegale vreemdeling. Illegale vreemdelingen zijn personen van vreemde nationaliteit, of zonder nationaliteit, die op enig moment onrechtmatig verblijven binnen het grondgebied van een staat, in dit geval het Koninkrijk der Nederlanden. Het CBS stelt als aanvullende voorwaarde dat het verblijf in Nederland langer dan drie maanden moet hebben geduurd (Hoogteijling, 2002). Deze aanvullende bepaling heeft voor het CBS vooral onderzoekstechnische redenen en is in deze studie niet nodig.¹² Dit onderzoek heeft zowel betrekking op mensen die zich min of meer permanent in Nederland hopen te vestigen (de *immigranten*) als op mensen die op voorhand uitgaan van een tijdelijk verblijf (de zogeheten *circulaire migranten* of *transients*).

Het bijwoord ‘illegale’ benoemt geen eigenschap van een persoon, maar beschrijft een relatie tussen deze persoon en de staat in een bepaald rechtsgebied. Of het verblijf als onrechtmatig wordt gekwalificeerd en welke gevolgen de staat daaraan verbindt (en hoe deze gevolgen zich verhouden tot de gevolgen die de staat verbindt aan rechtmatig verblijf), hangt sterk af van de wijze van beschouwen en classificeren door de staat. Illegaal verblijf heeft in hoge mate het karakter van een sociale constructie waarop de beschouwde zelf weinig invloed heeft (Gans, 1995). Illegale vreemdelingen kunnen zich onrechtmatig in een rechtsgebied proberen te vestigen of er langer proberen te blijven dan de staat goedvindt –slachtoffers van mensenhandel en illegale vreemdelingen die door het herkomstland niet worden teruggenomen hebben zelfs daarop weinig invloed –, maar op de gevolgen die de wetgever aan een illegale verblijfsstatus verbindt, hebben zij geen greep.¹³

Veel sociale wetenschappers vrezen dat wetenschappelijk onderzoek naar illegaal verblijf zou kunnen bijdragen aan criminalisering van illegale vreemdelingen. Dat bewustzijn laat zijn sporen na in het wetenschappelijke idioom. Zo vermijden veel onderzoekers de term *illegaal*. Het begrip *vreemdeling* vervangen zij veelal door *migrant*. Dit heeft de sociaalwetenschappelijke literatuur de neologismen *ongedocumenteerde migrant* en *irreguliere migrant* opgeleverd (zie bijvoorbeeld Chavez, 1992; Van Liempt 2007). Deze naamgevingen laten zien dat het belangrijk is om staatstermen niet klakkeloos over te nemen, zeker niet als die een negatieve bijklank hebben. Toch vraag ik me af of we met voornoemde eufemismen het verschijnsel beter zijn gaan benoemen.¹⁴ Bij gebrek aan een term waaraan politieke noch beschrijvende bezwaren kleven, ben ik verschillende begrippen als synoniemen gaan gebruiken, deels ook omdat dat wat meer variatie gaf. In de andere hoofdstukken gebruik ik meestal de termen irreguliere migrant, illegale migrant of illegaal.

Objectieve en subjectieve veiligheid. Veiligheid heeft objectieve en meer subjectieve facetten. Onder objectieve veiligheid versta ik de mate waarin er in Nederland misdrijven en overtredingen plaatsvinden. Hoe lager het aantal delicten, hoe hoger de veiligheid. In de liberale traditie is een centrale taak van de overheid het helpen beschermen van het individuele recht op vrijheid, op bescherming tegen agressie door derden. Maar vaak zijn gedragingen die niet stroken met diepgevoelde maatschappelijke conventies eveneens strafbaar gesteld als misdrijf of overtreding, ook als er geen sprake is van een duidelijk slachtoffer (zoals bij het verbod op naaktloperij). Bij subjectieve veiligheid gaat het om

het oordeel van mensen over criminaliteit en overlast in de openbare ruimte en de vraag in hoeverre zij zich er veilig voelen (Vanderveen, 2006).

Ik ben primair geïnteresseerd in de objectieve aspecten van veiligheid, vooral in misdrijven. Dit zijn delicten die in de samenleving als ernstig worden beschouwd en waarop langere hechtenisstraffen staan. Daarnaast gaat mijn interesse uit naar *overtredingen* – dat zijn lichtere delicten waarop in Nederland maximaal een jaar hechtenisstraf staat – vooral voor zover die in de (semi)openbare ruimte plaatsvinden. Ik ben dus vooral geïnteresseerd in (straat)criminaliteit. Als ongedocumenteerde migranten zwart werken in een bedrijf vormt dat in mijn optiek geen schending van de openbare veiligheid. Veiligheid heeft tevens sociaaleconomische aspecten (zie Wacquant, 2001; Bauman, 2004), maar sociale zekerheid staat in deze studie niet op de voorgrond.

Illegaal verblijf is in Nederland niet strafbaar. Een illegale vreemdeling kan in bewaring worden gesteld met het oog op uitzetting, maar formeel is dat geen straf. Pas als er sprake is van herhaald illegaal verblijf kan een illegale vreemdeling onder bepaalde voorwaarden tot ‘ongewenst vreemdeling’ worden verklaard. Herhaald of voortgezet verblijf wordt dan beschouwd als een misdrijf tegen het openbaar gezag (ACVZ, 2005).¹⁵ Illegaal verblijf zie ik niet als een intrinsieke inbreuk op de openbare veiligheid, illegaal verblijf door een ongewenst vreemdeling wel.

In sociologisch opzicht verschillen strafbare feiten van informele normschendingen, doordat zij in de samenleving op specifieke wijzen gesanctioneerd worden. Bij de handhaving van de openbare veiligheid kan de staat immers zijn monopolie op legitiem geweld uitoefenen (Weber, 1965). Toch hebben juridische onderscheidingen voor sociaalwetenschappelijke doelen soms iets gekunstelds. Hoewel het vooral onder klassiek georiënteerde criminologen niet ongebruikelijk is om af te gaan op juridische definities, zijn er in de criminologie dan ook scholen die criminaliteit niet reduceren tot strafbare feiten. Sommige kritische criminologen stellen dat niet alle immorele gedragingen strafbaar zijn, zoals bepaalde vormen van uitbuiting in het bedrijfsleven. De wet zou soms vooral belangen dienen van machtige groepen in de samenleving. Vanuit een kritische optiek kan het restrictieve immigratieregime beschouwd worden als *staatscriminaliteit*, en het begrip ‘illegale vreemdeling’ als een vorm van symbolisch geweld (vgl. Bourdieu, 1990: 127)! Maar ook de levensloopcriminologie doet vaak onderzoek naar normoverschrijdend gedrag in het algemeen (zie bijvoorbeeld Sampson en Laub, 2005).

Mijn focus op misdrijven en overtredingen heeft enerzijds inhoudelijke redenen. Het ligt voor de hand om in elk geval ook daarnaar te kijken bij een onderzoek naar illegaal verblijf en veiligheid. Daarnaast speelt mee dat misdrijven en overtredingen uitvoerig worden geregistreerd door politie en justitie, terwijl ze ook in sociaal wetenschappelijke *surveys* ruimschoots aan de orde komen. Door gebruik te maken van diverse bestaande gegevensbronnen kon ik een grotere wetenschappelijke bijdrage leveren, die bovendien maatschappelijk relevant zou zijn. Er was zoals gezegd nog betrekkelijk weinig empirische informatie over illegaal verblijf en veiligheid.

Toch heb ik niet helemaal aan voornoemde kritieken willen voorbijgaan. Enerzijds ligt de nadruk in dit boek op daderschap onder illegale vreemdelingen in de zin

van betrokkenheid bij misdrijven en overtredingen. Anderzijds is er ook aandacht voor subjectieve aspecten van veiligheid. Lang niet alle regels in de openbare ruimte worden immers strafrechtelijk gesanctioneerd (Goffman 1963, 1971a). De rechtsorde vormt maar een deel van de sociale orde. Juist overtredingen van *informele regels* bepalen mede hoe mensen de veiligheid van de openbare ruimte beoordelen en beleven. Daarom heb ik tevens aandacht gehad voor de vraag in hoeverre illegale vreemdelingen in het buurtleven ongeschreven regels schenden, of juist niet, en wat daarin het aandeel is van de onrechtmatigheid van het verblijf. Voorts komt in deze studie op diverse plaatsen aan de orde dat niet alle delicten in sociaalwetenschappelijk opzicht dezelfde aard hebben. Niet bij alle misdrijven en overtredingen vallen bijvoorbeeld, zoals gezegd, (individuele) slachtoffers. Ik wijs er tevens op dat de staat zijn definitiemacht is gaan inzetten, en het strafrecht is gaan mobiliseren, om bepaalde categorieën vreemdelingen uit Nederland te weren. De invoering van de legitimatieplicht is daarvan een voorbeeld.

Gegevensbronnen

Ik kon een ongekende hoeveelheid interessante kwantitatieve en kwalitatieve gegevens verzamelen. Die verkreeg ik merendeels tijdens onderzoekswerkzaamheden voor twee opdrachtonderzoeken naar aanleiding van een onderzoeksvorstel van mijn promotor (zie hieronder de punten 1,2 en 4). Het betrof een studie in opdracht van het Ministerie van Volkshuisvesting, Ruimtelijke ordening en Milieu, en een studie voor het onafhankelijke onderzoeksprogramma Politie en Wetenschap, dat gesubsidieerd wordt door het Ministerie van Binnenlandse Zaken. Daarnaast heb ik tussen 2003 en 2006 werkgroepen gegeven aan sociologiestudenten van de Universiteit van Amsterdam. De studenten hebben elk een interview afgenomen met een bewoner in een stadsbuurt met een relatief hoog percentage illegale vreemdelingen (zie hieronder bij 2). Verder heb ik diverse relevante statistische gegevens verzameld die her en der beschikbaar waren. Hieronder volgt een opsomming van de gegevens waarop de deelstudies zijn gebaseerd.

1. De vijftientig regionale politiekorpsen in Nederland hebben eind 2003 geanonimiseerde gegevens aangeleverd over alle bekend geworden illegale vreemdelingen in de periode januari 1997 tot en met september 2003. Het gaat om informatie op persoonniveau over de reden, de plaats en de datum van aanhouding (of aanhouding en) en, voor zover bekend, de datum van aankomst in Nederland, de nationaliteit, de geboortedatum en het geslacht.¹⁶
2. Er zijn twee stadsbuurten geselecteerd waarin volgens de politiegegevens verhoogde concentraties van illegaal verblijf voorkomen. In 2003 hebben een collega-onderzoeker en ikzelf in deze Rotterdamse en Haagse buurt in totaal twintig professionals gesproken. Daarnaast hebben er interviews plaatsgevonden met 70 illegale vreemdelingen uit zes landen en 45 woonruimteaanbieders. De laatstgenoemde interviews zijn afgenomen in de moedertaal van de respondent door een team van interviewers met minimaal een hogere beroepsopleiding.

3. De Amsterdamse sociologiestudenten hebben in de onderzoeksbuurtten in totaal 101 buurtbewoners gesproken. De interviews werden geïnterviewd in de werkgroepen.
4. In 2005 heb ik in de Vreemdelingenbewaring van de PI Tilburg de levensverhalen opgetekend van 26 mannelijke illegale vreemdelingen met een asielachtergrond en een strafblad. De meeste respondenten zijn twee keer uitgebreid gesproken. De strafdossiers werden beschikbaar gesteld door het Ministerie van Justitie.
5. In 2007 heeft de Immigratie en Naturalisatiedienst geanonimiseerde gegevens beschikbaar gesteld over alle vreemdelingen die tussen 1997 en 2003 ongewenst zijn verklaard en/of hun verblijfsvergunning hebben verloren op grond van openbare orde overwegingen.
6. In de periode 2003-2005 heb ik diverse statistische bestanden en gegevens verzameld over sociaaleconomische buurtkenmerken, buurtveiligheid en (buurt)criminaliteit. De belangrijkste gegevensbronnen waren *Kerncijfers Wijken en Buurten 1999* van het Centraal Bureau voor de Statistiek en de zogeheten *Politiemonitor Bevolking* (jaargangen 1997, 1999, 2001 en 2003).
7. Er is in 2007 gesproken met twee sleutelinformanten die betrokken zijn bij de noodopvang ten behoeve van illegale vreemdelingen. Het betreft een beleidsmaker van de gemeente Amsterdam en een coördinator van een landelijke stichting die gesubsidieerd wordt door Nederlandse kerken.

Deelstudies

Met de genoemde gegevens heb ik vijf deelstudies verricht om de genoemde onderzoeksvragen te beantwoorden. Elke deelstudie vormt een van de hoofdstukken drie tot en met zeven. De hoofdstukken zijn zo geordend dat ze op elkaar voortbouwen, maar kunnen desgewenst zelfstandig worden gelezen.

Ik heb vooral de bevindingen en beperkingen van het bestaande Nederlandse onderzoek tot uitgangspunt genomen; wetenschap streeft immers naar cumulatieve kennis. In de meeste deelstudies heb ik daarnaast aanvullende theoretische inzichten verwerkt. Dit was nodig omdat de deelproblemen die uit de twee centrale onderzoeksvragen voortvloeien, zich over meerdere wetenschapsgebieden uitstrekken, waaronder de sociologie, de sociale geografie, de criminologie en de sociale psychologie. De gebruikte theoretische inzichten en onderzoeksmethoden worden verder in de betreffende hoofdstukken beschreven. Daar ga ik tevens in op de validiteit en representativiteit van de empirische gegevens. Hieronder volgt een beschrijving van de deelstudies.

In de eerste deelstudie is onderzocht hoe illegaal verblijf ruimtelijk over Nederland is gespreid. De empirische basis daarvan vormden de onder 1, 2 en 6 verzamelde kwantitatieve en kwalitatieve gegevens. De gevonden patronen worden beschreven en verklaard in **hoofdstuk 3: *Shadow places: Patterns of spatial concentration and incorporation of irregular immigrants in the Netherlands.***

De tweede deelstudie behelsde een onderzoek naar de gevolgen van illegaal verblijf voor de veiligheid en leefbaarheid van stadsbuurten. Hoe veilig en leefbaar zijn buurten waar concentraties van illegaal verblijf voorkomen? Vindt er meer (of minder) misdaad plaats dan in andere buurten? Voelen de bewoners zich er (on)veiliger? Welke rol speelt illegaal verblijf daarin? Ook op deze vragen werd ingegaan met de kwantitatieve en kwalitatieve gegevens onder 1, 2 en 6. De resultaten zijn beschreven in **hoofdstuk 4**: *Against state rules against street rules? Illegal immigrants and public safety in urban neighbourhoods.*

In de derde deelstudie werd de aard en omvang van delinquent gedrag onder illegale vreemdelingen vergeleken met de patronen van daderschap onder legale migranten uit gelijke herkomstlanden en van gelijke leeftijd. Het betreft een vergelijking van migranten uit elf herkomstlanden van 14 tot en met 24 jaar. Daartoe werden de onder 1 verzamelde gegevens vergeleken met politiecijfers over geregistreerde criminaliteitverdachten met rechtmatig verblijf waarover andere onderzoekers hebben gerapporteerd (Kromhout en Van San, 2003). Dit is het onderwerp van **hoofdstuk 5**: *Embedded crimes? – Similarities and dissimilarities in delinquency among legal and illegal immigrants in the Netherlands.*

Ten behoeve van de vierde deelstudie werden de ervaringen en verhalen van 26 delinquente illegale vreemdelingen opgetekend en kwalitatief geanalyseerd. Hoe zijn de mannen betrokken geraakt bij criminaliteit? In hoeverre blijkt uit de onder 4 verzamelde verhalen en strafdossiers dat de illegale verblijfsstatus een aandeel heeft gehad in het ontstaan van delinquent gedrag? Hoe zijn de mannen omgegaan met hun situatie? Voor welke misdrijven kiezen zij in de omstandigheden wel, voor welke niet? De uitkomsten zijn beschreven in **hoofdstuk 6**: *“I am just trying to live my life.” Status dilemmas and delinquency among irregular immigrants with an asylum background.*

Bij de vijfde deelstudie zijn de achtergronden onderzocht van de forse toename van het aantal illegale criminaliteitsverdachten vanaf het midden van de jaren negentiennegentig. Op basis van de onder 1, 5 en 6 verzamelde kwantitatieve gegevens is nagegaan of de marginaliseringsthese – die stelt dat deze toename is veroorzaakt door een toenemende marginalisering van illegale vreemdelingen onder invloed van het strengere illegalenbeleid – stand houdt na statistische controle voor vijf alternatieve verklaringen: praktijken van ‘reclassificatie’ door de staat, criminele migratie, ontwikkelingen in de geregistreerde criminaliteit, een toename van criminaliteit bij legale migranten en, ten laatste, demografische ontwikkelingen ten aanzien van de samenstelling of omvang van de illegale bevolking. De resultaten staan in **hoofdstuk 7**: *The rise in crime among irregular immigrants: The marginalization thesis in question.*

Nawoord

Dit boek bevat een nawoord: *Naar een mondiale verzorgingsstaat of terug naar het armenhuis?* (**hoofdstuk 8**). Wie de relaties onderzoekt tussen illegaal verblijf en veiligheid zal zich niet alleen afvragen in hoeverre delinquent gedrag onder illegale vreemdelingen (mede)

een reactie is op het overheidsbeleid, maar ook hoe de staat reageert op eventuele ontregelingen van de openbare orde door illegale vreemdelingen. Mede op basis van de resultaten van deze studie buig ik me over de vraag in hoeverre migratiestromen vanuit niet-westerse landen zullen leiden tot nieuwe zorgarrangementen ter beheersing van de hinderkracht van niet-westerse armen. Kunnen deze migratiestromen een zodanige bedreiging vormen voor rijke landen dat ze er, zoals door de Nederlandse socioloog De Swaan is gesuggereerd, een belang creëren tot de vorming van een mondiaal verzorgingsstelsel, waarin de rijkere landen de zorg op zich nemen voor de armen in arme landen? Of is er in de vestigingslanden veeleer sprake van een renaissance van oude vormen van armoedezorg en –beheersing?

Ethische aspecten

Tijdens mijn onderzoek heb ik voorlopige resultaten gepresenteerd op diverse wetenschappelijke conferenties en seminars. Ik werd toen enkele malen geconfronteerd met ethische vragen. Sommige collega's waren bezorgd over mijn onderzoek naar de determinanten van het ruimtelijke vestigingspatroon van illegale vreemdelingen: zal deze kennis geen razzia's in de hand werken? Anderen vreesden dat mijn interesse in daderschap onder deze groepen verdere stigmatisering van illegale vreemdelingen zou bevorderen.

Buiten de academie is het onderwerp van mijn studie eveneens beladen. Bestaat in sommige kringen de neiging om illegale vreemdelingen sterk in bescherming te nemen (vgl. Westerink, 2005), in andere kringen worden juist de negatieve aspecten van (illegale) migratie voor de ontvangende samenleving benadrukt en gedramatiseerd.¹⁷ Een van de argumenten om wetenschappelijk onderzoek te doen op dit terrein, is dat het mythes kan ontmaskeren die in de samenleving een hardnekkig leven leiden. Aldus vergroot het de ruimte voor een meer genuanceerde discussie op basis van toetsbare uitspraken (Elias, 1978; Burgers, 1996). Bovendien boet een sociale wetenschap die er – angstvallig – genoeg mee neemt dat substantiële, belangwekkende gebieden van het samenleven *terra incognita* zijn, sterk in aan geloofwaardigheid. Dit neemt niet weg dat dergelijk onderzoek moet gebeuren met inachtneming van de wetenschappelijke en ethische richtlijnen die in de sociale wetenschap gebruikelijk zijn, zoals de *peer review* en het garanderen van de anonimiteit van respondenten. Tot slot wil ik opmerken dat de morele verantwoordelijkheid mede bij de lezer ligt. In de afgelopen jaren heb ik gezien hoe journalisten, politici en beleidsmakers de bevindingen van studies waaraan ik meegewerkt had, op uiteenlopende manieren benutten, vervormden of simpelweg negeerden (vgl. Van San en Leerkes, 2001).

Centrale bevindingen: Differentiële effecten van het statelijke streven naar sociale uitsluiting en de modererende werking van sociale bindingen

Inleiding

In dit tweede hoofdstuk, dat desgewenst na hoofdstuk zeven kan worden gelezen, beschrijf ik de voornaamste uitkomsten van de deelstudies en plaats ze in een analytische samenhang. Die samenhang komt tot uitdrukking in een verbinding van (1) criminologische inzichten en (2) (rechts)sociologische ideeën. Meer specifieke deelconclusies vindt men in de volgende hoofdstukken.

(1) Met de restrictieve immigratiepolitiek voor burgers van niet-EU landen probeert de staat het verblijf voor bepaalde categorieën vreemdelingen onaantrekkelijk te maken. De verwachting is dat dergelijke vreemdelingen daardoor afzien van verblijf in Nederland, waardoor de omvang van deze immigratiestromen daalt. De mate van sociale uitsluiting zal in de praktijk echter sterk, maar onvolledig zijn. Een deel van de geweerde migranten zal blijven proberen om zich in Nederland te vestigen, een deel van hen zal daarin slagen. Ook dergelijke groepen worden geconfronteerd met het statelijke streven naar sociale uitsluiting, in elk geval tijdens het verblijf als illegale vreemdeling, maar vaak al tijdens de overkomst naar Nederland. Uit mijn studie blijkt dat deze tendentie naar sterke, maar imperfecte sociale uitsluiting, potentieel, differentiële gevolgen heeft voor de openbare veiligheid. Sommige aspecten van de openbare veiligheid kunnen onder invloed van het statelijke streven naar sociale uitsluiting onder druk komen te staan, terwijl andere aspecten juist beter af zijn in vergelijking met rechtmatig verblijf. Deze gedachten zijn geënt op gangbare benaderingen in de criminologie.

(2) Bovengenoemde potentiële effecten manifesteren zich lang niet altijd in dezelfde mate en op dezelfde wijze. Wie deze variatie wil begrijpen, zal in ogenschouw moeten nemen dat er in sommige segmenten van een gedifferentieerde, open marktsamenleving andere belangen en opvattingen op de voorgrond staan dan de belangen en opvattingen die de immigratiepolitiek domineren. De mate waarin en de wijze waarop het statelijke streven naar sociale uitsluiting gevolgen heeft voor de openbare veiligheid blijken in hoge mate bepaald te worden door het samenspel tussen het statelijke migratieregime en de relatief autonome, soms tegengestelde krachten vanuit (andere) delen van de samenleving. Deze gedachten zijn geïnspireerd op de (rechts)sociologie.¹

Differentiële effecten van het statelijke streven naar sociale uitsluiting

Het strainmechanisme

De kans dat mensen illegale paden zullen proberen te betreden stijgt, als de conventionele wegen tot de doelen die zij voor ogen hebben, sterker zijn afgesloten. Dit inzicht vormt de kern van de zogeheten strainbenaderingen in de criminologie, die teruggaan op het werk van Merton (1938). Merton beschouwde delinquentie als een gedragsaanpassing van mensen aan de mogelijke spanning tussen legitiem geachte doelen en de toegang tot middelen om deze ambities op een conventionele manier te realiseren (zie Agnew (1992) en Young (1999) voor recentere toepassingen van deze theorie).

Ik laat zien dat dergelijke gedragsaanpassingen ook voorkomen onder illegale vreemdelingen, vooral onder jonge mannen (zie vooral **hoofdstuk 6** en **hoofdstuk 7**).² Zo is er onder illegale vreemdelingen vaak sprake van *verblijfscriminaliteit*. Het betreft misdrijven die erop zijn gericht om in een rechtsgebied te verblijven ondanks het restrictieve beleid van de staat die in dat gebied soevereiniteit claimt. Voorbeelden daarvan zijn Nederland in- of uitreizen met een vervalst reisdocument of zich legitimeren met een document van een ander.

In het geval van *bestaanscriminaliteit* proberen illegale vreemdelingen met misdaden te voldoen aan sociale standaarden die door henzelf en/of de milieus waaraan ze deel hebben of willen hebben, als elementair worden beschouwd. Zij zien soms geen andere uitweg dan het plegen van misdrijven, gegeven hun marginale maatschappelijke positie. In tegenstelling tot verblijfscriminaliteit stellen daders bij bestaanscriminaliteit in sterkere mate kwaliteitseisen aan het verblijf. Daardoor heeft de restrictieve immigratiepolitiek er doorgaans een indirecter en zwakker aandeel in. Voorbeelden van dergelijke standaarden zijn: de wens om voedsel uit de winkel te consumeren, het bijdragen aan de kosten van de begrafenis van een vader, het betalen van een bruidsschat, het willen chauffeurs van een Hollandse vriendin (illegale vreemdelingen hebben in Nederland geen recht op een rijbewijs). De voornaamste varianten van bestaanscriminaliteit zijn diefstal, werken met valse papieren en straathandel in drugs.

Het komt daarnaast voor dat de gevolgen van een illegale verblijfsstatus problematisch druggebruik in de hand werken. Net zoals andere gemarginaliseerde gebruikers, zijn illegale vreemdelingen dan vaak aangewezen op *verslavingsgerelateerde criminaliteit* om hun middelengebruik te bekostigen.

Het aantal niet-westerse criminaliteitsverdachten met een illegale verblijfsstatus is meer dan verdubbeld sinds de conventionele verblijfs- en bestaansmogelijkheden in de jaren negentig in toenemende mate voor deze migrantengroepen werden afgesloten (zie **hoofdstuk 7**). Hoewel die toename diverse oorzaken blijkt te hebben, is het zeer waarschijnlijk dat de voornaamste verklaring gezocht moet worden in de afnemende toegang tot formele instituties in de samenleving. Al met is de geregistreerde criminaliteitsgraad onder illegale vreemdelingen nu ongeveer even hoog of wellicht zelfs wat hoger dan onder niet-westerse migranten met rechtmatig verblijf.

Sociale uitsluiting als sociale controle

De geregistreerde criminaliteitsgraad was onder illegale vreemdelingen aanvankelijk lager dan onder reguliere migranten. Dit kwam vermoedelijk door de tweede, tegengestelde tendentie van het streven naar sociale uitsluiting: de toename van de maatschappelijke druk om politiecontacten te *mijden*. Blijkbaar woog deze tweede tendentie voor de aanscherpingen van het illegalenbeleid zwaarder dan nu. Dit tweede effect past in de zogeheten sociale controle benadering in de criminologie (vooral in varianten daarvan waarin de bindingentheorie van Hirschi (1969) is gecombineerd met de afschrikkingstheorie; zie bijvoorbeeld Meier en Johnson (1977), Nagin en Paternoster (1994), zie verder Weerman (1998)). Volgens die benadering zijn mensen sterker geneigd om zich van delinquentie te onthouden wanneer zij er iets bij te verliezen hebben (Schuyt, 1995). Illegale vreemdelingen riskeren, naast de straffen die reguliere ingezetenen van criminaliteit moeten weerhouden, inbewaringstelling in de Vreemdelingenbewaring, uitzetting en het verlies van sociale en economische bindingen in het land van vestiging (zie hierna). Niet voor niets waren uitstoting en verbanning in vroegere samenlevingen zeer belangrijke instrumenten van sociale controle (Morris en Rothman, 1998).

De effecten van de tweede tendentie van het statelijke streven naar sociale uitsluiting worden sneller over het hoofd gezien dan de effecten die hiervoor zijn besproken. Regelovertreding springt in politiecijfers nu eenmaal meer in het oog dan regelnaleving. Uit de deelstudie waarin de criminaliteitspatronen tussen rechtmatige en onrechtmatige vreemdelingen zijn vergeleken, komt niettemin naar voren dat illegale vreemdelingen bepaalde wetten relatief vaak schenden, maar andere juist in beperkte mate. Wie die patronen eenmaal kent, herkent aanwijzingen ervoor sneller in andere empirische bevindingen, bijvoorbeeld in patronen van buurtcriminaliteit (**hoofdstuk 4**) of in de strafdossiers van uitgeprocedeerde asielzoekers (**hoofdstuk 6**). De geneigdheid tot het mijden van politiecontacten draagt soms bij aan delinquent gedrag – zoals het spelen voor eigen rechter (zie **hoofdstuk 6**) of doorrijden na een ongeval (zie **hoofdstuk 4**) – maar is als regel gunstig voor de openbare veiligheid.

De effecten van de tweede tendentie van het statelijke streven naar sociale uitsluiting tonen zich vooral in de lage betrokkenheid van illegale vreemdelingen bij zogeheten expressieve of symbolische misdrijven (zie bijvoorbeeld Van San, 1998; Cohn en Rotton, 2003). Dit zijn misdrijven waarin de dader zichzelf als het ware uit en daarom in sterke mate een doel in zichzelf vormen. Dit in tegenstelling tot zogeheten instrumentele misdrijven die in sterkere mate een middel zijn tot een doel dat buiten het misdrijf zelf is gelegen. Omdat expressieve misdrijven vaak ook wel instrumentele aspecten hebben en omgekeerd, kunnen we ons het onderscheid overigens het beste voorstellen als een continuüm (Blok, 2001).³

Voorbeelden van misdrijftypen die onder illegale vreemdelingen beperkt voorkomen zijn geweld tegen personen (mishandeling) en geweld tegen goederen (vandalisme). Blijkbaar overweegt de eerste tendentie van sociale uitsluiting bij de genoemde instrumentele delicttypen – verblijfscriminaliteit, bestaanscriminaliteit en drugsgerelateerde criminaliteit – vaker de tweede tendentie van sociale uitsluiting, terwijl bij de meer expressieve delicttypen vaak het omgekeerde geldt. Er zijn tevens

aanwijzingen dat delinquente illegale vreemdelingen relatief vaak betrokken zijn bij misdrijftypen die heimelijk uitgevoerd kunnen worden en geen contact met het slachtoffer vereisen (vgl. Scott, 1985, 1990).

Het restrictieve immigratiebeleid blijkt niet alleen een aandeel te hebben in misdrijven, maar is tevens van invloed op betrokkenheid bij overtredingen, zowel formele overtredingen als overtredingen van ongeschreven sociale regels (zie vooral **hoofdstuk 4**). Op dat vlak sorteert het statelijke streven naar sociale uitsluiting eveneens differentiële effecten. Vaak blijken eventuele overtredingen namelijk een reactie te zijn op de spanning tussen legitiem geachte aspiraties en beperkte toegang tot conventionele middelen, (mede) als gevolg van de illegale verblijfsstatus. Voorbeelden daarvan zijn: wonen in sterk ‘overbewoonde’ illegale pensions, geen vaste verblijfplaats hebben, dakloosheid en het op straat ongevraagd aanspreken van potentiële huwelijkspartners met het oog op een verblijfsvergunning. Maar ook de angst voor politiecontacten toont zich bij overtredingen, met inbegrip van overtredingen van ongeschreven sociale regels. Zo blijken sommige illegale vreemdelingen de gordijnen overdag dicht te laten omdat ze niet gezien willen worden. Doorgaans heeft de maatschappelijk afgedwongen terughoudendheid van illegale vreemdelingen echter een gunstig effect op de buurtveiligheid en leefbaarheid. Er zijn althans aanwijzingen dat illegale vreemdelingen in de woning minder luidruchtig zijn dan reguliere ingezetenen. Ook op straat lijken zij zich minder dominant op te stellen.

Bovenstaande roept wellicht de vraag op waarin nu precies het verschil schuilt tussen de eerste en tweede tendentie van het statelijke streven naar sociale uitsluiting. Ik vind het zelf verhelderend om sociale uitsluiting als een uitgesloten *zijn*, als een acute en door de persoon ongewenst geachte conditie van marginaliteit te onderscheiden van sociale uitsluiting als een mogelijk vooruitzicht, als sanctie, als een verder uitgesloten *kunnen worden*. In de eerste betekenis heeft het statelijke streven al tot een sterke mate van marginaliteit geleid. In de tweede betekenis gaat het om de angst dat deze politiek nog tot aanvullende marginaliteit zal leiden; het streven naar sociale uitsluiting blijft immers voortduren totdat de illegale vreemdeling uitgezet of gelegaliseerd is. Zolang de vreemdeling geen verblijfsrecht heeft, bestaat het risico dat de verworven maatschappelijke positie in het vestigingsland, ook al is die soms zeer marginaal, moet worden prijsgegeven. Terwijl sociale uitsluiting in de eerste betekenis de kans op *strain* en regelovertreding vergroot, bewerkstelligt sociale uitsluiting in de tweede betekenis sociale controle, wat doorgaans regelnaleving bevordert.

De wisselwerking met sociale bindingen

Maatschappelijke deelbelangen en opvattingen

De restrictieve immigratiepolitiek botst per definitie met de belangen van ongewilde migranten. Een deel probeert zich dan ook illegaal te vestigen. Maar ook binnen Nederland zijn er groepen die door deze politiek in hun belangen worden getroffen, de legitimiteit ervan betwisten en/of baat hebben bij een zwakke maatschappelijke positie

van illegale vreemdelingen. In het **derde hoofdstuk** maak ik aan de hand van de ruimtelijke vestigingspatronen van illegale vreemdelingen aannemelijk dat drie maatschappelijke actoren het statelijke streven naar volledige sociale uitsluiting gedeeltelijk ondermijnen: (1) gevestigde niet-westerse migrantengemeenschappen, (2) werkgevers, vooral in sectoren die zijn aangewezen op de secundaire arbeidsmarkt en (3) allochtone en autochtone alleenstaanden met een buitenlandse partner of belangstelling daarvoor. De immigratiepolitiek stuit tevens op weerstanden vanuit de staat zelf (bijvoorbeeld vanuit lagere overheden of vanuit professionals) evenals vanuit organisaties in de *civil society*, zoals Nederlandse kerken en progressieve actiegroepen, maar die effecten staan hier niet op de voorgrond (zie daarvoor Van der Leun, 2003, 2004).

In het huidige tijdperk van geïntensiveerde globalisering behouden immigranten vaak lange tijd sociale en economische banden met het land van herkomst (Portes, 1999). Vooral familierelaties blijven lang intact (Snel, Engbersen en Leerkes, 2006). Mijn studie bevestigt dat illegaal verblijf deels mogelijk wordt gemaakt doordat illegale vreemdelingen in Nederland veelal familie en/of landgenoten hebben. Die beschouwen hulp vaak als een plicht die men familieleden of landgenoten niet kan weigeren. Maar gevestigde migranten kunnen tevens baat hebben bij volgmigratie – desnoods zonder toestemming van de staat – bijvoorbeeld wanneer een buitenlands familielid komt werken in het familiebedrijf of een ziek familielid komt verzorgen (Staring, 2001).

Het aanbod op sommige delen van de arbeidsmarkt lijkt niet goed aan te sluiten bij de economische vraag. Sommige sectoren zijn afhankelijk van goedkope en flexibele arbeid, maar hebben te maken met een beroepsbevolking die op dergelijk werk neerkijkt (Visser en Van Zevensbergen, 2001). Werkgevers die de wet niet willen overtreden staan voor de keuze om mensen uit de reguliere beroepsbevolking aan te nemen die voor hetzelfde geld minder kwaliteit leveren, of moeten een deel van het werk laten liggen. Ruim voordat Polen een EU lidstaat werd, loofden veel Hollandse tuinbouwers de werkzucht van de illegale Poolse landarbeiders, waarbij het arbeidsethos van veel Nederlandse werkzoekenden mager zou afsteken (De Bakker, 2001). Sinds de komst van de marktsamenleving, waarin er een sterkere institutionele scheiding tussen economie en politiek is ontstaan, zijn werkgevers in sterkere mate geneigd om het beste of goedkoopste personeel aan te nemen. De scheiding tussen economie en staat is nog het sterkst in de informele economie. Veel illegale vreemdelingen werken dan ook in sectoren waar regulering vanuit de overheid al langere tijd achterblijft. Voorbeelden daarvan zijn seizoenswerk in de tuinbouw, de horeca, de huishoudelijke hulp, de prostitutie en de drugshandel. Zo ontstaat er buiten familiebedrijven werkgelegenheid voor illegale arbeidsmigranten *zonder* gevestigde familie in Nederland.

Sommige economische bindingen tussen de legale en de illegale bevolking blijken tot stand te komen *dankzij* het restrictieve immigratiebeleid en niet *zozeer* *ondanks* dat beleid. Het komt voor dat de marginale positie illegale vreemdelingen aanzet om te werken tegen voorwaarden waarmee ze normaal gesproken niet akkoord zouden gaan (zie over illegaliteit en uitbuiting bijvoorbeeld Van der Leun en Vervoorn (2004)).

Van de ongeveer 1,6 miljoen alleenstaanden onder de 65 jaar met een particulier huishouden, heeft 16% minder dan 120% van het minimum inkomen.⁴ Deze armere alleenstaanden krijgen geen toestemming om een partner naar Nederland te halen. De omvang van de gedupeerde groep is moeilijk te schatten.⁵ Uit mijn studie blijkt in elk geval dat zij hun partner soms clandestien naar Nederland halen. Voorts blijkt er in Nederland een soort informele huwelijksmarkt te zijn ontstaan, waarop gevestigde alleenstaanden al dan niet tijdelijke relaties aangaan met illegale vreemdelingen die ze in Nederland hebben ontmoet (zie **hoofdstuk 3**, daarnaast gaat **hoofdstuk 6** vooral in op relaties tussen Afrikaanse mannen en Hollandse vrouwen). Deze verbintenissen hebben soms een romantisch karakter, soms zijn ze meer instrumenteel. In het laatste geval bestaat de binding tussen legale en illegale ingezetenen opnieuw niet zozeer *ondanks* het restrictieve overheidsbeleid, maar veeleer *dankzij* dat beleid.⁶ In elk geval blijken singles zich maar beperkt door de overheid te laten voorschrijven met wie zij een relatie hebben en hoe.

De genoemde belangen en opvattingen hebben geen sterke stem gehad in de restrictieve immigratiepolitiek, maar oefenen toch invloed uit.⁷ In de eerste plaats verminderen ze de doeltreffendheid van pogingen tot regulering van internationale migratiestromen. Maar doordat zij de mate van sociale uitsluiting verminderen die de staat kan bereiken, bepalen ze mede *in hoeverre* de potentiële veiligheidseffecten van het statelijke streven naar sociale uitsluiting zich manifesteren en *hoe*.

Sociale bindingen als rem op regelovertreding

Als regel daalt de kans dat illegaal verblijf repercussies heeft voor de openbare veiligheid met de mate waarin de illegale vreemdeling sociale bindingen heeft met de gevestigde bevolking. Die gedachte was al aanwezig in het eerdere onderzoek (al was de aandacht merendeels gericht op de modererende rol van gevestigde migrantengemeenschappen en professionals) en vindt in mijn studie verdere ondersteuning. Zo blijkt uit het **vijfde hoofdstuk** dat illegale vreemdelingen uit gevestigde migrantengemeenschappen – uit Turkije maar bijvoorbeeld ook uit China – inderdaad aanmerkelijk minder vaak worden aangehouden wegens misdrijven dan illegalen uit groepen die in Nederland nog minder goed voet aan de grond hebben gekregen zoals Somalië en Iran. Dit komt deels doordat ‘illegale pioniers’ vrij sterk zijn aangewezen op verblijfscriminaliteit om naar Nederland te komen. Bij gebrek aan gevestigde familieleden kunnen zij bijvoorbeeld minder gemakkelijk een toeristenvisum of tijdelijke verblijfsvergunning krijgen. Maar ook *na* vestiging zijn pioniers relatief sterk aangewezen op bestaanscriminaliteit, vooral op varianten die voor een ongeorganiseerde dader uitvoerbaar zijn, zoals (winkel)diefstal en straathandel in drugs. Blijkbaar verminderen sociale bindingen doorgaans de spanning tussen legitiem geachte ambities en de toegang tot conventionele middelen om die ambities te verwerkelijken.

Op individueel niveau vond ik eveneens aanvullende aanwijzingen voor een negatieve samenhang tussen de mate van sociale bindingen met de reguliere bevolking en de mate van delinquent gedrag onder invloed van het statelijke streven naar sociale

uitsluiting (zie **hoofdstuk 6**). Tijdens het illegale verblijf was er soms aanmerkelijke variatie in de mate van binding met meer gevestigde inwoners. Mijn respondenten pleegden doorgaans minder misdrijven in de periodes dat ze zwart werk vonden of financieel ondersteund werden door een partner, dan in de periodes dat ze eventueel op straat leefden en/of tijdelijk optrokken met overige delinquenten. Ook waren ze, met uitzondering van geweldsdelicten, vaker betrokken bij criminaliteit in de periodes dat illegaal waren dan in de periodes dat ze als asielzoeker opvang kregen (zie ook De Boom, Engbersen en Leerkes, 2006). De mannen die in Nederland nog de minste sociale bindingen wisten te verwerven, leken bovendien de grootste kans te hebben op een carrière als druggebruiker in de stedelijke marge.

De kans op betrokkenheid bij *overtredingen*, inclusief overtredingen van ongeschreven regels, blijkt eveneens te dalen met de sterkte van de binding tussen de illegale vreemdeling en de genoemde maatschappelijke minderheden. Illegale vreemdelingen die bij familie of een partner inwonen of zich een etage kunnen veroorloven, blijken door de reguliere bewoners althans niet of nauwelijks als een bedreiging voor de openbare veiligheid te worden gezien, terwijl dit wel geldt voor illegale nieuwkomers die in de buurten een ‘deviante’ positie hebben (zie **hoofdstuk 4**). De laatstgenoemde groepen zijn vaker dak- en/of thuisloos, wonen voor korte periodes in illegale pensions of overnachten in een auto of minibusje. Juist doordat zij maar beperkte bindingen hebben met gevestigde bewoners, kan de staat hen met meer succes van de reguliere woningmarkt weren. Door hun relatieve ongebondenheid zijn ze tevens minder goed op de hoogte van buurtregels, zoals de tijdstippen waarop het vuilnis wordt opgehaald.

De effectiviteit van de tweede tendentie van het statelijke streven naar sociale uitsluiting – sociale uitsluiting als sociale controle – lijkt eveneens te variëren met de sterkte van de sociale bindingen tussen een illegale vreemdeling en maatschappelijke minderheden. Hier *versterken* bindingen het effect van het statelijke streven naar sociale uitsluiting. Immers, hoe meer geïntegreerd een illegale vreemdeling is, hoe meer zij te verliezen heeft bij opsluiting en gedwongen vertrek uit Nederland. Dergelijke bindingen nemen het risico op uitzetting namelijk niet weg, alleen naturalisatie vormt, strikt genomen, zoals een van Sayad's (2004) Algerijnse respondenten het literair uitdrukte, een ‘vaccin tegen deportatie’. Relatief ‘ungebonden’ illegalen, zoals de pendelmigranten uit Oost-Europa, blijken zich in het buurtleven in elk geval veel openlijker te manifesteren dan andere typen illegale vreemdelingen.⁸ Ze vertonen er soms gedrag waaraan veel reguliere bewoners, vooral vrouwen, aanstoot nemen (zie eveneens **hoofdstuk 4**).

Aard van de sociale bindingen

Wat hiervoor is gezegd over het belang van sociale bindingen bevestigt de teneur van het eerdere onderzoek. Tegelijkertijd bleek de relatie met sociale bindingen complexer te liggen. De genoemde deelbelangen en opvattingen verlagen namelijk niet per definitie de kans dat een illegale vreemdeling sociale regels overtreedt. Ten eerste is niet alleen de mate van binding van belang, maar ook de vraag met wie men bindingen heeft. In het eerdere onderzoek werd verondersteld dat etnische inbedding de toegang tot formele en

informele instituties vergroot. Etnische inbedding vergroot soms echter ook de toegang tot criminele circuits. Succesvol opereren in de zwarte economie veronderstelt bijvoorbeeld evenzogoed relaties met afnemers, vaak landgenoten met rechtmatig verblijf (zie **hoofdstuk 5**). Voorbeelden daarvan zijn illegale vreemdelingen die in de buurt gestolen fietsen aanbieden of gestolen telefooncodes verkopen aan landgenoten die daarmee tegen lagere kosten naar het herkomstland bellen (zie Mahler, 1995). Bovendien is er soms sprake van criminele samenwerking tussen illegale nieuwkomers en delinquente landgenoten met rechtmatig verblijf. Een voorbeeld daarvan is een illegale vreemdeling die komt werken in de coffeeshop van een Marokkaans-Nederlands familielid (zie eveneens **hoofdstuk 5**). Maar ook andere vormen van criminaliteit veronderstellen soms een bepaalde mate van sociale inbedding met specifieke groepen. Illegale vreemdelingen die harddrugs gaan gebruiken, belandden veelal in marginale drugsnetwerken in de steden, al zijn die netwerken vrij los en ongeorganiseerd (Sansone, 1992). Daar leren ze vormen van criminaliteit die druggebruik helpen bekostigen (**hoofdstuk 6**). Sommige illegale vreemdelingen werken op de formele arbeidsmarkt met de papieren van reguliere ingezetenen (**hoofdstuk 6**). Dergelijke sociale bindingen, die overigens zwakker lijken te zijn dan de familiale bindingen van de illegale vreemdelingen in de Turkse gemeenschap die Staring (2001) heeft beschreven, vergroten zo het aantal illegale gedragsmogelijkheden.⁹

In het **zesde hoofdstuk** toon ik verder aan dat zelfs inbedding in ‘conventionele’ netwerken criminaliteit kan bevorderen. Dergelijke bindingen vermeerderen niet zozeer het aantal uitvoerbare varianten van regelovertreding, maar vergroten onder bepaalde voorwaarden de sociale druk ertoe. Het blijkt namelijk voor te komen dat illegale vreemdelingen met behulp van misdrijven proberen te voldoen aan de eisen van hun sociale omgeving. *Strain* kan versterkt worden wanneer de gevolgen van een illegale status in conflict komen met de verwachtingen die verbonden zijn met de ‘nevenstatussen’ van de migrant (bijvoorbeeld de status van zoon, vader of echtgenoot). Dergelijke situaties worden in **hoofdstuk 6** geïnterpreteerd als statusdilemma’s (Hughes, 1945).

Door een combinatie van redenen is het onwaarschijnlijk dat dit soort verfijsingen regel zijn in plaats van uitzonderingen.¹⁰

Sociale bindingen en de vorm van eventuele regelovertreding

Ook de *vorm* die eventueel deviant gedrag aanneemt is in hoge mate sociaal en cultureel gestructureerd (vgl. Cullen, 1984). Sociale bindingen blijken dan ook tevens invloed uit te oefenen op de vorm die eventuele regelovertreding aanneemt onder invloed van de illegale verblijfsstatus. Illegale vreemdelingen die een (Hollandse) vriendin hebben met een auto, lijken zoals gezegd een grotere kans te hebben om zelf ook te rijden, zij het zonder rijbewijs.

Maar er zijn vooral significante verschillen naar herkomstregio aangetroffen in de aard van de gepleegde criminaliteit (zie **hoofdstuk 5** en **hoofdstuk 6**). Delinquente illegale vreemdelingen hebben door hun inbedding in gevestigde migrantengemeenschappen een verhoogde kans op betrokkenheid bij een misdrijfsoort die relatief gangbaar is onder landgenoten met rechtmatig verblijf. Daarbij komt dat migranten in

reactie op *strain* vooral die vormen van delinquent gedrag lijken te verkiezen die zij in moreel opzicht beperkt afwijzen in vergelijking met overige waargenomen gedragsalternatieven. Tussen en binnen herkomstgroepen lijkt de weging van gedragsalternatieven deels te verschillen. Terwijl Oost-Europese illegalen in een marginale positie relatief vaak (winkel)diefstallen lijken te plegen, raken Afrikaanse migranten vaker betrokken bij (identiteits)fraude; illegale Noord-Afrikanen worden relatief vaak drugsventer. Illegale vreemdelingen bepalen zo mede welke sociale bindingen zij eventueel aangaan, en welke liever niet.

Slotopmerkingen

Er passen op deze plaats enkele afsluitende opmerkingen. Ik heb betoogd dat de patronen van regelovertreding en -naleving onder illegale vreemdelingen, voor zover die van belang zijn voor de openbare veiligheid, voor een substantieel deel begrepen moeten worden als een reactie op omstandigheden waarin de Nederlandse restrictieve immigratiepolitiek een aandeel heeft. Ik beweer echter niet dat deze politiek *altijd* een aandeel heeft in regelovertreding en -naleving. Ik laat in dit boek juist óók zien dat sommige vormen van regelovertreding, zoals seksuele misdrijven of vormen van criminele migratie, waarin een dader naar andere landen migreert om er misdrijven te plegen, niet of nauwelijks verband houden met het restrictieve immigratiebeleid. Bepaalde vormen van criminele migratie veronderstellen juist betrekkelijk open grenzen. Evenzo houden illegale vreemdelingen zich niet louter en alleen aan sociale regels vanwege het risico op uitzetting, maar vooral doordat zij die regels door eerdere socialisatie hebben verinnerlijkt en ze de legitimiteit ervan vaak onderschrijven. Ook sociale bindingen die in het herkomstland zijn gevormd, beïnvloeden het gedrag in Nederland.

Ik heb verder beweerd dat de *kans* dat illegaal verblijf negatieve gevolgen heeft voor de openbare veiligheid, gemiddeld, daalt met de sterkte van de sociale bindingen tussen een illegale vreemdeling en meer gevestigde actoren in de Nederlandse samenleving. Daaruit volgt niet dat de omvang van de met illegaal verblijf gepaard gaande veiligheidsproblemen door deze bindingen noodzakelijkerwijs kleiner is. De genoemde verbindingen met de reguliere bevolking maken het immers mede mogelijk dat illegaal verblijf op een vrij substantiële schaal kan voorkomen. Als ze zouden wegvallen, zou de absolute omvang van de met illegaal verblijf gepaard gaande problemen op het gebied van de openbare veiligheid wellicht *dalen*, terwijl de relatieve omvang ervan zal toenemen. *Minder* illegale vreemdelingen zullen dan *vaker* formele en informele sociale regels overtreden die relevant zijn voor de openbare veiligheid.¹¹

Iets soortgelijks geldt voor mijn beweringen over de gevolgen van de restrictieve immigratiepolitiek. Het uitsluiten van illegale vreemdelingen van reguliere instellingen in de samenleving vergroot (bij een gelijk uitzettingsbeleid) de *kans* dat illegaal verblijf negatieve gevolgen heeft voor de openbare veiligheid. Dit betekent echter niet noodzakelijkerwijs dat het strengere illegalenbeleid van de afgelopen jaren tot meer veiligheidsproblemen heeft geleid. Hoewel er geen empirische aanwijzingen zijn dat het

aantal illegale vreemdelingen in Nederland is gedaald door de aanscherping van het illegalenbeleid, is namelijk nog onduidelijk of die aanscherping een verdere toename heeft voorkomen. Als er anders, zonder deze aanscherping, veel meer illegale vreemdelingen in Nederland zouden verblijven, heeft die aanscherping de absolute omvang van de veiligheidsproblemen –zoals die bijvoorbeeld afgemeten kan worden aan het aantal illegale vreemdelingen dat misdrijven pleegt– wellicht *verkleint* (zie eventueel de noot voor een eenvoudig rekenvoorbeeld).¹²

Deze –eventuele– afschrikkende werking zal dan wel vrij sterk moeten zijn geweest. De beschikbare gegevens suggereren althans dat pas sprake geweest kan zijn van een verkleining van de veiligheidsproblemen als de genoemde aanscherping heeft voorkomen de illegale bevolking anders tussen 1997 en 2003 met minimaal veertig procent zou zijn gestegen (zie **hoofdstuk 7**).¹³ Het lijkt onwaarschijnlijk dat dit het geval is geweest. Van Meeteren et al. (2007) vinden althans voor België, waar het illegalenbeleid niet zo sterk is aangescherpt, geen aanwijzingen voor een stijging van het aantal illegale vreemdelingen (genoemde studie betreft de periode 2001-2005 en geeft geen cijfers over 1997, 1998, 1999 en 2000).

In het eerste hoofdstuk is er al op gewezen dat de restrictieve immigratiepolitiek misschien ook veel veiligheidsproblemen voorkomt. Voor een goed begrip van de netto effecten van restrictief immigratiebeleid voor de openbare veiligheid, ten opzichte van een situatie waarin dat beleid minder restrictief zou zijn, is meer internationaal en historisch vergelijkend onderzoek nodig, liefst over een langere termijn.¹⁴

Mijn studie vergroot vooral ons inzicht in de onbedoelde effecten van restrictief immigratiebeleid. Ik laat zien dat niet alle migranten die worden geweerd, daadwerkelijk afzien van verblijf in Nederland. Dit is mede mogelijk doordat westerse landen zoals Nederland naast gesloten verzorgingsstaten ook zeer gedifferentieerde, open marktsamenlevingen zijn. Die combinatie van sociale omstandigheden blijkt, in diverse graden en op diverse manieren, invloed uit te oefenen op de meer onbedoelde en onvoorziene uitkomsten van het restrictieve beleid op het terrein van de openbare veiligheid. Elias, een belangrijke inspirator van de onderzoeksschool die mijn dissertatie mogelijk maakte, zou het mogelijkkerwijs als volgt hebben gezegd:

Uit de vervlechting van talloze individuele belangen en bedoelingen – hetzij gelijkgericht, hetzij tegengesteld en vijandig – ontstaat ten slotte iets dat door geen van de individuen was gepland en bedoeld, en dat tegelijkertijd toch ontstaan is uit de doeleinden en handelingen van vele afzonderlijke individuen. En dit is eigenlijk het hele geheim van de maatschappelijke vervlechting, van de dwangen, de structuurdynamiek, het proceskarakter en de ontwikkeling ervan; dit is het geheim van de sociogenese en van de figuratiedynamiek. (1982 [1939]: 542).

Deel 2

De ecologie van illegaal verblijf

Shadow places: Patterns of spatial concentration and incorporation of irregular immigrants in the Netherlands

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Introduction

Irregular immigrants have become part and parcel of the western European population. This is the case not only in the Mediterranean countries, but also in countries such as Germany, England and France (Sciortino, 2004; Cornelius et al., 2004; OECD, 2005). Despite the restrictive immigration policies in these countries, there does not seem to be any decline in the number of irregular immigrants in Western Europe. The same can be said about the situation in the US (Cornelius, 2005). There are even indications that a restrictive immigration policy is counterproductive, as it is under such conditions much more difficult for irregular immigrants to return to their country of origin. In the Netherlands, 10 000 to 15 000 irregular immigrants are apprehended annually (Engbersen et al., 2002). We define irregular immigrants as people who stay in the country without official permission to do so at the time of the research, regardless of whether or not they have entered the country legally and regardless of whether they are economically active. Many of them came to the Netherlands on a tourist visa and stayed; others crossed the border illegally or became illegal when they were refused refugee status (Burgers and Engbersen, 1999; Staring, 2001). There are no official registrations of illegal immigrants in the Netherlands. Cruyff and van der Heijden (2004) used apprehension data to estimate that, in the period 1997–2003, between 125 000 and 230 000 illegal immigrants were residing annually in the Netherlands. In this chapter we assume, on the basis of the estimations of Cruyff and van der Heijden (2004) that the number of irregular immigrants in the Netherlands is about 150 000. This is equivalent to approximately 1 per cent of the regular Dutch population and 10 per cent of the foreign-born population (see Snel et al., 2005). Irregular immigrants in the Netherlands originate from more than 200 countries. The largest groups are Turks, Moroccans, Algerians and Surinamese. In addition, there is a growing number from eastern and central Europe. The dividing lines between asylum-seekers, commuting immigrants and irregular immigrants are sometimes diffuse and changing. Asylum-seekers, for example, are often confused with illegal immigrants, whereas they only lose their residence rights when they are rejected and refuse to leave. Recently, the number of aliens that become ‘illegal’ after they have been rejected as asylum-seekers has increased. However, recent research indicates that the share of rejected asylum seekers within the irregular population is about 15 per cent (de Boom et al., 2006). Most irregular immigrants cross the border on a tourist visa (and then overstay) or cross the border illegally without applying for asylum.

Irregular immigrants are unevenly spread across the Netherlands. An explorative study indicated that they are mainly present in the four large cities in the Netherlands

(Amsterdam, Rotterdam, The Hague and Utrecht) and in a number of border and rural areas (Engbersen et al., 2002). In some places, irregular immigrants therefore make up a considerably larger part of the population than the national average of 1 per cent—locally probably increasing up to about 6–8 per cent (Leerkes et al., 2004). Studies in other countries indicate a similar pattern: irregular immigrants are concentrated in specific urban and rural environments (Chavez, 1992; Miller, 1995; Bade, 2003; Cornelius, 2005).

So far, there is no systematic empirical information on the spatial distribution of irregular immigrants. This does not only apply to the Netherlands, but also to other Western countries. The research questions of this chapter are: To what extent, and in what way, is illegal residence spatially concentrated within the Netherlands, and how can patterns of spatial concentration and incorporation be explained?

Unlike in previous studies, the spatial spreading of irregular immigrants will be described in quantitative terms. The central determinants of irregular immigrants' residential pattern will also be operationalised and tested quantitatively. Statistical results will be interpreted and illustrated with data from two ethnographical neighbourhood studies. Such a triangular approach is innovative in this research field.

This chapter focuses on illegal residence in urban environments, as most irregular immigrants live in (big) cities. More specifically, our fieldwork was conducted in two urban neighbourhoods in the cities of Rotterdam and The Hague, which are the second- and third-largest cities in the Netherlands.

First, we present the central theoretical concepts and assumptions that constitute this study. Next, the data sources and research methods will be explained. Then we briefly describe the spatial distribution of the illegal population across the Dutch municipalities and provinces. We then analyse (the determinants of) the spatial patterns of illegal residence in urban environments. Finally, we outline the implications of our findings for other western immigration countries, projected into the near future.

Spatial opportunity structure

There is a rich international literature on the spatial concentration of regular migrant groups. The American literature, where researchers from the Chicago School have continued to write about processes of spatial distribution among migrant groups, is particularly rich (see, among others, Park, Burgess, and McKenzie, 1925; Massey and Denton, 1993; Jargowsky, 1997). In Europe, a comparable literature is emerging. Europe is now confronted by similar processes of spatial and economic segregation, spatial, mobility, and the emergence of 'residential enclaves' (van der Wouden and Bruine, 2001; Musterd and Deurloo, 2002; van Kempen and Idamir, 2003; Musterd, 2004).

Various studies provide indications about the crucial factors of the spatial settlement pattern of illegal migrants. A first crucial factor is the embedding in (transnational) social networks. For this incorporation process, one can use the term 'social capital' as operationalised by Portes (1998). Social capital relates to the ability of irregular immigrants to mobilise resources (money, work, housing, information, documents and also possible marriage partners) from their ethnic and family networks.

Social capital determines to a large degree the residential opportunities for irregular immigrants (Mahler, 1995; Engbersen, 2001; Grzymala-Kazłowska, 2005; Engbersen, van San and Leerkes, 2006). The social capital that illegal migrants can mobilise varies both between and within ethnic groups. Not every immigrant has access to a network of migrants. Dutch studies show that particularly the Turkish, Moroccan and Surinamese groups (and, to a lesser extent, African groups) can fall back on established migrant communities (Burgers and Engbersen, 1999). Lack of social capital is particularly found among rejected asylum-seekers who come from new immigration countries, but strongly marginalized irregular immigrants, who cannot depend on established migrant communities, can also be found in other groups. If they do not find a job, they will have to fend for themselves in most cases.

Labour opportunities constitute the second residential factor. Various authors assume that there is increasing room for low-skilled jobs (formal and informal) at the bottom of the labour market in large cities (Sassen, 1991; Miller, 1995; Bonacich and Appelbaum, 2000). In this part of the economy, the remains of industrial activities (such as the textile industry with its sweatshops) can be found and there is low-wage labour in all kinds of enterprises in the (personal) service industries (cleaning, security, catering, care for children and the elderly, home improvement). Furthermore, a sizeable 'ethnic economy' has evolved in many large cities in which informal labour by illegal compatriots is a rather common phenomenon. By keeping the labour costs low, these businesses hope to achieve economic success. There is also considerable demand for irregular labour in agriculture and horticulture (Cornelius, 2005). Irregular immigrants are very important for this sector in Western Europe (see Cornelius et al., 2004).

A third relevant factor is the presence of cheap and accessible accommodation. In some city districts, there is a favourable local housing market for irregular immigrants, because there are many private landlords who are willing to rent out flats, rooms or beds to irregular immigrants. Building on Mahler's views (Mahler, 1995), Burgers (1998) noted the existence of 'parallel housing markets' in Dutch city districts—i.e. informal markets that are largely similar to the formal housing market. He points to two parallels. On the one hand, there is social housing in the Netherlands (with its 'rent ceilings'), which makes it possible for irregular immigrants to live in with compatriots for free or in exchange for a modest rent. On the other hand, there is a private housing market to which irregular immigrants have access if they can afford to pay higher rents. By now, there are also a number of hybrid forms in which regular migrants sub-let or re-let their council houses to irregular immigrants (Leerkes et al., 2004). Offering accommodation to irregular immigrants can be a welcome source of income for regular migrants (and also for established illegal ones). Those who have been in the Netherlands for a longer period of time can thus start a career as a landlord. These landlords thus link the formal and informal housing markets. Due to governmental regulations, the rents—particularly in the social sector—are often lower than market prices. This makes informal subtenancy lucrative. Our study also indicates that the active dispersal policy of asylum-seekers has some effects on the spreading of irregular immigrants (see Leerkes et al., 2004). These effects are limited. First, most of the irregular immigrants do not have an asylum history

and were therefore not subjected to a policy of dispersal. Secondly, failed asylum-seekers often appear to leave rural and small town areas and head to the big cities.

The three central dimensions of the opportunity structure of illegal residence—social capital, labour and housing—are often connected. People who have much social capital often have easier access to labour and housing (Engbersen, 2001). Others are more dependent on commercial intermediaries (irregular temporary employment agencies and landlords) for obtaining work and housing. Various ethnographic studies conducted in Dutch cities and in cities such as New York, Athens, London, Berlin and Brussels make it clear that the dimensions of the opportunity structure for irregular immigrants have a clear spatial component (Mahler, 1995; Romaniszyn, 1996; Burgers and Engbersen, 1999; Alt, 2003; Grzymala-Kazłowska, 2005). Opportunities for illegal residence are limited to certain urban environments. It is the spatial proximity of labour, social networks and housing that seems to determine why irregular immigrants live and work in particular city regions.

The three dimensions that can be discerned in the literature have now been mentioned. Our study yields as a new insight that the presence of (poor) singles also contributes to the opportunity structure of illegal residence. Single households represent a fourth, independent dimension of this opportunity structure. This dimension has a clear spatial component as well.

Research Methods

This study is based on the registered home addresses of all irregular immigrants apprehended in the Netherlands between 1 January 1997 and 1 October 2003. The data have been provided by the 25 Dutch police forces and are taken from the *Vreemdelingen Administratie Systeem*, a national database in which all known aliens are registered. For each municipality and neighbourhood (postcode area), we counted the number of addresses where, according to police data, irregular immigrants were living (hereinafter called ‘absolute concentration’). This measure, which gives an indication of the local density of the illegal population, was linked to a database containing information on various demographic and socioeconomic characteristics of the neighbourhood and the share of private homeownership in the neighbourhoods. This database with neighbourhood characteristics is from the Dutch Central Bureau for Statistics and is called *Kerncijfers Wijken en Buurten 1999*. The data on private homeownership were supplied by the Ministry of Housing and are taken from the research *Geomarktprofiel 1998*. As a measure of the relative number of irregular immigrants (hereinafter called ‘relative concentration’), we divided the absolute concentration of irregular immigrants by the number of legal local residents. Next, we identified the socioeconomic characteristics of the neighbourhoods where illegal residence is quite widespread. By means of multiple regression analysis, the relative concentration of irregular immigrants was predicted on the basis of such neighbourhood characteristics.

The fieldwork was conducted in Bospolder-Tussendijken in Rotterdam and de Schilderswijk in The Hague in 2003. These neighbourhoods were selected because police

data indicated that illegal residence occurs regularly there. Both neighbourhoods are part of multicultural districts populated by many non-Western immigrants. The former neighbourhood has 65 per cent immigrants, including many Turks, Moroccans, Cape Verdeans and Surinamese. The latter neighbourhood comprised 85 per cent immigrants, including many Turks, Surinamese, Moroccans and Antilleans. We interviewed 20 key informants—from various professional groups—who regularly come into contact with irregular immigrants and who could indicate why, and how, irregular immigrants reside there. These were employees of the (alien) police, the municipal authority and housing associations, as well as community and social care workers. The interviews were conducted with the help of a short topic list.

In addition, we interviewed 65 irregular immigrants (from Morocco, Turkey, Bulgaria, Somalia, India and Pakistan) and 45 providers of accommodation (from a Dutch, Moroccan, Turkish, Surinamese or Somali background). We also spoke with five mixed couples of whom one of the partners stayed in the Netherlands illegally. The interviews with irregular immigrants and providers of accommodation were carried out by a team of interviewers. Selection of the interviewers was based on ethnic background (the interviews were held in the respondent's mother tongue), experience with the research groups concerned and interviewing skills. All interviewers attended, or had completed, higher education. The interviewers recruited respondents with the help of key informants (police, social workers, etc.), or searched for respondents in cafes, teahouses, mosques, or in the street. Respondents were asked to bring the interviewer into contact with other irregular immigrants or with their accommodation providers. The interviewers made use of a questionnaire with open and closed questions. Irregular immigrants that took part in the research were given a financial reward.

Limitations

Our study has some limitations. First, the quantitative data primarily give a picture of the illegal population that ran a certain risk of being apprehended. Although the number of apprehensions was substantial ($N = 107\ 322$), it was impossible to determine the extent to which the home addresses of apprehended irregular immigrants constitute a correct representation of the home addresses of all irregular immigrants who lived in the Netherlands between 1997 and 2003. Furthermore, in a number of apprehensions, no home address was registered and sometimes the stated home address proved to be the address where the person was apprehended or the address of a police station or detention centre. We could solve most of these complications by checking and cleaning up the database.¹ Registrations without home address, for example, often involved irregular immigrants who were apprehended at the border and therefore had not yet taken up residence in the Netherlands. The addresses of police stations and detention centres could be identified. In addition, we examined how often the police may have recorded the place of apprehension as the 'home address' while the arrested person was actually living somewhere else. It is not likely that this happened very often. When the address was not registered, we could sometimes use the place of apprehension as an indication of the home address (such as in the case of house raids). Bias as a result of

incomplete or inaccurate registration of home addresses may therefore be said to be limited.

Local police priorities naturally influence the number of local apprehensions. Increasingly, specific raids take place in Amsterdam, Rotterdam and The Hague, as well as in some rural concentration areas. Increasingly, employers are also subjected to checks by the labour inspection. However, most irregular immigrants are still apprehended during regular police work—i.e. as crime suspects or because of minor offences such as driving too fast or dodging fares (van der Leun, 2003). This is probably the reason why we do not find indications for substantial geographical differences in the risk of arrest.²

Although the results of the neighbourhood studies cannot be generalised as such, we aimed at ‘qualitative completeness’ (Hammersley and Atkinson, 1995; Lofland and Lofland, 1995). We kept looking for additional respondents until we found no more new types of accommodation and appeared to have obtained a complete picture of the reasons why irregular immigrants resided in these neighbourhoods. The limitations of the separate research methods and sources were met as much as possible by triangulation. We could compare the information provided by the professionals, landlords and irregular immigrants. The information obtained from the people involved was compared with the quantitative results. This gave us more confidence in the validity of the findings.

Results

The distribution of irregular immigrants across Dutch provinces and municipalities

Illegal residence is not merely an urban phenomenon, for the highest relative concentrations of irregular immigrants were found in both the most and least densely populated areas. There are also irregular immigrants in rural areas in the north of the province of North-Holland (A), and in the provinces of Brabant (B) and Groningen (C) (see Figures 1 and 2). In rural areas, illegal residence is primarily connected with the demand for seasonal workers in the horticultural and agricultural sector (De Bakker, 2001). The registered addresses suggest that the presence of asylum-seekers’ centres, Chinese restaurants and brothels are also important, albeit to a lesser extent. The increased degree of illegal residence in the south of the province of Limburg (D) is, in part, due to drug tourism from bordering EU member-states. Many illegal aliens there have French, Belgian or German nationality and have usually lost the right of residence in the Netherlands since they were declared ‘undesirable aliens’ after they had caused a (drug) nuisance. Finally, a substantial proportion of the irregular immigrants is found in municipalities with detention and deportation centres for irregular immigrants and rejected asylum-seekers—for example, in Zevenaar (north of B), Ter Apel (near C) and Rijsbergen (near D). Apprehended irregular immigrants often stay in these institutions for months and often more than once (van Kalmthout, 2004; see also chapter 8).

In the description that follows, we will confine ourselves to illegal residence in urban environments, not in detention. In addition, we focus on illegal residence by (non-Western) ‘third country nationals’ (i.e. people from outside the EU who are not nationals of states in North America or Oceania).

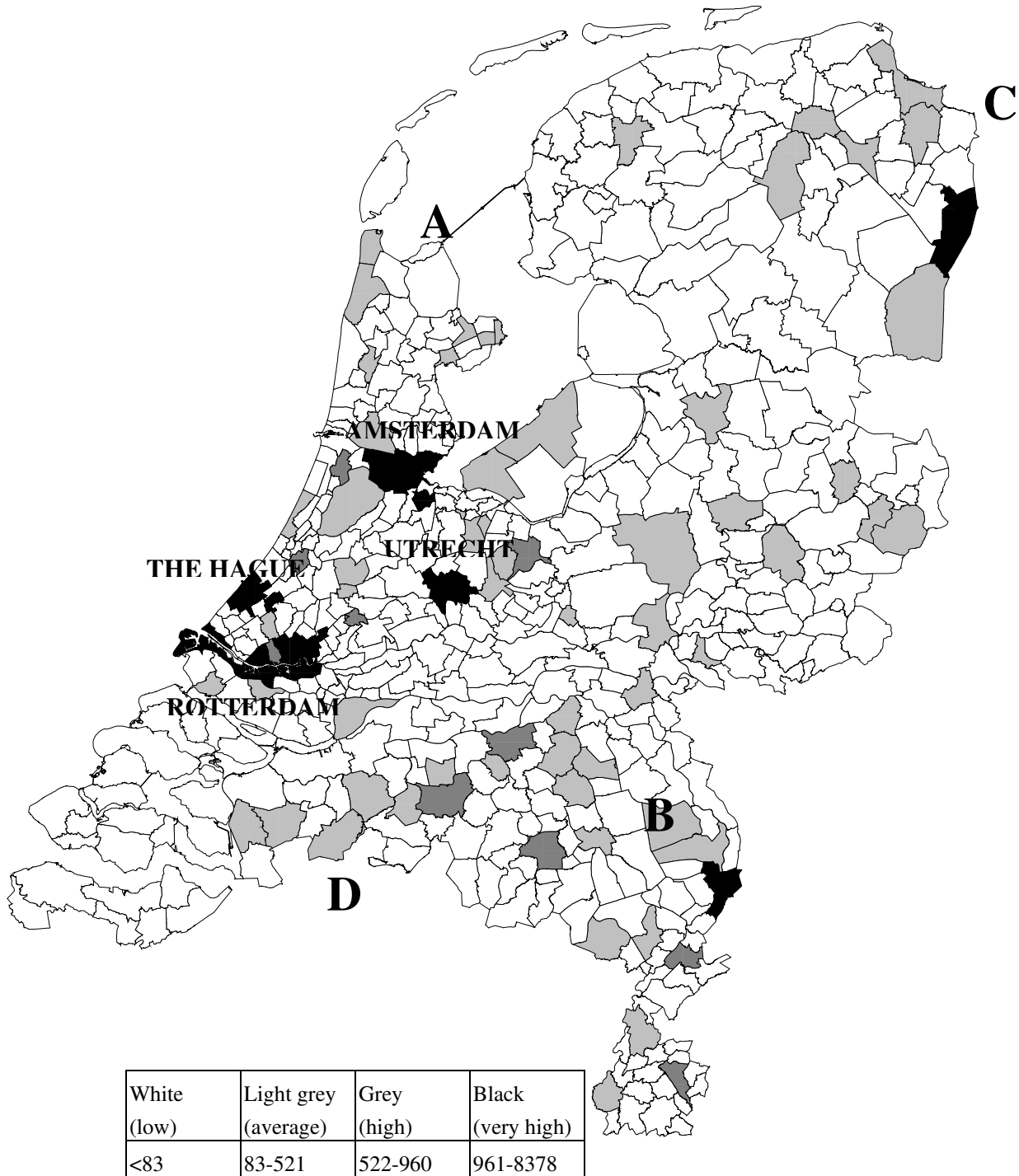


Figure 1. Spatial distribution of the illegal population across the Netherlands (absolute concentration)

Sources: Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997-October 2003

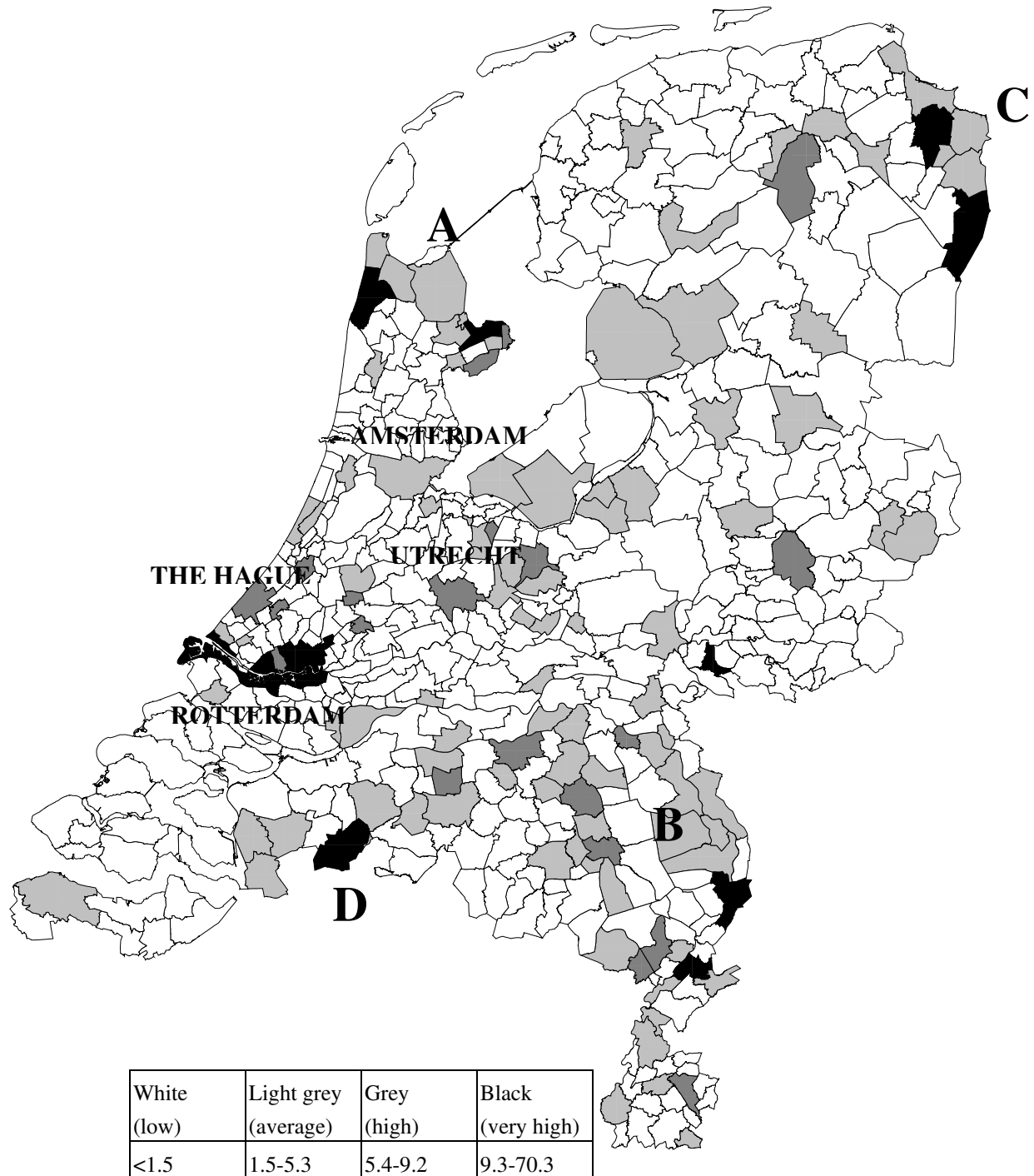


Figure 2. Spatial distribution of the illegal population across the Netherlands (relative concentration)

Sources: Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997-October 2003

The spatial incorporation of irregular immigrants in urban environments

It is common practice to use segregation indexes (S) to measure the extent to which two groups are spatially segregated from one another. (Strictly speaking, the term dissimilarity index should be used when two groups do not constitute the total population.) The index indicates the percentage of the group that should move in order to bring about a complete mutual mixing. The higher the index, the lower the extent of mixing and the stronger the extent of residential segregation. The results are calculated at the level of postcode areas and should be interpreted with some caution for postcode areas differ somewhat in size. Figure 3 shows the extent to which the illegal and legal populations are spatially segregated. Three curves can be distinguished which respectively, from top to bottom, indicate the mixing with the Dutch native population ($S = 52$), the total urban population ($S = 48$) and the immigrant population ($S = 33$). What becomes clear is that, compared with ethnic minority groups, Dutch natives less often have irregular immigrants as neighbours. Sixty per cent of the irregular immigrants live in city districts that house 13 per cent of all Dutch natives, 41 per cent of all the non-Western immigrants and 17 per cent of the total legal urban population. Furthermore, 80 per cent of the illegal urban population lives in districts that house 31 per cent of the native population, 61 per cent of the legal non-Western immigrants and 35 per cent of the total urban population (see the dotted lines in the figure).

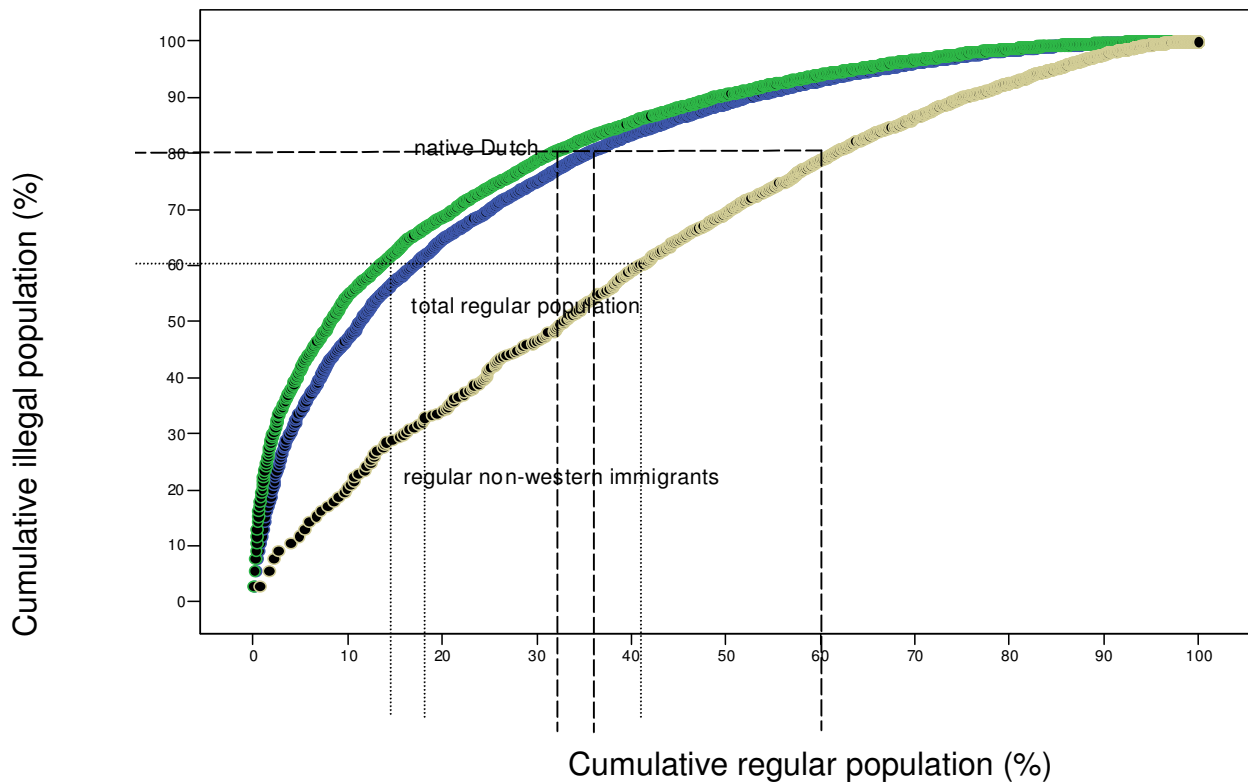


Figure 3. Extent of residential segregation between the illegal population and (segments of) the regular population.

Sources: Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997–October 2003.

As expected, the illegal population is selectively incorporated in the urban landscape. Whereas some city districts house relatively large numbers of irregular immigrants, most neighbourhoods house none or only a few. This observation implies that irregular immigrants usually constitute a much smaller proportion of the local population than the estimated national average of 1 per cent and sometimes substantially higher—probably up to about 6 or 8 per cent (see Leerkes et al., 2004).

The question is how the selective spatial incorporation of irregular immigrants can be explained. Table 1 gives a ranking of 20 neighbourhoods that house the most irregular immigrants. The table contains only a few Amsterdam and Rotterdam neighbourhoods, but that is mainly because the local police record the home addresses of irregular immigrants less often than in other cities. The police in The Hague, on the other hand, record them quite accurately. In The Hague (48 per cent) the percentage of registered residential addresses is almost twice as high as in Amsterdam (24 per cent) and Rotterdam (21 per cent). Nationally, this figure is 30 per cent. If the police registration had been better, the Amsterdam and Rotterdam neighbourhoods would have been featuring prominently in this top twenty list (see Leerkes et al., 2004).

The characteristics of the neighbourhoods provide a first confirmation of the theoretical expectations. Irregular immigrants are often housed in poor immigrant districts. (The average proportion of non-Western immigrants for the 20 districts is 57 per cent versus 11 per cent for all the city districts.)

Table 2 contains five linear regression models.³ The models show that differences between neighbourhoods as to the percentage of irregular immigrants depend on neighbourhood differences in the concentration of legal non-Western immigrants, the socioeconomic status, the size and form of the neighbourhood economy, the share of private homeownership and the concentration of single-person households. The first four models test the extent to which the spatial distribution of the illegal population corresponds with our (initial) theoretical assumptions. The independent variables are indicators of the extent to which neighbourhoods contain non-Western migrant communities (percentage of non-Western immigrants), economic opportunities (the relative number of establishments in commercial services, manufacturing and non-commercial services) and housing opportunities (socioeconomic status of the neighbourhood and percentage of private homeownership). We examined whether the fourth model could be improved with additional independent variables. The percentage of single people did indeed have an additional effect (fifth model).⁴

In what follows, the quantitative results in Table 2 are discussed and interpreted with findings that are of a qualitative nature.

Table 1. Urban neighbourhoods with the highest (absolute) concentration of Illegal residence

<i>Postal code</i>	<i>Municipality</i>	<i>Apprehensions (97-03)</i>	<i>Regular residents</i>	<i>Relative concentration of illegal immigrants</i>	<i>% Regular non-western immigrants</i>	<i>% Singles</i>	<i>Average annual income among income receivers (euro)</i>	<i>Average value real estate (euro x 1000)</i>	<i>% Private homeownership</i>	<i>Commercial Services (establishments per 100 residents)</i>
-	<i>Average urban neighbourhood</i>	14	7,471	2	11	28	15,115	76	45	6
-	<i>Average top 20</i>	204	1,1813	21	57	37	12,716	40	22	4
2572	The Hague	493	11,030	45	76	32	11,591	33	16	2
2525	The Hague	486	15,090	32	79	25	12,364	45	16	2
2562	The Hague	351	11,180	31	44	49	13,091	40	48	5
2512	The Hague	253	13,090	19	45	50	13,364	41	20	4
1102	Amsterdam	227	21,130	11	75	41	13,091	40	2	3
2526	The Hague	224	13,790	16	82	25	11,545	41	11	2
2571	The Hague	223	9,640	23	64	33	12,318	38	25	3
2515	The Hague	216	11,090	19	54	42	12,318	38	18	2
1104	Amsterdam	170	14,200	12	67	35	13,091	37	4	2
3081	Rotterdam	158	11,400	14	50	42	12,545	31	28	2
1103	Amsterdam	155	13,660	11	66	38	14,045	38	22	2
3073	Rotterdam	151	14,880	10	54	31	12,273	36	13	2
3021	Rotterdam	135	11,780	11	49	46	13,636	50	25	5
3027	Rotterdam	131	10,710	12	73	27	11,818	36	10	1
2573	The Hague	128	9,740	13	28	32	13,545	46	64	2
2516	The Hague	118	8,560	14	60	35	12,227	37	13	3
2522	The Hague	117	11,640	10	28	36	13,045	37	61	2
5705	Helmond	114	1,190	96	12	31	13,818	61	26	18
3014	Rotterdam	113	9,110	12	64	38	12,227	43	7	6
1094	Amsterdam	107	13,350	8	58	45	12,364	35	4	2

^a: The table contains unweighted averages.

Sources: Central Bureau for Statistics (*Kerncijfers wijken en buurten 1999*), Ministry for Housing, *Vreemdelingen Administratie Systeem, 1997-October 2003*.

Table 2. Determinants of the relative concentration of irregular immigrants

	Model 1	Model 2	Model 3	Model 4	Model 5
Percentage of non-Western immigrants	0.13** (0.62)	0.12** (0.59)	0.12** (0.58)	0.13** (0.66)	0.13** (0.66)
SES		-0.16** (-0.07)	-0.26** (-0.11)	-0.42** (-0.18)	-0.35** (-0.15)
Commercial services			0.12** (0.57)	0.14** (0.42)	0.10** (0.31)
Manufacturing			-0.26** (-0.25)	-0.28** (-0.27)	-0.17** (-0.17)
Non-commercial services			0.08 (0.05)	0.06 (0.04)	-0.07 (-0.01)
Percentage of private homeownership				0.02** (0.18)	0.03** (0.24)
Percentage of single residents					0.04** (0.20)
Constant	0.16*	0.20**	-0.12	-1.34**	-2.53**
N	1,240	1,237	1,202	1,202	1,202
R ²	0.39	0.39	0.46	0.47	0.50

Notes: *= $p < 0.05$; **= $p < 0.01$.

^a : standardized effects (beta's) are printed between brackets.

Sources: Central Bureau for Statistics, Ministry for Housing, Vreemdelingen Administratie Systeem, 1997- October 2003.

The presence of non-Western migrant communities

Two statistical observations suggest that legal immigration tends to bring about illegal (chain) migration. First of all, as Table 2 shows, the effect of the proportion of immigrants in the neighbourhoods on the relative concentration of irregular immigrants hardly decreases when other neighbourhood characteristics are incorporated into the model. A second indication is the settlement pattern of irregular immigrants from countries for which there are large established ethnic groups (such as Turkey, Morocco and Suriname). This pattern can be quite well illustrated with the help of a number of maps of The Hague (see Figures 4 and 5). It turns out, for example, that a relatively large number of illegal Turks live in the districts where legal Turks live and that irregular Moroccans usually end up in the districts with many regular Moroccans. This effect is somewhat stronger for the Turks than for the Moroccans, which has to do with the stronger social cohesion and trust networks among Turkish immigrants (Engbersen, 2001; Staring, 2001).

The fieldwork suggests that such causal connections can be direct and indirect. First, it turns out that many respondents live in these neighbourhoods because family or acquaintances, who usually took care of them after they arrived, live nearby. These established immigrants often help illegal newcomers in their primary network to find a room or flat in the neighbourhood later on. The indirect relations are mainly found among irregular immigrants who have no family members in the Netherlands. It turned out that some had come to Europe with the help of human smugglers and/or had gone through asylum procedures to no effect, often elsewhere in the Netherlands.

They told us they preferred neighbourhoods with an ethnic variety and where many people speak their language or dialect, which makes them ‘inconspicuous’. In addition, they hope to benefit from the ‘ethnic infrastructure’ established by previous immigration flows: mosques (to pray and meet people, and where sometimes free food is served during Ramadan), ethnic shops (where they can buy products from the country of origin and can sometimes get a job) and coffee houses (to spend the day cheaply and come into contact with people). The tendency to seek accommodation near places where compatriots live—also coined ‘ethnic self-segregation’ (see Stepick et al., 2003)—is well documented for regular migrants (Musterd et al., 1998; van der Wouden and Bruijne, 2001). That the presence of legal compatriots tempts irregular immigrants to live in relatively homogeneous ‘urban villages’ (Gans, 1962/1982) is aptly illustrated by the following excerpt from an interview.

“I went to live in Bospolder-Tussendijken because my brother lived here and because there are many Moroccans with a valid residence permit in this neighbourhood who help me with all kinds of things when I need them. This neighbourhood mainly has a social function for me. I meet a lot of people with whom I make appointments and chat about all and sundry” (illegal Moroccan).

Certain groups of irregular immigrants do not take up residence in deprived immigrant neighbourhoods because they have family members or compatriots who live there, but

rather because of the 'favourable' supply of housing. This becomes more evident when we include the effect of neighbourhood socioeconomic status in the analysis.

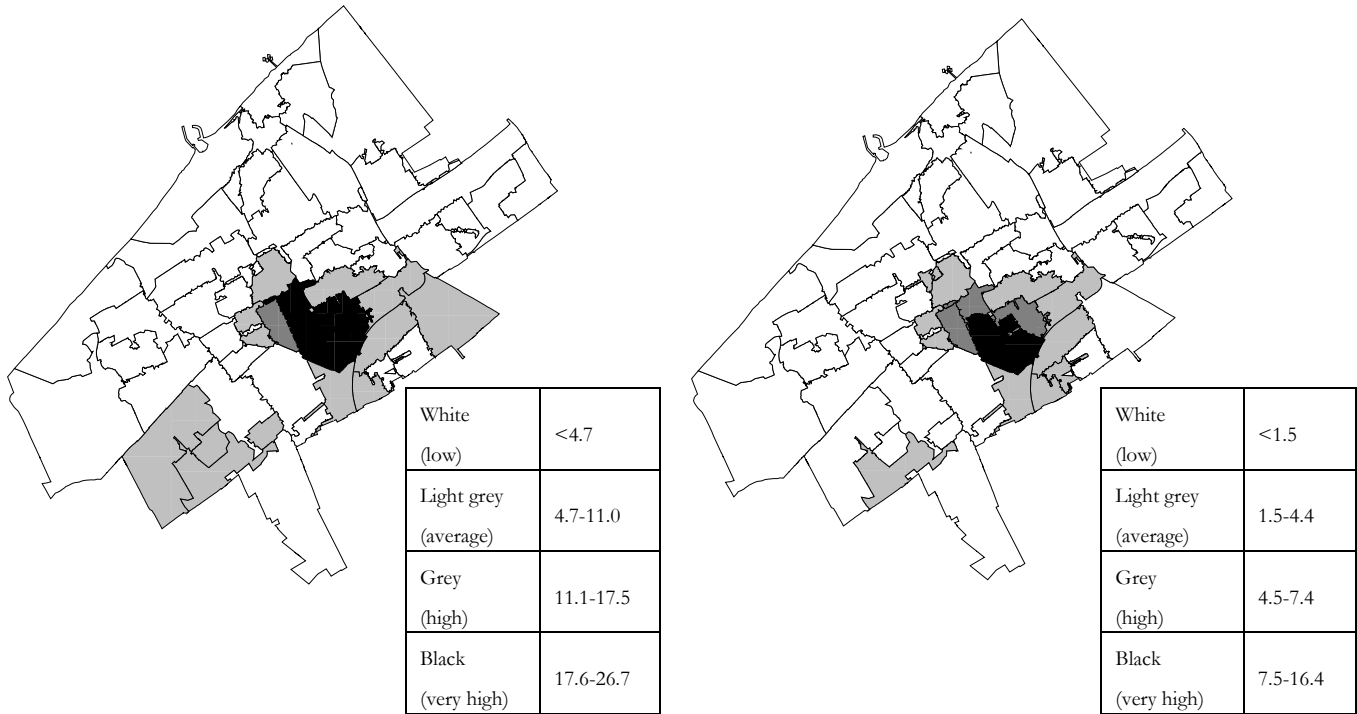


Figure 4. Distribution of Turks across The Hague. Left: Regular Turks (percentage of total population). Right: Illegal Turks (relative concentration). *Sources:* Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997–October 2003.

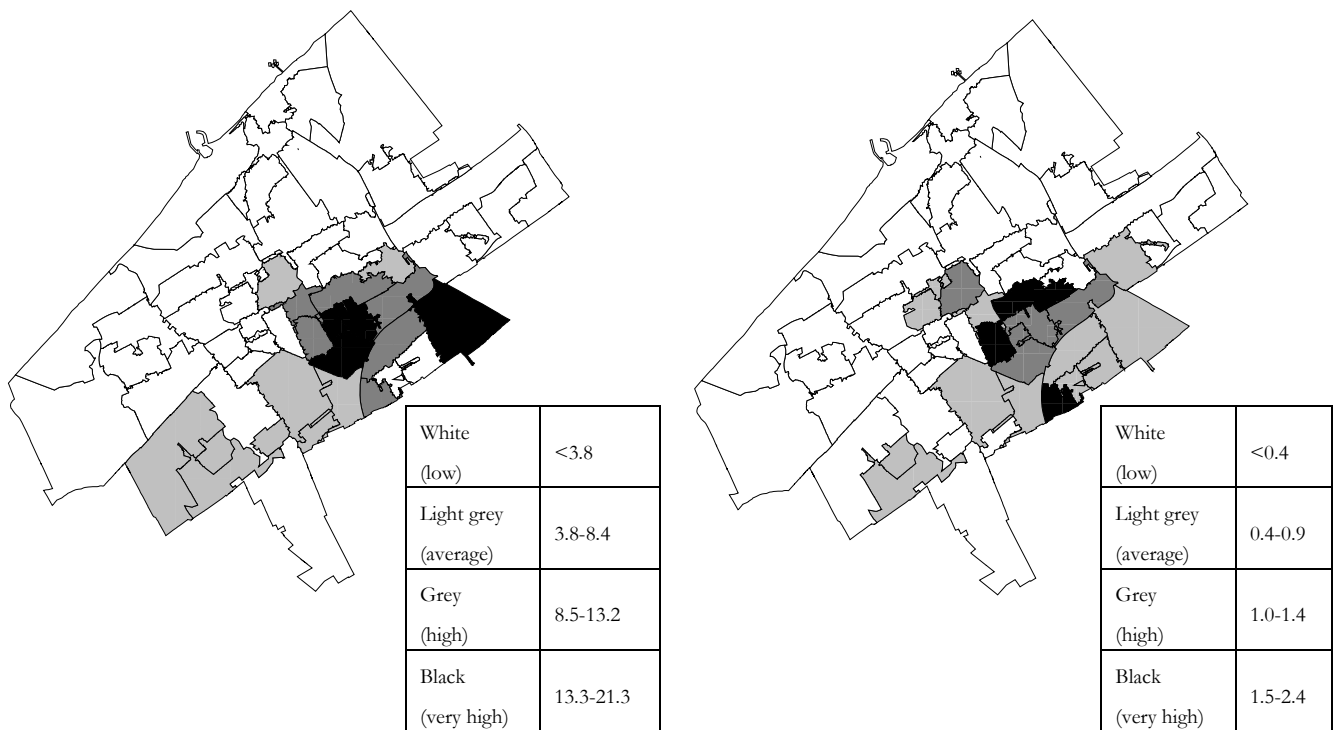


Figure 5. Distribution of Moroccans across The Hague. Left: Regular Moroccans (percentage of total population). Right: Illegal Moroccans (relative concentration). *Sources:* Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997–October 2003.

The socioeconomic status of the neighbourhoods

Illegal residence is associated with low income in two ways. First, low skilled potential immigrants have little chance of obtaining a legal residence permit because the Dutch government has strongly discouraged low-skilled labour migration for some time now (van der Leun, 2003). Secondly, it is practically impossible to earn a high income without a residence (and working) permit. Therefore, it is understandable that irregular immigrants often end up at the bottom of the housing market.

Table 2 indicates that the socioeconomic status of the neighbourhoods yields an independent negative effect on the degree of illegal residence.⁵ Two additional maps of The Hague confirm this observation (Figure 6). Illegal eastern Europeans usually live in neighbourhoods where many illegal Turks and Moroccans reside (near A) and are thus not spatially embedded in the legal eastern European community. The few legal eastern Europeans in The Hague (staff of embassies and international organisations) reside primarily in the more upmarket city districts (near B).

In the neighbourhoods in which we conducted our fieldwork, an informal commercial housing sector has emerged. This informal sector is particularly important to irregular immigrants who cannot fall back on the support of family or friends in the Netherlands. Both in Rotterdam and in The Hague, landlords of mainly Dutch, Turkish or Hindu-Surinamese origin offer accommodation to indigent people in general and irregular immigrants in particular. They rent out floors, rooms and (bunk) beds. Premises where 10–30 people can rent a bed are also called ‘sleeping houses’ by the local residents. In the commercial circuit, the price for a bed turns out to be about €150–250, the price for a flat is €600 – 700. This is clearly more than what is paid by irregular immigrants who live in with their family or acquaintances (usually for free) or have a flat sub-let from a friend or family member (€150 – 400).

Although irregular immigrants from Eastern Europe often reside in rural horticultural areas, we also found some in Bospolder-Tussendijken and, more particularly, in de Schilderswijk. They were mainly Bulgarians. The men usually spent the night in sleeping houses and were picked up by minivans in de Schilderswijk and taken to the greenhouses in the nearby Westland area every workday (Engbersen et al., 2006). The men slept in sleeping houses because of their relatively modest incomes, but also because of the absence of established family members and compatriots in the neighbourhood. A lack of economic capital drives this group to deprived neighbourhoods, while a lack of social capital makes them dependent on the commercial circuit within these neighbourhoods. However, the men also stayed in these houses because they more or less chose to. The Bulgarians, for instance, told us that they had come to the Netherlands first of all to earn money for their families. These labour migrants, or ‘birds of passage’ (Piore, 1979), aim for a temporary stay in the Netherlands and hope to save as much money as possible. Therefore, they are willing to make a concession as to how they are housed. This phenomenon has also been observed among regular labour migrants. In the 19th century, there were ‘migrant hostels’ for country folk who had moved to town (de Regt, 1984; De Swaan, 1988). And many Mediterranean guest workers, who came to the Netherlands in the 20th century, initially lived in similar, simple guesthouses (Bovenkerk

et al., 1985; Bolt and van Kempen, 2002). The importance of cheap rooming houses and ‘flop houses’ (‘flop’ was slang for bed in the 1920s) is also documented by scholars from the early Chicago School (see Anderson, 1923/1967 and Zorbaugh, 1929).



Figure 6. Distribution of eastern Europeans across The Hague. Left: Regular eastern Europeans (percentage of total population). Right: Illegal eastern Europeans (relative concentration). *Sources:* Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997–October 2003.

Economic activity

Our database enables us to examine to what extent illegal residence correlates with the neighbourhood economy. We found indeed an elevated concentration of irregular immigrants in neighbourhoods that contain more businesses in the commercial service industry. Activity in semi-government institutions (ministries, schools, hospitals, etc.) does not influence the number of irregular immigrants. The latter observation is not so remarkable. After all, if semi-government institutions do offer irregular immigrants chances of work, it will merely be indirectly (for example, through cleaning agencies).

These observations suggest that irregular immigrants more often work in the service industry than in the manufacturing industry—at least in their immediate living environment. There are several explanations for this selective labour pattern. First of all, it is common knowledge that irregular immigrants often perform jobs with a low social status, which do not appeal to the regular working population (Visser and Van Zevenbergen, 2001; Engbersen et al., 2002). Whereas low-skilled industrial labour has been largely automated and transferred to low-wage countries over recent decades, such cost savings were often impossible in the more labour-intensive service industry. Small

and medium-sized enterprises, such as most ethnic shops, often depend on cheap and informal labour in order to make their business pay (Stepick, 1989). Over recent decades, in the personal service industry in the Netherlands, many new migrant enterprises have emerged that often have access to irregular immigrants in their personal networks, at least more so than Dutch industrial entrepreneurs (Kloosterman, Van der Leun and Rath, 1998; van Tillaart, 2001). According to some professionals, some irregular immigrants travel on a tourist visa as labour migrants to the Netherlands to find a job in an ethnic shop or small (family) business with the help of family and friends. Finally, the risk of getting caught may differ per sector. Industrial enterprises are generally larger than service companies. Checking small firms for illegal workers may be inefficient.

The place of residence and place of work of irregular immigrants are linked in several ways. Several respondents told us that they took up residence in the neighbourhood after they had found work there by asking around (Engbersen et al., 2006). Others were unemployed for a while and stayed in the neighbourhood after they had ultimately found work there. For specific groups of irregular immigrants, the place of residence and place of work are actually one and the same: they sleep at their workplace. Police data suggest this occurs primarily in businesses that cannot provide illegal workers with suitable accommodation in the immediate vicinity, such as Chinese restaurants, which are often located outside the migrant districts in the Netherlands, and brothels in the inner cities or rural areas. However, some professionals told us that these practices sometimes take place in migrant neighbourhoods as well. According to these informants, such housing practices may indicate human trafficking and exploitation (see also van der Leun and Vervoorn, 2004).

Economic activity may promote illegal residence, but the opposite may also be the case: the presence of irregular immigrants sometimes promotes specific types of economic activity. In particular, in de Schilderswijk, many small semi-legal and shady employment agencies have been recently started that recruit irregular immigrants (Zuidam and Grijpstra, 2004). The companies that make use of their services (such as the Dutch horticulture greenhouses in the nearby Westland) are often located elsewhere. In this way, the clients can profit from irregular immigrant labour, in spite of the government regulations and the increased checks on illegal labour. These companies do not risk the increased fines, as the employees are formally employed by the employment agencies.

The effects of the neighbourhood economy on the concentration of irregular immigrants demonstrate the surplus value of multiple regression analyses. The 20 districts with the most irregular immigrants are characterized by a low number of businesses in the commercial service industry (see Table 1). Apparently, the elevated rate of illegal residence in these concentration areas is brought about mostly by the remaining dimensions of the opportunity structure of illegal residence, such as the presence of ethnic minorities. Hence, it is likely that the percentage of irregular immigrants there would increase further if more small businesses were set up. (After all, it would then become more attractive to have a family member come over illegally as it is more certain

that the ‘follow-up migrant’ will be able to earn his or her own living and will thus not constitute a financial burden.)

Private homeownership

The presence of private renting—in Table 2 indicated by the percentage of private homeownership, since geographical data on private renting were not available—exerts an independent effect on the degree of illegal residence as well. On average, we find more irregular immigrants in deprived neighbourhoods with many immigrants and private homeownership than in comparable neighbourhoods where the larger part of the housing stock is in the hands of housing associations (as is the case in most concentration areas).

It can be assumed that it is easier to house irregular immigrants in privately owned houses than in houses from housing associations (Burgers, 1998). There are two reasons for this. First, irregular immigrants can no longer be the main tenant of houses of associations since the implementation of the *Koppelingswet* (a law that made it possible to limit the access of irregular immigrants to public services in 1998). Housing associations are now obliged to check the residence status of potential tenants in the population register (see van der Leun, 2003). Private landlords do not have this obligation, so irregular immigrants can rent in the private sector, whereas they have only indirect access to housing association houses as (informal) sub-tenants or housemates. Secondly, private premises can more easily be made suitable for occupation by a larger number of people than intended (nowadays) (see Botman and van Kempen, 2001). It turns out that some landlords set up partition walls in their houses in order to rent out as many small rooms or beds as possible. A few landlords in districts such as Bospolder-Tussendijken and de Schilderswijk own hundreds of houses. In addition, there are many small private landlords who rent out one or two houses to irregular immigrants.

The positive effect of private homeownership is revealed using multiple regression analyses. In the 20 concentration neighbourhoods (see Table 1), most houses are owned by housing associations. Apparently, most irregular immigrants follow the residential pattern of legal, non-Western immigrants, with whom they live as housemates or subtenants. At present, most non-Western immigrants live in a housing association house (van der Wouden and Bruijne, 2001). Hence the rate of illegal residence would probably rise somewhat in these concentration areas (and in the Netherlands in general), if established non-Western immigrants would live in (the vicinity) of private homes to a greater extent.

Singles

So far, the relations between single people and irregular immigrants have not been given much attention in the literature. However, previous research has documented that irregular immigrants sometimes entered into relationships with legal residents in order to obtain a residence permit (Staring, 1998; Engbersen, 2001). Furthermore, Burgers (1998) pointed to the reciprocal character of some relationships, which he often encountered among illegal prostitutes or ex-prostitutes.

The presence of single people indeed appears to increase the rate of illegal residence even though we thought initially that the correlation was spurious. Irregular immigrants as well as singles are overrepresented in the poorer urban environments; just like irregular immigrants, many singles have lower incomes than people with families or people who cohabit. And indeed: the effect of the percentage of singles on the concentration of irregular immigrants decreases when the percentage of non-western immigrants and the socioeconomic status of the neighbourhood are controlled for. Still, the effect of the percentage of singles does not disappear.⁶ The positive correlation between the percentage of irregular immigrants and the percentage of singles therefore cannot be attributed entirely to the fact that as a rule irregular immigrants live in neighbourhoods with many singles and that the districts involved usually have a lower socioeconomic status.

The neighbourhood studies confirm that there are differing connections between singles and irregular immigrants. First of all, with singles, there appears to be an increased probability of sub-letting or partial subletting. The Dutch rent rebate system enables people with comparatively low incomes to rent relatively large houses, parts of which can be sub-let to third parties. Furthermore, there is also the possibility that someone who initially lived together with a partner continues to rent the house after separation and sub-lets parts thereof. According to some professionals, local residents sometimes rent a self-contained dwelling in order to become eligible for a (higher) unemployment benefit, whereas they actually do not live there, but re-let the dwelling to third parties. Supposedly, some local residents see renting a housing association house as a welcome opportunity to increase the family income. The formal tenant moves in with his or her partner or relatives and sub-lets the housing association flat to a third party at a higher price. Informal sub-letting of social housing houses can be rather profitable as the official rent of these subsidised houses is lower than the market value (after deduction of the rent rebate).

Besides sub-letting practices, there is also the aspect of relationships between singles and irregular immigrants. Several professionals mentioned that some legal residents have illegal partners. In their view, (heterosexual) singles are at least providing accommodation for irregular immigrants of the opposite sex. These residents are in part older men who offer illegal young women a roof over their head. These are often indigent single men with relatively little chances on the 'primary' dating market. An employee of a housing association in The Hague told us that he encountered several cases each month involving singles—regular immigrants as well as Dutch natives—who had their partners come over illegally or who felt obliged to let their partners reside illegally in the Netherlands after their residence permit had expired (for instance, because they could not sufficiently prove that they would be able to support that partner). In the Netherlands, the criteria for having a partner come over from outside the EU have recently become increasingly restrictive (Snel et al., 2005). Furthermore, the local alien police regularly receive calls from people who claim to have ended their relationships and indicate that their partners are now probably residing illegally somewhere in the Netherlands.

Determinants in combination and interaction

So far, we have demonstrated that the spreading of the illegal population is related to the distribution of the non-Western ethnic minorities, the distribution of low-income and high-income households, the distribution of certain types of economic activity, the distribution of privately owned (cheap) houses and the distribution of (poor) single people. In other words: the patterns of spatial incorporation of irregular immigrants follow the more comprehensive allocation patterns among regular migrants, economic activity and single households, and elaborate on them. And yet the socioeconomic nature of the forces that determine the spatial incorporation of irregular immigrants does not, as such, provide sufficient explanation for the high degree of spatial concentration of the illegal population. Illegal residence is primarily concentrated in a limited number of environments because the opportunity structure of illegal residence is itself spatially concentrated. The dimensions of this structure exhibit the strongest development in the cities (with the exception of private homeownership, which occurs relatively often outside the cities). In the cities, the separate dimensions are spatially concentrated in specific (residential) areas. After all, legal ethnic groups are not evenly spread over all city districts. And houses for indigent households, relevant types of economic activity and (indigent) singles are also spatially concentrated.

Secondly, the determinants of illegal residence are often concentrated in the same neighbourhoods. High concentrations of non-Western immigrants and single people are after all characteristic of city districts with a low socioeconomic status. Furthermore, economic activity in the personal service industry is clustered in urban areas (inside these areas it is quite evenly distributed, though). Private homeownership is, at least in the Netherlands, concentrated in districts where the other dimensions of the opportunity structure of illegal residence are relatively weakly developed. Private homeownership is more often found outside the cities and, within the city, it is scarcer in poor districts than in affluent districts. This condition is in principle favourable for deconcentration of illegal residence. It might be the case that illegal residence in privately owned houses also occurs in the more well-to-do districts (see Mahler, 1995). However, it is unlikely that this variant, in which the high rent is paid by a large number of irregular immigrants, occurs very often in the Netherlands (see note 5).

Thirdly, there are interactions between the determinants. In the statistical analyses, we assumed that each neighbourhood characteristic had a separate effect and was independent of the other neighbourhood characteristics. This division into independent factors does not do full justice to the complex mutual dependencies in social reality (see Elias, 1978). For example, the cohabitation of a single person and an irregular immigrant presupposes mutual contact. The opportunities for that depend, among other things, on the extent to which single people and irregular immigrants fall back on the same neighbourhoods. Some respondents have met their partner in the neighbourhood.

Said is a 29-year-old Moroccan man from Rabat who came to the Netherlands with a student visa in 1998. Family members who already lived in the Netherlands were willing to receive

him. At first he lived with his uncle. Since 2000, Said has resided in the Netherlands without a residence permit. He had discontinued his education and therefore his temporary residence permit was withdrawn. Shortly thereafter, Said met Marieke in a cafe in the neighbourhood where they both lived. Marieke is a Dutch woman aged 28, who works as a receptionist for a small company. They fell in love and after a year Said moved in with Marieke. As Said is unemployed, Marieke pays for their costs of living. They intend to get married before long. According to them, it is a marriage of love, but they also marry because they believe that Said will not have to worry about his residence permit any longer.

Furthermore, opportunities for illegal residence sometimes only occur when (potential) illegal migrants have family in the neighbourhood, more particularly, family who have connections with employers. An example of such a complex interaction effect is the establishment of illegal Bulgarians in the Randstad (urban agglomeration of Western Holland). They belong to a Turkish-speaking minority group in the east of Bulgaria. Particularly in the recent past, many Turkish agricultural labourers worked in the greenhouses of the horticultural area called Westland (Braam, 1994). Currently, an informal process of 'ethnic succession' can be observed, in which some upwardly mobile Turks serve as a 'middleman minority' (see Bonacich, 1973) between the Dutch employers in the horticultural sector and the Bulgarian newcomers. The settlement pattern of these labour migrants presupposes the combined spatial proximity of established Turkish immigrants, Dutch horticulturists and cheap private houses in districts where such newcomers are inconspicuous.

There is a fourth reason for the spatial concentration of illegal residence. After some time, 'shadow institutions' (Scott, 1985) or 'bastard institutions' (Hughes, 1951/1994) begin to develop in the concentration districts, catering specifically for illegal residents in the neighbourhood. These institutions are sometimes legal, but more often illegal. They involve Dutch volunteers who teach languages in the community centres, unqualified 'doctors' who provide medical advice and medical drugs in coffee houses, quasi-legal agencies that provide advice on how to obtain a residential permit, temporary employment agencies that take care of the required documents and work, and so on. These informal institutions have developed as a result of the 'favourable' climate for irregular immigrants to establish themselves, but are now an additional element of it. Although it is difficult to perceive such complex effects with regression analyses, our statistical findings also suggest that the concentration of irregular immigrants is in part the result of the extent to which the independent variables reinforce each other. Note that the trend line in Figure 7—in which the number of registered home addresses of illegal aliens per thousand legal residents (the indicator for the relative concentration of illegal aliens) is compared with the predicted relative concentration of illegal aliens on the basis of the neighbourhood characteristics (fifth regression model; each circle in the figure represents an urban neighbourhood)—is not linear, but exponential. This suggests that in concentration areas the actual degree of illegal residence is somewhat greater than predicted on the basis of the sum of the effects of the separate independent variables. (Note also that Figure 7 shows some unexplained variance; it turns out, however, that the

empirical ‘anomalies’ can be accounted for; they do not contradict our theoretical approach.)⁷

Concluding remarks

On a theoretical and empirical basis, we have made plausible that the number of illegal residents in neighbourhoods is determined by the scale at which legal non-Western immigrants, specific economic activities, cheap housing opportunities and single people are present in neighbourhoods—as well as by the extent to which these dimensions of the spatial opportunity structure for illegal residence are coupled there with one another. Not only do the above-mentioned neighbourhood characteristics facilitate illegal residence, they also generate a demand for it. Many irregular immigrants satisfy economic and other needs of family members, friends, partners and employers. Seen from this perspective, irregular immigration cannot be qualified as undesirable. It encompasses all types of migration that also have legal counterparts, such as chain migration, labour migration, family-forming migration and asylum migration. The foregoing warrants five hypotheses on the spatial distribution and concentration of irregular immigrants in other Western immigration countries (see Cornelius et al., 2004).

First, there must be sizeable groups of irregular immigrants in other immigration countries as well. After all, most Western countries have had a migration surplus for several decades, which led to the settlements of a large number of ethnic minority groups. We have shown that there are direct and indirect causal relations between legal and irregular immigration. The other dimensions of the opportunity structure of illegal residence are also largely present in other immigration countries.

Secondly, it is likely that irregular immigrants are also spatially concentrated in other immigration countries. In Western societies—since industrialisation in particular—the social classes exist in relative isolation and the spheres of living, labour and consumption have become more segregated (Lofland, 1998; De Swaan, 1988; Jargowsky, 1997). Western countries have also always known ethnic segregation (Lofland, 1998). The spatial incorporation of irregular immigrants follows such class- and ethnicity-related separations among the regular population and builds on them.

Thirdly, the percentage of irregular immigrants will differ by country. Although it is hard to say exactly what the combination of factors will be in other countries, one can observe that the dimensions of the spatial opportunity structure are not equally well developed everywhere. For example, there are national differences in the size of the post-industrial service sectors (Musterd and Van Kempen, 2000). And, whereas almost 50 per cent of the households in some northern European cities consist of singles—although an increasing proportion of these singles are in the final phase of life—married couples with children are still dominant in southern Europe (Musterd and Van Kempen, 2000). Countries such as Japan and Greece have only recently become immigration countries.

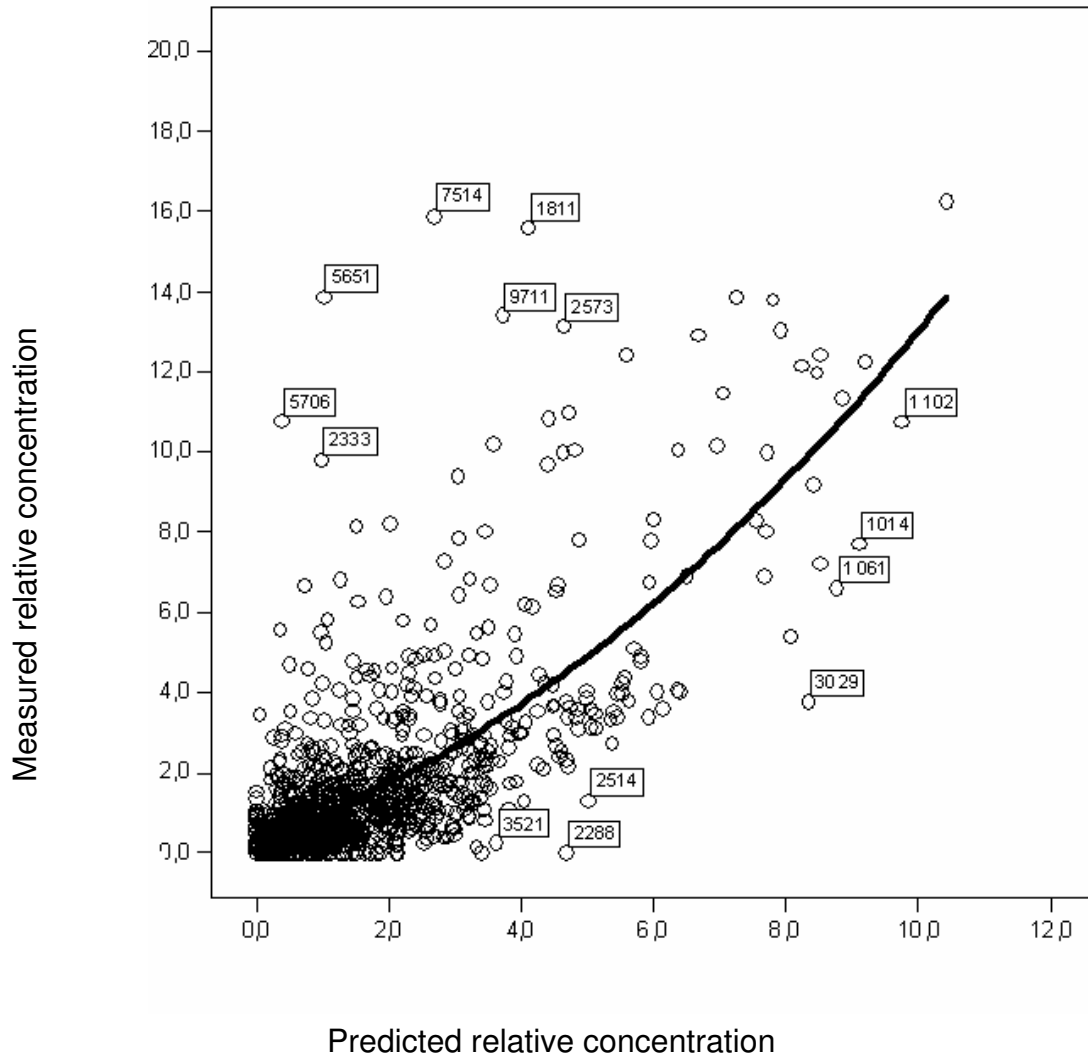


Figure 7. Predicted relative concentration in comparison with measured relative concentration. Sources: Central Bureau for Statistics; Vreemdelingen Administratie Systeem, 1997–October 2003.

Fourthly, we expect country-specific variation in the composition of the illegal population. The ethnic background of minority groups is closely related to the European colonial past (Sassen, 1999). This explains, for example, why quite a few illegal Latin Americans live in Spain and Portugal, while the irregular immigrants in France and England are pre-dominantly of African and Asian origin. The extent to which the bottom of the housing market is subsidised also differs, as does the degree of private homeownership. For example, in Belgium and France, a large part of the housing stock is in the hands of private owners (Musterd and Van Kempen, 2000). The presence of private homeownership is particularly favourable for the illegal 'forerunners' without supportive social networks. They can rent directly from the landlords, some of whom have adjusted their houses specially for the purpose of leasing to irregular immigrants. Illegal newcomers are then less dependent on the goodwill of their extended families, friends or acquaintances for accommodation. Social democratic and corporatist welfare states such as the Netherlands, Germany and the Scandinavian countries actually offer rather favourable housing conditions for illegal follow-up migration. Newcomers with established family or friends also benefit from this 'decommodification' of the housing market, as sub-tenants paying a 'friendly price' or as housemates (see Burgers, 1998). The official main tenants, who pay rather low housing costs, will of course be more readily inclined to re-let their houses or parts thereof to an illegal acquaintance or family member at a low price. They can also afford to have an illegal newcomer stay for free more easily.

Fifthly, national differences in the extent of the spatial concentration of the illegal population may also be expected (although it probably is a spatially concentrated phenomenon everywhere). The extent of spatial concentration depends on the degree of socioeconomic and ethnic segregation among the regular population. The Netherlands has a progressive tax system and pursues an egalitarian income policy on the housing market as well, with all kinds of rent rebates and building subsidies. These policies temper residential segregation according to income and also promote, albeit indirectly and in unforeseen ways, a certain dispersion of the illegal population across a somewhat larger number of neighbourhoods. In countries such as the US and Belgium, where the state pursues a less progressive income policy (through the housing market), irregular immigrants will be less evenly distributed across the urban landscape than in the Netherlands.

The social and economic opportunities for illegal residence and the willingness and necessity to make use of it will not disappear in the foreseeable future. Many developing countries will be facing an increase in the number of potential emigrants as a result of continuous population growth and limited economic prospects (Bauman, 2004; OECD, 2005). On the 'demand side', there are also developments that promote immigration (legal and illegal). For example, as a result of the globalisation of social and economic life in an increasing number of Western countries, more ethnic groups will maintain transnational relations (Portes, 1999; Snel et al., 2005). Yet this is certainly not the only determinant of illegal residence that has found a strong foothold in society. Paid personal services currently constitute one of the largest growth sectors in Western countries.

Furthermore, due to the implementation of neo-liberal policies of privatisation, an increasing part of the housing stock is going into private hands (see O'Loughlin and Friedrichs, 1996; Thorns, 2002). Finally, in Western city districts, more and more singles yearn (again) for a partner in life (Blok et al., 2000; Bauman, 2003).

It goes without saying that the uneven global distribution of life-opportunities in a time of intensified globalisation is the root cause of migration from poor countries to the Western world. Although emigration to a rich Western country remains a pipe dream for most of the people in poor countries, many will continue to try their luck in countries such as the Netherlands. Our study shows that, although irregular immigrants are by law excluded from national territories and formal institutions (official labour markets and public provisions), irregular immigration has become firmly embedded in the social and economic structures of advanced societies.

The structural determinants of irregular immigration are often ignored in the current 'fight against illegal immigration'. However, it would be wise to take these structural determinants of irregular immigration into consideration and to redress current restrictive migration policies that contribute to the growth of 'shadow places'. For example, an expansion of temporary labour migration programmes will enable groups of irregular labourers to work legally and will counteract the development of informal labour markets (and the activities of the illegal sub-contractors involved). Similarly, the legalisation of specific groups of irregular migrants could be a relevant option. Significant regularization programmes have been carried out over the past few years in countries such as Italy, Greece, Portugal and Spain, but they remain unthinkable options for advanced European welfare states (Germany, the Scandinavian countries, the Netherlands, the UK). Other policy options include realistic return programmes that stimulate people to go back voluntarily, in a sustainable manner. Such measures would contribute to the reduction of shadow places in the big cities of immigration societies. Furthermore, it would be advisable to create legal temporary housing for temporary workers. Temporary labour migration is increasing (OECD, 2006), especially from eastern Europe, but in many immigration countries there is no legal housing infrastructure that effectively deals with these labour migrants.

Against state rules against street rules? Illegal immigrants and public safety in urban neighbourhoods

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Introduction

Since the 1970s attitudes towards non-Western immigrants have changed radically in the Netherlands, as well as in other European countries and North America. In the 1960s newcomers were welcomed as temporary 'guest workers' in the lower ranks of the tight labour market. In the Netherlands these immigrants were mostly Turks, Moroccans, Spaniards and Italians. During the economic recession that followed the 1973 global oil crisis, immigrants were increasingly seen as a social problem. Restrictions on immigration were deemed desirable, not only to curb increasing unemployment rates but also because earlier immigration flows had led to the development of permanent ethnic minorities (Bade, 2004). Subsequently, many Western countries started to pursue increasingly restrictive immigration policies with regards to non-Western foreigners. Because many newcomers adapted to these restrictions by migrating in clandestine ways (Doomernik and Kyle, 2004), and because border controls were considered insufficiently effective, many countries implemented additional policy measures to curtail illegal residence. The first to implement these were welfare states with extensive systems of public services, including the Netherlands. At present, illegal immigrants are excluded from the Dutch labour market, and from various public services like social benefits, the public housing sector, public education, and most medical services (van der Leun, 2003).

In spite of (and owing to) these regulations, illegal immigrants constitute a significant part of the population in the Netherlands. The same is true for other countries of the European Union (Sciortino, 1991), the United States (Cornelius et al., 2004), Japan (Sassen, 1991), and for transit countries like Turkey, Russia, Mexico, and Malaysia (Schloenhardt, 2001; Bade, 2004).

Illegal immigrants represent about 1 percent of the population in the Netherlands, a country with approximately 16 million inhabitants (Leerkes et al., 2004). As most illegal immigrants tend to settle in deprived and ethnically mixed urban areas, the rate of illegal residence differs considerably per neighbourhood. In some, illegal immigrants may represent six to eight percent of the residents (Leerkes et al., 2004).

This spatial concentration of illegal residence leads to questions that have not been extensively dealt with in the literature on illegal immigration. Several studies have analyzed how illegal immigrants are incorporated in the countries of settlement (see for instance Mahler, 1995; Engbersen, 1996; Burgers, 1998; Alt, 1999; Ehrenreich 2002). A handful of studies have focused on the criminal involvement of illegal immigrants (McDonald, 1997; Alt, 1999, Engbersen and Van der Leun, 2001; Zaitch, 2002; Leerkes,

2004). However, no other study before has dealt specifically with the consequences of concentrated illegal residence for neighbourhood safety.

How safe are neighbourhoods where concentrations of illegal immigrants live? Is there more crime, or less? Do people feel more unsafe, or less so? What is the impact of the presence of illegal immigrants, and what is the influence of the illegal residence status in these effects? These are the main research questions in this chapter.

There are two central reasons to raise these questions. First, the presence of illegal immigrants is likely to impact neighbourhood crime and safety. For, on the one hand, illegal immigrants are likely to shun police contacts more than regular residents do, which may have a deterrent effect on offending. On the other hand, a number of illegal immigrants appear to commit (property) crimes under the influence of the illegal residence status, which bars them from most legal means of satisfy conventional needs (Engbersen, Van San, and Leerkes, 2006; see also chapter 6 and chapter 7). Similarly, illegal residence status may influence the degree of compliance with other formal and informal social rules that are important for neighbourhood safety. The second reason is Shaw and McKay's (1942) classical, often replicated, finding that street crime is much more prevalent in poor, ethnically mixed neighbourhoods with high residential mobility rates – the sort of neighbourhoods where illegal immigrants tend to settle – than in rich, ethnically homogeneous (mostly 'white'), stable neighbourhoods. This raises the question whether illegal residence constitutes, in a more indirect way, an additional burden for the safety of the poor and ethnically mixed neighbourhoods in the large cities; settlement by immigrants without residence permits may increase neighbourhood social disorganization even further.

Traditionally, the social sciences have focused on objective aspects of safety, particularly delinquency (how many residents commit crimes) and crime (how prevalent are offences in a neighbourhood). Researchers have also become interested in *perceived* safety, especially since research showed that perceived safety and fear of crime are not linear functions of objective delinquency and crime rates. That scientific interest has social relevance: fear of crime and also more diffuse feelings of social discomfort and annoyance may harm the quality of social life, as they make people withdraw from public space (Hale, 1996).

We try to answer the research questions with data from a diverse array of sources. Beside police records, social surveys and administrative data, we use qualitative fieldwork data that were collected in two urban areas that host high percentages of illegal immigrants. The quantitative data are analyzed first in order to assess whether, and how, the rate of illegal residence is associated with objective and subjective neighbourhood safety. We subsequently examine whether the quantitative data is consistent with the qualitative findings, and whether the fieldwork provides additional information about the social mechanisms that produce the established associations. In this way, we hope to contribute to the integration of quantitative and qualitative perspectives in the literature on public safety with this explorative study (for the desirability of this integration, see Hale, 1996; Ditton and Farrall, 2000).

Theoretical starting points

Illegal residence

In the Netherlands, the origins of illegal immigrants lie in over two hundred countries. The largest groups are Turks, Moroccans, Algerians and Surinamese (for the larger part chain migrants with settled family in Holland). In the course of the 1990s the shares of Eastern Europeans (mostly labour migrants) and rejected asylum-seekers have risen.

In order to understand the significance of an illegal residence status we have to consider the opportunity structure for illegal residence as a whole, i.e. not only the laws on immigration and illegal residence. Dutch research clearly demonstrates that illegal immigration is incorporated in society in several ways, even though illegal immigrants are more and more excluded by the state. Differences in social incorporation correspond to differences in life chances. Established immigrants from some countries (for example Turkey) have formed closely-knit social networks in the Netherlands. Illegal newcomers from these countries can usually count on support by settled family members, other relatives, or people who are from the same town or region in the country of origin. Examples of assistance are temporary inclusion in the family, borrowing of health insurance cards, and finding a partner or house. Minorities with a strong tradition of ethnic entrepreneurship such as the Chinese and Turks also provide work opportunities in ethnic niches. Those who happen to possess less social capital (Bourdieu, 1983; Portes, 1998), such as illegal pioneers or chain migrants from relatively fragmented ethnic groups like the Moroccans, have to rely on their own resources to a greater degree. They might also get involved in crime more easily.

Eastern European immigrants usually do not have ties with established countrymen in the Netherlands. They often work for Dutch entrepreneurs, for example in horticulture. Some occupy sought-after jobs, albeit in the informal economy (think of the illegal plumber), but most do work that is lowly esteemed by the regular population (De Bakker, 2001). The geographical proximity of Eastern Europe and the smaller political distance to the European Union (the migration laws with respect to future member states of the European Union are relatively liberal), make these circular migrants very suitable as seasonal workers in Dutch horticulture.

During the research period, the EU enlargement with countries like Poland and Romania had not yet taken place. Yet, since 2001, Bulgarians and Romanians were allowed to visit Schengen countries, including the Netherlands, without a visa (van Gestel, 2006). For Poles this was already possible since the early nineties. Still, as tourists they were not allowed to work. Those who stayed longer than three months – which many did – could be arrested for illegal residence. These spatial and political conditions also had (and still have) the unintended side-effect that small groups of Eastern European ‘tourists’ travel to Western Europe in order to commit crimes, mostly burglary, car theft or pick-pocketing (van Tilburg and Lammers, 2004; see also chapter 7). In comparison to most other illegal immigrants, Eastern European from non-EU countries have lower costs, monetary and otherwise, to settle illegally and return to the Netherlands in case of a forced repatriation. Most illegal immigrants have to bridge larger geographical

distances, and have to penetrate borders that are much less porous. These differences in migration costs and motives influence behavioural opportunities and preferences in the Netherlands.

Crime and perceived safety in urban neighbourhoods

Safety has an objective and subjective component. Objective safety pertains to victimization. Subjective safety concerns the assessment by residents of the local crime and nuisance rate, and the extent to which they feel safe, particularly in their neighbourhood (Vanderveen, 2006).

There is no one-to-one relation between objective and subjective safety. People who live in comparable objective circumstances with regards to crime, or who have become victims of a particular crime, usually do not feel safe to the same degree (Hale, 1996). It turns out, for instance, that vulnerable residents are often more scared than people who consider themselves relatively invulnerable. This is the primary reason why women, the elderly and singles tend to feel less safe than men, young adults, and cohabitants (Killias, 1990). A further reason for the weak connection between objective and subjective safety is that fearful people decrease the chance of victimization in so far as they avoid risky situations more than the more daring do (Mesch, 2000).

It is not only, and not even primarily, the crime rate that determines subjective safety; other signs of disorder are more important (Taylor and Hale, 1986; Lewis and Salem, 1986, Markowitz et al., 2001). Examples of the latter are groups hanging around in public places, begging, being noisy, addressing strangers, and showing symptoms of alcohol or drug use. Since Goffman's work (1963, 1971a) we know that people expect from each other and from themselves, that certain unwritten rules be observed in public space. Transgressions can produce fear and uneasiness. Goffman showed that absence of shared behavioural expectations – in sociology also known as *anomie* – can cause feelings of risk and uneasiness too. Hence, not only norm violations, but also a lack of shared norms about 'what is appropriate' in public space, may contribute to fear of crime. Signs of disorder that are, strictly speaking, physical – such as rubbish in the street, graffiti, vandalized pay phones and bus shelters – may also cause anxiety, and eventually tend to increase crime rates as more people withdraw from public space (Kelling and Wilson, 1992).

Shaw and McKay's (1942) ecological studies demonstrated that much street crime and delinquency centres in socially disorganized neighbourhoods: poor neighbourhoods with unstable resident populations, and much ethnic and cultural diversity (see for more recent studies in this tradition Sampson and Groves, 1989, Xu, Fiedler, and Flaming, 2005). Such conditions complicate establishing contacts between residents; many social relations are temporary (Bellair, 1997; Sampson, Raudenbush, and Earls, 1997). Therefore, consensus about respectable or acceptable norms is more difficult to achieve. Furthermore, the willingness on the part of residents to protect and defend each other, each other's property or shared interests, for example by correcting each other's children, diminishes. Social disorganization also hampers the efforts of specialized agents of social control, like the police, to help preserve public order (Bursik and Grasmick, 1993; Velez,

2001). As a result, there is less resistance against anti-social behaviour, including crimes, committed by residents *and* by offenders from other areas. Groups that do not live up to widely shared social standards – like bohemians, simple criminals, and homeless people – often prefer disorganized areas, and/or are kept out of the better organized neighbourhoods with more success.

Stereotypes

Unlike villagers, most city dwellers are strangers to one another. In public space people need to employ fast and shallow assessments of others in order to orientate themselves in social traffic. Therefore, in everyday life city dwellers depend heavily on stereotypes, such as ethnic or sex stereotypes (Hamilton and Troler, 1986). Such stereotypes are usually not based on experiences with the particular stranger, but draw on experiences with, or stories about comparable persons from similar social categories. Visual characteristics in particular, such as external care, clothing, or skin colour, activate these stereotypes.

In the United States, young black men are strongly associated with delinquency. Because of this stereotype, local residents tend to overestimate the size of neighbourhood crime accordingly as the number of local black youth increases, especially if the residents are white themselves (Chiricos, Hogan and Gertz, 1997; Quillian and Pager, 2001). In Europe too, minorities (and particularly non-Western minorities) are traditionally associated with crime and disorder (see for example van Heek, 1936; Angel-Ajani, 2003). Such stereotypes tend to exaggerate group differences (Elias and Scotson, 1965; van San and Leerkes, 2001).

This raises the question of whether residents see illegal immigrants as a separate social type, and if so, to what extent they associate this type with delinquency and norm violations. Because illegality is an administrative feature that is not visible from the outside, it may well be that other stereotypes than those about illegal immigrants are activated in public space, for example the stereotypes about not-Western newcomers. Therefore, we must take into account perceptions of ‘parallel statuses’ among illegal immigrants (see below). We go into these issues, which are hard to answer with the available statistical data, when we report the qualitative findings.

The status-set of illegal immigrants and regular residents

Sociologists use the term ‘status’ to describe positions in the social structure to which specific behavioural expectations (or ‘roles’) are attached. The ‘strong’ or ‘hierarchical’ variant of the concept refers to the position of an individual or group in a social hierarchy, which is based on the relative degree of access to economic, political and cultural resources, and social esteem.

Most adults have a ‘status-set’ (Merton, 1957): they must combine several, sometimes conflicting, statuses and roles. For instance, as a manager someone has a different role than as a mother, and also more social prestige. This also applies to illegal immigrants. They do not only have to deal with the residence status, but are simultaneously man or woman and, depending on the circumstances, employee, partner, kinsman or drug addict.

Engbersen (1996) argued that illegal residence is a master status (Hughes, 1945) which overshadows parallel statuses. While it is obvious that legal statuses influence life chances greatly, at least in a highly bureaucratized country like the Netherlands, it is questionable whether an illegal residence status has much weight in public space. It may be that local residents do not see 'illegal immigrants' in their midst, but rather the more visible parallel statuses, like 'foreigners', 'men', or 'poor'. Thus, whereas the master status may dominate illegal immigrants' behaviour, the environment reacts primarily to parallel statuses.

Certain statuses are strongly linked with the condition of being categorized as an irregular immigrant, like the status of being 'poor'. At present, migrants from non-Western countries have a relative small chance of obtaining residence permits, and without these a high income is almost impossible. However, an illegal residence status selects and forms other statuses, like sex and age, much less; migrants tend to be young men (older people and women are more immobile), and illegal migrants who have an average age of approximately thirty years are no exception (see van der Leun, 2003). Therefore, we must take into consideration whether effects on neighbourhood safety are closely connected with the residence status (for instance, when illegal residence would be seen as an intrinsic sign of disorder), with parallel statuses that may be caused (in part) by the residence status (for example the status of drug addict), or with statuses that are quite independent of resident rights (the status of newcomer or male).

Finally, it is important to think about statuses in relational terms (Bourdieu and Wacquant, 1992). The statuses of illegal immigrants obtain most of their significance in relation to the statuses of established groups. 'Status anxiety' constitutes a striking example of a relational effect. Because of changes in the power balance, for instance as a new group makes its entry, an established group may feel threatened in its social privileges. This perceived threat is stronger the less certain the superior status claim of the threatened group (Schwartz, 1967; Johansson, 1987; De Botton, 2004). Sometimes a status group feels threatened in its social prestige, even though the power balance on which this claim rests is not immediately at stake. This is because social esteem may, in part, spill over to the social and physical environment (*prestige contagion*, Benoit-Smullyan, 1944). Where some observers attribute feelings of insecurity to signs of disorder and dilapidation, a social status perspective could attribute them partly to status anxiety: many people do not want to be lumped together with what they consider inferior.

Anderson (1999) has shown that in the United States the stereotypical fear of black youngsters is amplified by their low social prestige. Traditionally, the black middle class can claim more prestige than the white lower class, but is of lower standing in the social hierarchy than the white middle class (Warner, 1936). Anderson's study suggests ethnicity is still a significant separate dimension of social stratification in the United States, next to, and in interplay with, class differences (cf. Berreman, 1960; Shibutani and Kwan, 1972; Anthias, 1990). Status anxiety has also been described in Dutch cities, both in relation to class differences (De Swaan, 1988; Wuertz, 1990), and ethnic differences (Bovenkerk, Bruin, and Wouters, 1985). This raises the question of to what extent the arrival of illegal newcomers produces status anxiety among at least parts of the settled

population. Illegal immigrants are, at least in the country of settlement, among the lowest social-economic strata, and most originate from poor non-Western countries. They may have low prestige and may be perceived to intensify status competition for life chances, like labour and access to housing.

Data and analytical strategy

Quantitative sources

The quantitative analyses apply to the residents of 596 residential neighbourhoods in the police regions that cover the metropolitan areas of the four largest cities in the Netherlands: Amsterdam, Rotterdam, The Hague and Utrecht. In line with previous research in the Netherlands (van Wilsem, Wittebrood and De Graaf, 2006; Goudriaan, Wittebrood and Nieuwbeerta, 2006), a neighbourhood is defined in terms of a postcode area. Such areas contain on average roughly 2000 households and 5000 individuals.

The National Statistics Department provides demographic, social and economic statistics data on these neighbourhoods on a regular basis. Data on home ownership were made available by the Ministry of Housing.

We chose three variables to measure the level of *social disorganization* in the neighbourhoods: the percentage of single-person households, the percentage home-ownership and the percentage legal non-Western ethnic minorities (Wei et al., 2005). The latter variable was chosen because in the Netherlands it correlates very strongly with more complex and theoretically superior measures of ethnic heterogeneity that take into account the mix of specific ethnic groups (Bernasco and Luykx, 2003, p. 988-989).

Estimates of illegal residence in the neighbourhoods were derived from the VAS, a police database dedicated to the registration of foreign people living in the Netherlands, including all illegal immigrants. The local *degree of illegal residence* is indicated by the number per 1000 regular residents of registered residential addresses of illegal immigrants who have been apprehended by the police somewhere in the Netherlands between January 1997 and October 2003. The number of individuals involved is quite substantial: N=107 322 apprehensions in the Netherlands, N=10 497 registered residential addresses in the 596 neighbourhoods studied in this sub-study. The records were provided by the 25 Dutch regional police departments. The VAS mainly contains data on illegal immigrants who have risked apprehension for some reason. Therefore the system is very unlikely to be completely representative for all illegal immigrants.

In the Netherlands, the aliens police have the primary responsibility for the supervision of illegal immigrants. This department has an important role, for instance, in detecting illegal residence and illegal labour. However, most illegal immigrants are apprehended during routine policing activities. Currently, slightly more than half of the apprehended illegal residents are apprehended because of misdemeanours like urinating in public and fare dodging, and because of crimes. These include theft (about 33 percent in the year 2003), identity fraud (about 20 percent), and drug dealing (about 20 percent) (Leerkes et al., 2004).

Because the likelihood of apprehension increases with the degree of criminal involvement, delinquent illegal immigrants are slightly overrepresented in the police data. This selectivity is, however, partially compensated for by a lower likelihood of having a registered residential address: relatively few delinquent illegal immigrants have a residential address that has been registered by the police.¹ Although the numbers of targeted crackdowns on illegal labour and illegal residence have increased in the cities of Amsterdam, Rotterdam and The Hague (Boekhoorn, Speller, and Kruijssen, 2004; van Gestel, 2006), we do not find large geographic differences in the likelihood of apprehension (see chapter 3).

Assessments of *neighbourhood safety* were taken from the Police Monitor (PM), a comprehensive bi-annual national survey on criminal victimization, fear of crime, local physical and social disorder and satisfaction with police services. To improve the reliability of the assessments, the surveys for the years 1997, 1999, 2001 and 2003 were taken together. In the 596 neighbourhoods 78 927 respondents have been interviewed in these four years. Unfortunately, ethnic minorities are underrepresented, in part because the survey is administered in the Dutch language only (Schoen, Defize, and Bakker, 2000). The participation of illegal immigrants in the survey is possible, but highly unlikely for this and similar reasons.

Vulnerability is indicated by the following characteristics: being female, being middle-aged or older, membership of an ethnic minority (Covington and Taylor, 1991), unemployment, low educational attainment and being part of a small household. The survey measures the number of victimizations of specific types of offences during the past twelve months. For every offence except residential burglary respondents were asked to report whether the offence took place in their own neighbourhood or elsewhere. For the analyses reported here, only victimization in the respondent's neighbourhood is used (see Table 1 for descriptive statistics per offence type).

The *criminal victimization* variable that is used in the analysis of subjective safety is a factor score of two measures: 'number of incidents of criminal victimization during past year', and 'number of types of incidents of criminal victimization during past year'.² The 'neighbourhood victimization rate' refers to the average number of victimizations of any type, experienced by other neighbourhood members participating in the survey. It is thus an aggregated neighbourhood level variable.

The PM survey contains various items that tap subjective aspects of public safety in residential neighbourhoods. Some specifically apply to fear of crime, while others refer to annoyances such as noise nuisance, or signs of physical deterioration or neglect. Using factor analysis, the items were reduced to six dimensions that can be meaningfully interpreted. The six dimensions of subjective safety are listed below.³

- *Feeling unsafe*. Included items are "Do you ever feel unsafe?", "Do you ever avoid certain places because they are unsafe?", "Do you ever abstain from opening the front door because it is unsafe?", "Do you ever leave things home for fear of

- being robbed?”, “Do you ever take an alternative route to prevent going through unsafe places?”
- *Property crimes*. Included items are “How often does this occur in your neighbourhood?” for each of the following: bicycle theft, theft from car, theft of car, burglary
 - *Physical deterioration*. Included items are “How often does this occur in your neighbourhood?” for each of the following: litter and dog droppings on street, vandalism, graffiti.
 - *Social deterioration*. Included items are “How often does this occur in your neighbourhood?” for each of the following: people who are drunk, people who annoy, people who make threats, violent crimes, drug crimes
 - *Nuisances*. Included items are “How often does this occur in your neighbourhood?” for each of the following: noise nuisance (except traffic sound), juveniles hanging around, nuisance behaviours of immediate neighbours
 - *Traffic nuisances*. Included items are “How often does this occur in your neighbourhood?” for each of the following: aggressive behaviour in traffic, loud traffic sounds, speeding, and traffic accidents

The following strategy is used for the quantitative analyses. We first assess the extent to which there is a bivariate relation between the degree of illegal residence on the one hand and aspects of neighbourhood safety on the other. Subsequently we assess whether these associations persist when, in addition to the degree of illegal residence, measures of social disorganization and other determinants of neighbourhood safety are entered in a multivariate model. If the degree of illegal residence affects neighbourhood safety when these risk factors are included in the model, it could be a causal factor in neighbourhood safety. If no association remains, the association between the degree of illegal residence and neighbourhood safety is likely to be spurious, and possibly caused by the fact that immigrants often have few other choices than to stay in neighbourhoods already disorganized and unsafe to begin with.

In order to model the six dimensions of subjective neighbourhood safety, hierarchical linear models are employed, a methodology that takes into account that variables are measured at different hierarchical levels, such as the individual (or household) and the neighbourhood level. In order to model objective neighbourhood safety we use ordinary least squares regression. In the latter analyses we control for the percentage of juveniles in the neighbourhoods as a rough proxy for the concentration of potential offenders of street crimes in the area (e.g., Gottfredson and Hirschi, 1990). This control is unnecessary when modelling subjective safety, as these models already include more precise measures of victimization and neighbourhood crime.

Table 1. Descriptive statistics (N=78,927 respondents, N=596 neighbourhoods)

	<i>Min</i>	<i>Max</i>	<i>Average</i>	<i>St. dev.</i>
Independent variables:				
Individual level				
Sex (male=1)	0	1	0.47	0.5
Age (years)	15	98	48.5	18.1
Dutch by origin (self-categorization)	0	1	0.89	0.31
Education ^a	1	7	4.3	1.9
Employment (employed >15 hours/week)	0	1	0.5	0.5
Household size	1	15	2.3	1.3
Criminal victimization (scale)	-0.68	28.0	0.0	1.0
Neighbourhood level				
Rate of illegal residence (# per 1000)	0	130	2.5	4.7
Neighbourhood victimization rate (# per 100)	0	6.3	0.75	0.4
Percentage of singles	6	79	29.9	14.0
Percentage of private homeownership	0	100	39.7	22.1
Percentage of non-Western migrants (1 st and 2 nd generation)	1	82	17.4	17.5
Percentage of residents aged 14-25 years	3	30	12.1	2.9
Dependent variables:				
Individual level				
Feeling unsafe (scale)	-12.5	18.1	0.0	10
Property crimes (scale)	-17.4	11.2	0.0	10
Physical deterioration (scale)	-17.9	13.2	0.0	10
Social deterioration (scale)	-8.4	23.6	0.0	10
Nuisances (scale)	-10.1	20.3	0.0	10
Traffic nuisances (scale)	-14.4	13.2	0.0	10
Neighbourhood level ^b				
Total victimization rate (# per 100)	0	588	95.7	62.5
Theft, including:	0	200	34	24.8
Bicycle theft	0	200	6	5.7
Car theft	0	12.5	1.1	1.5
Theft from car	0	200	10.6	11.6
Burglary (including attempt)	0	143.5	10.7	8.4
Robbery	0	2.6	0.2	0.4
Pickpocketing	0	20	1.0	1.2
Other theft	0	100	4.5	4.5
Vandalism, including:	0	208.9	39.8	25.8
Purposeful car damage	0	180.3	31.2	20
Other vandalism	0	80.1	8.6	9
Violence, including:	0	166.7	4.3	7.1
Threaten with violence	0	166.7	3.8	6.5
Assault	0	37.6	0.5	1.9
Traffic crimes, including:	0	344.8	17.6	20.4
Leaving place of accident	0	33.3	2.5	3.7
Collision	0	100	13	14.4
Other crimes	0	326.7	2	11.7

Notes: ^a Seven levels of education: primary education, lower vocational training, secondary general training, intermediary vocational training, grammar / high school, higher vocational training, and university.

^b In OLS Regression neighbourhoods are weighted proportionally to the number of residents.

Sources: Central Bureau for Statistics, PolitieMonitor Bevolking (97-03), Vreemdelingen Administratie Systeem (1997-October 2003), Geomarktprofiel 1998.

Victimization surveys such as the PM supplement police records because they provide insight in the 'dark number' of crimes not reported to the police, and because they tap subjective aspects of public safety (Goudriaan, 2006; Levitas and Guy, 1996). However, they have their drawbacks as well. Minor offences may still be underreported (because respondents have forgotten them, or do not view the events as offences) and sexual offences and domestic violence are also likely to be underreported (because respondents are unwilling or unable to talk about these experiences). Crimes against businesses and organizations (shoplifting, commercial burglary, fraud) and the more consensual crimes (prostitution, drug dealing) are not touched upon in population surveys, although the latter may be reported under the heading of subjectively perceived nuisance and social deterioration. Davies, Francis, and Jupp (2003) provide a comprehensive overview of the restrictions that apply to victimization surveys.

Qualitative sources

In 2003 fieldwork was carried out in the Rotterdam neighbourhood Bospolder-Tussendijken and the neighbourhood de Schilderswijk in The Hague. Both neighbourhoods house many first or second generation non-Western immigrants. The value of real estate is typically low. Many Dutch citizens who could afford it have moved to the suburbs. The neighbourhoods also have a sizeable student population.

In Bospolder-Tussendijken 65 percent of the population is of non-Dutch origin, mostly of Turkish, Moroccan, Cape Verdean or Surinamese origin. In de Schilderswijk, 85 percent of the population is of non-Dutch origin, mostly of Turkish, Surinamese, Moroccan, and Netherlands-Antillean origin. The neighbourhoods were selected because the police data indicated that illegal residence is a common phenomenon in both. On top of that, they appear to represent two faces of illegal residence. In Bospolder-Tussendijken a relatively large percentage of the known illegal immigrants are arrested because of crimes, while in de Schilderswijk the reason of apprehension is mostly illegal residence and illegal labour.

Twenty professionals were interviewed who could provide a view as to whether, how and why the presence of illegal immigrants impacts neighbourhood safety and liveability. They included police officers (including from the immigration police), representatives of municipalities and housing corporations, and neighbourhood social workers. Further, a team of trained interviewers conducted interviews with 70 illegal immigrants from six different countries of origin, and 45 'landlords' (people who provided accommodation to illegal immigrants). All interviews were held in the native language of the interviewee. The interviewers sought respondents through the professionals, and by addressing people in bars, tea houses, mosques and in the streets. The study, which was subsidized by the Ministry of Housing, initially focused on the local housing situation. Therefore, illegal immigrants were not asked to report on victimization or safety issues, but on issues of housing and reasons for settling in the neighbourhood (for a comprehensive description, see Leerkes et al., 2004). However, the results of these interviews provide very useful information about the ways in which illegal immigrants are embedded in the two neighbourhoods.

In addition, 101 sociology students from the University of Amsterdam have each interviewed a resident on social relations in the neighbourhood. These interviews contained some directed questions on illegal residence that were posed later during the interview, in order to allow spontaneous associations to emerge during the first phase. These interviews took place until March 2006, in part after the fieldwork mentioned above was finished. To increase sample variation the students, who typically worked in pairs, were to interview a male and a female, a younger and an older, a native and a non-native resident (the combination of characteristics was not prescribed). The students recruited respondents by ringing doorbells or buttonholing people on the street. Students were free to choose either neighbourhood. Most interviews took place in de Schilderswijk (The Hague, N=66). Interviews were held with 43 Dutch (23 male, 20 female), 25 Turkish (20 male, 5 female), 19 Moroccan (13 male, 6 female), 5 Surinamese (3 males), 2 Netherlands Antillean (1 male, 1 female) and 7 residents from various other ethnic groups (3 male, 4 female). About half the sample was 30-55 years of age, one third was above 55 and one fifth was below 30 years. In line with the demographic structure of the neighbourhoods, the older respondents were mostly Dutch, while the younger generations were predominantly of foreign origin.

The findings of the fieldwork should not be generalized to urban neighbourhoods, because both neighbourhoods were selected precisely because of the concentration and overrepresentation of illegal immigrants. It is likely that the social mechanisms of inclusion and exclusion are more pronounced and observable in the selected neighbourhoods than they are elsewhere. Furthermore, the qualitative results depend completely on the views of residents and professionals in the neighbourhoods, and are not based on direct observations. Illegal residence might have various effects on the neighbourhood without the respondents being aware of it. And the opposite is true as well: respondents might blame or commend illegal immigrants for certain phenomena, without the immigrants playing any substantive role in it. The quantitative analyses have the advantage that effects of illegal residence are derived indirectly from the registered level of illegal residence in the neighbourhood.

We could nevertheless compare the stories of illegal immigrants, residents and professionals with each other, and with the quantitative findings. This triangulation provides additional validity, so we believe we can provide a plausible description and explanation of the relations between illegal residence and neighbourhood safety. This means that we strive for interpretations that are consistent with theory and supported by the empirical findings (Merton, 1948).

Quantitative findings

Illegal residence and perceived risk in the neighbourhood

Table 2 displays the effects of the rate of illegal residence on six dimensions of perceived risk, for five regression models that are increasingly comprehensive in terms of the number of independent variables included. In order to save space, Table 3 only shows

the effects of the rate of illegal residence. Table 3 displays additional model information for model IV, the most comprehensive model.

Model I summarizes the bivariate relations between the rate of illegal residence and insecurity. It shows that perceived risk increases with an increasing level of illegal residence, a conclusion that holds for all six aspects of perceived safety. Apparently, illegal immigrants are overrepresented in neighbourhoods where residents feel less comfortable and safe.

Table 2. Non-standardized effects of the rate of illegal residence on six measures of subjective safety. (N=78,927 respondents, N=596 neighbourhoods)^a

Model	Feeling unsafe	Property crime	Physical deterioration	Social deterioration	Nuisances	Traffic nuisances
I	0.193***	0.166***	0.179***	0.298***	0.183***	0.197***
II	0.192***	0.167***	0.179***	0.299***	0.183***	0.188***
IIIa	0.079***	0.098***	0.083***	0.206***	0.092***	0.132***
IIIb	-0.040*	-0.023	-0.030	0.002	-0.026	0.015
IV	-0.042*	-0.023	-0.028	0.002	-0.031	0.014

Notes: ***: $p < 0.01$; **: $p < 0.05$; *: $p < 0.10$

^a Linear hierarchical regression models, all other effects not shown.

Sources: Central Bureau for Statistics, Politiemonitor Bevolking (97-03), Vreemdelingen Administratie Systeem (1997-October 2003), Geomarktprofiel 1998.

Should these lower levels of subjective safety be attributed to the presence of illegal immigrants, to individual characteristics of residents, to other neighbourhood characteristics or to all these factors simultaneously? The second model (II) assesses whether the demographic make-up of neighbourhoods explains neighbourhood differences in subjective safety. In that case vulnerable groups would have to be overrepresented in neighbourhoods with high levels of illegal residence. Yet, a comparison between models I and II shows that the effect of illegal residence on subjective safety does not diminish when individual characteristics of residents are taken into consideration. Apparently, residents of neighbourhoods with high levels of illegal residence are not individually predisposed to feel particularly unsafe. This is in line with the observation that in fact the demographic structure of the neighbourhoods with the highest levels of illegal residence does not indicate vulnerability, as young males are overrepresented. For example, neighbourhoods where the concentration of illegal residence is at least one standard deviation above the mean have less people above the age of 65 (8.7 percent against 14.2 in other urban neighbourhoods) and more males (51.4 percent against 48.7 percent elsewhere).

Possibly the causes of the lower levels of safety should be sought in neighbourhood characteristics. In model III indicators for social disorganization are added. Because the rates of illegal residence are closely associated with the percentage of non-Western legal immigrants in the neighbourhoods, a distinction is made between, on the one hand, demographic and economic indicators (percentage of singles and

percentage of private home-ownership in model IIIa) and, on the other hand, an ethnic-cultural indicator (percentage of legal non-Western immigrants in model IIIb).

Table 3. Non-standardized effects on six measures of subjective neighbourhood safety. Full model IV. (N=78,927 respondents, N=596 neighbourhoods)

Independent variables	Feeling unsafe	Property crime	Physical deterioration	Social deterioration	Nuisances	Traffic nuisances
Individual level:						
Male	-0.024	-0.168**	-0.085	0.036	-0.109	0.023
Age	0.004	0.005*	-0.005*	0.000	0.001	0.001
Native Dutch	0.087	0.006	0.183	0.195*	0.214	0.335***
Education	0.036	0.054**	-0.002	0.006	0.049**	0.024
Employed	0.019	0.088	0.009	0.033	0.130	-0.033
Household size	-0.029	0.050	0.001	0.045	0.009	0.050
Victimization	0.076**	-0.207***	-0.117***	-0.022	-0.011	-0.217***
Neighbourhood level:						
% singles	0.082***	0.055***	0.026**	0.090***	0.023***	0.066***
% homeowners	-0.021***	0.021***	-0.034***	-0.002	-0.030***	0.021***
% new migrants	0.066***	0.070***	0.072***	0.140***	0.059***	0.059***
Victimization rate	0.627**	2.783***	2.459***	2.756**	1.853***	1.315***
Rate illegal residence	-0.042*	-0.023	-0.028	0.002	-0.031	0.014

Notes: ***: $p < 0.01$; **: $p < 0.05$; *: $p < 0.10$

Sources: Central Bureau for Statistics, Politie-monitor Bevolking (97-03), Vreemdelingen Administratie Systeem (1997-October 2003), Geomarktoprofiel 1998.

The outcomes of model IIIa show that the effect of the rate of illegal residence on subjective safety decreases substantially when indicators for social disorganization are taken into account. It decreases to about half the initial size when neighbourhood differences in the percentage of single-person households and private home-ownership are added to the model. When the percentage of legal non-Western immigrants is included too (model IIIb), the effect of the rate of illegal residence disappears completely, for all six dimensions of subjective neighbourhood safety. Indeed, for one dimension, unsafe feelings, a small *negative* effect is found.

The final version of the model (model IV) introduces individual and neighbourhood level variables of victimization. Both the amount of individual victimization and the level of criminal victimization reported by other neighbourhood residents, decreases subjective safety on most of the six dimensions distinguished (Table 3). The inclusion of the victimization variables, however, has no further consequences for the effects of the rate of illegal residence.

Table 4. Standardized effects of the rate of illegal residence on residents' within-neighbourhood victimization rates. N=78,927 (respondents) and N=596 (neighbourhoods) ^a

Dependent variables	Model I	Model IIa	Model IIb	Model III
Total victimization rate	0.525***	0.342***	0.133***	0.128***
Theft, including:	0.554***	0.384***	0.179***	0.174***
Bicycle theft	0.406***	0.210***	0.070**	0.064*
Car theft	0.507***	0.407***	0.266***	0.264***
Theft from car	0.608***	0.455***	0.190***	0.186***
Burglary (including attempt)	0.282***	0.240***	0.203***	0.198***
Robbery	0.325***	0.181***	-0.007	-0.007
Pickpocketing	0.301***	0.151***	0.117**	0.116**
Other theft	0.173***	0.041	-0.087	-0.092
Vandalism, including:	0.488***	0.320***	0.102**	0.091**
Purposeful car damage	0.509***	0.348***	0.111**	0.101**
Other vandalism	0.266***	0.143***	0.044	0.037
Violence, including:	0.228***	0.122***	0.052	0.049
Threaten with violence	0.223***	0.117***	0.063	0.061
Assault ^b	0.196***	0.099**	-0.022	-0.024
Traffic crimes, including:	0.242***	0.135***	0.044	0.048
Leaving place of accident	0.319***	0.238***	0.102**	0.103*
Collision	0.239***	0.142***	0.008	0.014
Other crimes	0.028	-0.014	0.035	0.035

Notes: ***: $p < 0.01$; **: $p < 0.05$; *: $p < 0.10$

^a OLS regression analyses, all other effects not shown.

^b Because the distribution of assault victimization across neighbourhoods is very skewed, we applied a square root transformation in order to approximate the normal distribution.

Sources: Central Bureau for Statistics, Politie-monitor Bevolking (97-03), Vreemdelingen Administratie Systeem (1997-October 2003), Geomarktprofiel 1998.

Table 5. Other standardized effects on residents' within-neighbourhood victimization rates. Full model III. (N=78,927 respondents and N=596 neighbourhoods)

Dependent variables	Percentage nw. migrants	Percentage singles	Percentage home owners	Percentage 15-24 years	Percentage illegal residence	R ²
Total victimization rate	0.337***	0.505***	0.032	0.069**	0.128***	0.615
Theft, including:	0.328***	0.566***	0.113***	0.072**	0.174***	0.659
Bicycle theft	0.211***	0.719***	0.098**	0.073***	0.064*	0.667
Car theft	0.238***	0.131***	0.069	0.026	0.264***	0.339
Theft from car	0.446***	0.465***	0.137***	0.054*	0.186***	0.654
Burglary (incl. attempt)	0.033	0.257***	0.097	0.063	0.198***	0.137
Robbery	0.345***	0.308***	-0.010	-0.012	-0.007	0.286
Pickpocketing	0.058	0.492***	-0.025	0.007	0.116**	0.338
Other theft	0.212***	0.350***	-0.003	0.037	-0.092	0.195
Vandalism, including:	0.319***	0.429***	0.015	0.132***	0.091**	0.529
Purposeful car damage	0.353***	0.375***	0.011	0.133***	0.101**	0.521
Other vandalism	0.131*	0.395***	0.017	0.083**	0.037	0.249
Violence, including:	0.105	0.185***	-0.105*	0.038	0.049	0.134
Threaten with violence	0.086	0.193***	-0.111*	0.019	0.061	0.131
Assault ^a	0.186**	0.113**	-0.096	0.050	-0.024	0.112
Traffic crimes, including:	0.194**	0.252***	-0.022	-0.054	0.048	0.155
Leaving place of accident	0.251***	0.229***	0.066	-0.012	0.103*	0.173
Collision	0.285***	0.242***	0.040	-0.079*	0.014	0.148
Other crimes	-0.091	0.070	-0.108	0.006	0.035	0.015

Notes: ***: $p < 0.01$; **: $p < 0.05$; *: $p < 0.10$; Sources: Central Bureau for Statistics, Politiemonitor Bevolking (97-03), Vreemdelingen Administratie Systeem (1997-October 2003), Geomarktprofiel 1998.

Illegal residence and criminal victimization in the neighbourhood

This section discusses the results of ordinary least squares regression models of neighbourhood characteristics on the within-the-neighbourhood rate of victimization of various types of crime.

Tables 4 and 5 follow the same structure as Tables 2 and 3, but have been transposed in order to use the available space optimally. Table 4 shows the effects of the rate of illegal residence on victimization rates for various types of crime. It does so for four different models, each one more comprehensive than the previous one. The complete outcomes of model III, including the estimated coefficients of all independent variables, are presented in Table 5.

The rate of illegal residence correlates positively with all measured types of victimization except 'other crimes' (see model I in Table 4). Evidently, the presence of illegal immigrants tends to be a feature of neighbourhoods with elevated victimization levels. Should high crime rates be attributed to high levels of illegal residence? We obviously cannot tell without adding controls for factors known to be related to neighbourhood crime.

Like in the previous section on subjective aspects of safety, the effects of the rate of illegal residence decline substantially when the percentage of single-person households and the percentage of home ownership, are entered in the model (model IIa). The effects decline further, when the percentage of legal non-Western immigrants is included as an additional indicator of social disorganization (model IIb). Unlike the results for the subjective aspects of safety, the effects do not completely disappear for all types of crime. In particular the rate of property offences still turns out to correlate with the rate of illegal residence. Adding the percentage of juveniles (model III) reduces the effects of the rate of illegal residence somewhat further for most types of crime.

Thus, although most of the association between the relative number of illegal immigrants and objective neighbourhood safety is accounted for by aspects of social disorganization, the rate of illegal residence appears to have a modest independent effect on victimization of property crimes. Furthermore, the effect reduction differs substantially across crime categories (compare models I and III in Table 4). The reduction for vandalism (81%), other crime (80%) and violent crime (79%) is larger than for property crime (69%). These disparities suggest that the presence of illegal immigrants has less impact on violence against persons and objects than on property crimes. A similar pattern can be observed within crime categories: the effect reduction is stronger for 'other vandalism' (86%) than for 'car vandalism' (80%, car vandalism is distinguished as a separate crime type because it sometimes concerns attempted thefts from cars, and thus represents property crime) and stronger for 'robbery' (> 100%) than for pick-pocketing (61%).

These figures do not necessarily imply, of course, that illegal residents are responsible for the elevated crime rates. Nonetheless, these findings confirm what is known about the involvement of illegal immigrants in crime. Compared to legal persons of the same age and ethnic background, illegal immigrants are more likely to be involved in instrumental offences such as theft, and less likely to be involved in expressive offences such as assaults (chapter 5); also see Wolf, 1988; McDonald, 1997). These instrumental offences are often aimed at residing in the Netherlands and/or meeting certain minimum living standards – standards that are perceived as elementary by the offenders and the social networks of which they are, or used to be, a part – under the prevailing restrictive conditions. Examples are identity fraud (false passports), illegal employment, theft, and (small-scale) drug dealing (see chapter 6).

The criminal pattern of illegal immigrants also indicates a preference for covert offences, i.e. offences that do not require overt physical contact with a victim, and are therefore more difficult for the police to solve. This preference for covert offences has some logic for illegal offenders. Most illegal immigrants tend to seek to minimize the chances of police arrest to minimize the risk of expulsion.

The fear of being expelled need not always inhibit crime. In fact, fear of police contacts may also promote certain crimes. Note that the effect reduction of the crime 'causing traffic accident and leaving scene' (68%) is lower than that of 'causing traffic accident' (94%). Although there is no direct evidence of the involvement of illegal immigrants in traffic accidents, it is fairly probable that fear of police contacts leads illegal

immigrants to fly from the scene in case of a traffic accident. Many illegal immigrants do not have the resources to drive a car, but those who do are not allowed to carry a Dutch driver's license and are uninsured.

Illegal residence and neighbourhood safety in Bospolder-Tussendijken and de Schilderswijk

The results from our fieldwork help us interpret and comment on three main aspects of the findings discussed above. First, the fieldwork results make transparent why the presence of illegal immigrants hardly affects neighbourhood safety. Second, they show that the consequences of the presence of illegal immigrants for neighbourhood safety are not unequivocal, and help explain why. They bring us closer to a solution of the paradoxical finding that the rate of illegal residence appears to increase the risk of property crime victimization, but does not decrease subjective safety. Third, the fieldwork results refine the statistical results: they illuminate how the effects of the rate of illegal residence on neighbourhood safety vary across types of illegal immigrants and across types of legal residents involved.

Why aren't the effects stronger?

Even in neighbourhoods with percentages of illegal immigrants as high as in Bospolder-Tussendijken and de Schilderswijk, residents and professionals attribute unsafe feelings and discomfort primarily to other phenomena than illegal residence. Table 6 presents the reasons most often reported spontaneously (i.e., before specific questions about illegal residence had been asked). The three 'causes' reported most often are 'junkies' (marginalized, problematic drug and liquor users), 'youth hanging around' (mostly boys, aged 12-25, often second or third generation Moroccans and Antilleans, who gather on certain street corners) and 'sexually obtrusive men' (men approaching women with sexual propositions). Only two residents attribute their unsafe feelings explicitly to illegal immigrants. One Turkish and one Moroccan girl were annoyed because boys sometimes approach minority girls on the street or in schoolyards in order to make contact with potential partners who could help them obtain a residence permit.

In order to understand why the degree of illegal residence has limited effects on neighbourhood safety, and in order to stipulate the conditions under which stronger effects are to be expected, it is helpful to describe why the residents (and which subgroups among them) feel particularly unsafe in connection with these three social categories.

The fear of drug addicts, youth hanging around and obtrusive men is primarily due to their (alleged) involvement in norm violations, including crime. It turns out that drug addicts are often associated with robbery and pickpocketing, because they are supposed to be in need of money to buy drugs. Youth hanging around are associated with physical assault, robbery, threat and sexual crimes. They are feared in particular because they operate in groups, and may unite their forces. Women in particular feel unsafe because of the behaviour of sexually obtrusive men, who are sometimes suspected

to be potential rapists and murderers. Although most respondents have never been victimized by drug addicts, youth groups or obtrusive men, many report unpleasant encounters with them, because they violate informal street rules quite frequently and openly.

Residents tend to interpret violations of informal rules as symptoms of underlying deviant identities, and consequently as signals that are omens of more serious dangers. The interviews suggest that at least three important informal rules are broken, although this street etiquette is rarely defined explicitly. Firstly, all three categories (drug addicts, youth groups and obtrusive men) do not comply with the rule of *civil inattention* (Goffman, 1963). This rule dictates that participants in social traffic are expected to show co-participants that they have been noticed, but if the co-participant is a stranger, no more than subtly. One ought to leave strangers in peace. Youth groups and obtrusive men often fail to do so. Marginalized drug addicts violate this rule as well when they ask passers-by for money or food.

The second street law is the prescription that one must not appropriate too much public space (*privatizing public space*, Lofland, 1973). Marginalized drug users do not live up to this standard, for they live in the streets most of the time. But this rule is violated predominantly by youth who find their turf in public space at ‘hang-out spots’ (Clay, 1973). They announce their territorial claims to outsiders by producing noise, and may treat passers-by with verbal aggression.

The third rule prescribes the right dose of *situational involvement* (Goffman, 1963). A participant may not show too much involvement (like the noisy street youth), but neither should too little be shown. This stipulation explains why many residents feel unsafe when people use drugs or liquor in public and/or appear to be confused. They are too much in their own world, and therefore insufficiently conscious of the socially accepted definition of the situation. They are both unreachable and unpredictable, and therefore susceptible of transgressing other street rules or the law.

Table 6. Neighbourhood-related ‘causes’ of unsafe feelings and discomfort amongst 101 residents in Bospolder-Tussendijken and de Schilderswijk

	<i>N</i>
Drug users, dealers, alcoholics	18
Youth hanging around (especially of Moroccan or Antillean origin)	15
Men sexually harassing women, stalkers	9
Delinquents in the streets	5
Dominant presence of a ‘hostile’ ethnic group (including ‘skinheads’)	5
Violent victimization (assault and robbery in public space)	3
People behaving incoherently	3
Appearance of properties (boarded windows, windows with curtains closed)	2
‘Illegals’	2
Unknown languages being spoken in the street	2
Shouting people in the street (“they might as well be strangling someone”)	1

The fear for drug addicts in particular is also connected to a fear for social degradation. Their behaviour and proximity makes residents feel ashamed of their own neighbourhood. The same is true, to a lesser extent, for the nuisance behaviour displayed by minority youth groups and obtrusive men. These fears prevail among native Dutch residents, as well as residents from well-established ethnic minorities like the Hindu-Surinamese. Ethnic groups of relative high esteem fear being lumped together with groups of low esteem, since they share the same living environment, and sometimes other characteristics as well. The downwardly mobile, such as parts of the local native Dutch, tend to have a comparable income, and the social climbers, like the minority middle class, have in certain respects a comparable physical appearance. The higher status groups tend to evade the lower status groups in order to mark the social distinction, for instance by walking round these lower status groups or, eventually, by moving to a 'better' neighbourhood.

We found six reasons why residents do not associate illegal immigrants with neighbourhood safety more frequently. The first reason is that the illegal residence status is invisible. Residents cannot determine whether a stranger has a residence permit or not. Illegal residence may, at most, be assumed from certain alleged signs. When asked for signs, residents primarily point to 'dosshouses', where clients rent a room or bed (compare the flophouses in *bobohemia* as described by Anderson, 1923). These premises usually house from ten up to thirty people, usually including illegal immigrants. Residents also mention having witnessed police crackdowns aimed against overcrowding. From time to time the police close down dosshouses because of nuisance or danger. Sometimes the aliens police check whether local employers employ illegal immigrants. Other signs are less frequently mentioned by residents: the language (sometimes unusual in the neighbourhood), behaviour (supposedly, illegal immigrants are 'timid', especially in the presence of police), their clothing ('old fashioned'), and Eastern European car plates (some illegal immigrants drive to the Netherlands by car or van). Due to the limited visibility of illegal residence some members of the most-feared social categories (drug addicts, youth group members and obtrusive men) may in fact be illegal immigrants, and the illegal status may have contributed to their deviancy. This is one of the reasons why the reported quantitative analysis is of importance: the presence of illegal immigrants may influence neighbourhood safety even if the local residents are not aware of it. We will see that illegality may indeed give rise to problematic drug use. Sometimes it is also, to a more limited extent, associated with behaviour that is typical for obtrusive men. However, it has hardly any relation to the phenomenon of street youth.

The second reason is the limited number of illegal immigrants. It is unlikely that even in neighbourhoods like Bospolder-Tussendijken and de Schilderswijk they account for more than eight percent of the population (Leerkes et al., 2004). Therefore, the presence of illegal immigrants rarely dominates activities and social relations in the neighbourhood. The modest proportion also assures that illegal immigrants do not pose a strong psychological threat. As can be seen from the listing of residents' images of illegal immigrants documented in Table 7, most residents are indifferent or ambivalent

about illegal residence in the neighbourhood. Some people support illegal immigrants, for example by providing language classes as volunteers, even though they do not have other ties to the beneficiaries. Illegal residence only became a real issue in de Schilderswijk when the relative number of illegal Bulgarians suddenly grew strongly after visa requirements were eased, and became very visible at some sites (See also van Gestel, 2006).

Table 7. Perceptions on illegal immigrants in de Schilderswijk and Bospolder-Tussendijken, by having contacts with illegal immigrants ^a

Images of illegal immigrants. They ...	Bospolder-Tussendijken			De Schilderswijk		
	contact			contact		
	yes	no	total	yes	no	total
'have come here to work'	9	4	13	22	8	30
'keep more quiet'	3	5	8	13	13	26
'are people like you and me'	5	3	8	11	8	19
'commit crimes / are into crime'	9	3	12	5	6	11
'are being exploited / are pitiful'	3	1	4	4	4	8
'oust / displace regular residents'	2	4	6	3	3	6
'are nicer / more tidy'	2	3	5	7	0	7
'are illegal for a suspicious reason'	1	1	2	0	4	4
'harass women'	1	1	2	1	2	3
'cause nuisance by overcrowding'	1	1	2	1	2	3
'cause serious nuisance'	2	0	2	1	2	3
'tarnish good name of neighbourhood / group'	2	3	5	0	0	0
'live in unsafe buildings'	0	1	1	4	0	4
'use drugs'	0	3	3	1	0	1
'carry infectious diseases'	1	0	1	0	1	1
Total	41	33	74	73	53	126

Notes: ^a Multiple images per respondent possible.

The third reason is the usefulness of illegal migrants for local residents. It turns out that a lenient attitude towards illegal immigrants, and the willingness to provide support, is not only facilitated by their modest number; sometimes the regular population *depends* on illegal immigrants. Numerous residents, for instance, profit economically from their presence. Local shopkeepers profit from their capacity for work and the additional clientele they represent. Private individuals exploit dosshouses or sublet parts of their apartments. Furthermore, it turns out that there are affective ties between legal and illegal immigrants. The illegal immigrants who were interviewed – especially those who were from countries from which previous migration flows originate – often had legal family or a partner in the neighbourhood. It is not uncommon (even among the native Dutch) that men or women bring a foreign partner to the Netherlands illegally, whereas others live with an illegal partner they met in Holland. Apparently, an unintended consequence of the restrictive immigration policy is that part of family reunion and family formation now occurs in clandestine ways (see also Staring, 2001).

The fourth reason is that illegal immigration does not increase anomie substantially. Most illegal immigrants rent a room or apartment for longer periods of time, or live in with legal residents (see Engbersen et al., 2006). The ethnic and cultural diversity also hardly increases due to illegal settlement, at least in the selected neighbourhoods: concentration neighbourhoods tend to have very diverse populations, quite apart from the effects of illegal immigration flows. And many illegal immigrants are from countries that have been a source of legal flows for some time now, or are culturally not very distant from them. We did find, however, some evidence that anomie increases in the vicinity of dosshouses, also called 'turnover houses' by the local residents because of their unstable populations.

Fifth: the tolerant attitude towards illegal residence is, in part, compatible with a neighbourhood culture that puts up with light norm violations. It turns out that many respondents feel secure and at home there in spite of elevated local crime rates. The interviewing students often marvelled over the increased insensitivity to small norm violations which this seems to require. Apparently, many local residents have become accustomed to the prevailing circumstances, and those who didn't have moved. In these ways, the neighbourhood conditions form and select residents who are not so easily annoyed by behaviour that is 'uncivilized' and 'antisocial' according to upper and middle class Western standards (see also Elias, 2000). This is a matter of degree; we have seen that the residents most certainly value certain informal and criminal laws.

The sixth reason is that the illegal status does not have unequivocal consequences for rule transgression (according to the opinion and experience of residents and professionals). This also mitigates the resulting effect. We elaborate on this final reason below.

Why is the effect not unequivocal?

We found that the opinions on illegal residents are ambivalent and conflicting (Table 7). On the one hand, many residents have the impression that an illegal residence status promotes law-abiding behaviour. By implication, illegal immigrants are assumed to live more quietly than people who are more certain of their civil rights. On the other hand, respondents (often the same ones) suppose that illegal immigrants may become involved in crime since they are not allowed to work and are excluded from unemployment benefits.

While these perceptions are partially based on assumptions and stories in the media, they are in several ways in keeping with the available figures. It turns out, for instance, that the residents in Rotterdam associate illegal residence more frequently with delinquency than the respondents in The Hague (Table 7). The relative number of illegal immigrants who have been arrested because of crimes is indeed higher in Bospolder-Tussendijken than in de Schilderswijk. The professionals attribute this neighbourhood difference to the problem of unoccupied dwellings and persistent 'drug tourism' that used to plague the Rotterdam area. Especially during the 1990s, delinquent illegal immigrants who spoke French travelled to Rotterdam in the wake of flows of drug consumers, mostly French citizens. These users were attracted by the favourable price

and quality of the drugs available – as a trading nation, the Netherlands is an important country of import and redistribution of drugs – and, for them, Rotterdam was conveniently located in the south of Holland, a few hours driving time from France. Some North African illegal immigrants who initially came to the Netherlands for other reasons found work in this black economy as well (van der Leun, 2003). The opinions on the effects of an illegal residence status are also in keeping with our own statistical findings: we have seen that the concentration of illegal immigrants has differing effects on crime rates, depending on the type of crime. Especially victimization from covert property offences tends to rise in connection with the rate of illegal residence (drug trade remains, for the greater part, undocumented in the PM data)

Although most residents are not personally acquainted with delinquent illegal immigrants, the policemen maintain that criminal careers may indeed develop amongst illegal residents, especially in case of drug addiction. Substance dependency usually corresponds with homelessness and/or is preceded by a career as a *clean* street merchant (see chapter 6). The policemen also point to the phenomenon of criminal migration (see chapter 7): on a limited scale, transnational banditry takes place, mostly from Eastern Europe (for example car theft). Both residents and professionals report activities by illegal sex entrepreneurs and Eastern European prostitutes.

A larger number of respondents know illegal immigrants who do not commit crimes. They know – and the professionals confirm this – that these people may be very careful as a result of their precarious social position, in order to prevent expulsion. A Moroccan girl mentioned how three of her illegal acquaintances kill most of their time in their rooms or Moroccan cafe, in expectation of a wedding. Unemployment among Moroccan illegal immigrants is quite high, for there are relatively few Moroccan businesses in the Netherlands (see Burgers and Engbersen, 1999). A Dutch woman remembers that she never had such quiet neighbours as when there were illegal immigrants on the apartment on the next floor (“It sometimes seemed as if they crept along the ceiling”).

Some comments are in order on the assumption that illegal immigrants’ fear of repatriation always favours the safety of the local residents. According to the professionals some illegal immigrants are apt to leave the curtains closed so they cannot be seen. Observing unopened curtains during the day can make neighbours and passers-by feel unsafe (see Table 6). The assertion that illegal immigrants live quietly should not be exaggerated either. Eventually, illegal newcomers find out that in the Netherlands one rarely has to show an ID to the police, as long as one remains within the law (see also Staring, 2001). In addition, the police do not always take great pains to repatriate illegal immigrants. Random raids are prohibited. A community police officer in Rotterdam acknowledged that there have been illegal immigrants in the neighbourhood for years (“We don’t do anything about it as long as they don’t cause trouble”). Especially refugees, and migrants with strong social ties in the Netherlands such as family members or a partner, try to avoid expulsion. This tendency is stronger among migrants who believe they have few opportunities to return. An official of the immigration service

explained that from time to time illegal Eastern Europeans turn themselves in voluntarily because they want to be transported back free of charge (!)

Because the geographical distance to their country of origin is smaller, and because of their status as future citizens of EU countries, Eastern Europeans can take more liberties about being openly visible in the neighbourhoods than other illegal immigrants. They are sometimes associated with types of nuisance that are quite atypical for illegal immigrants. A square in The Hague was locally known as the “Bulgarians square” for a while because hundreds of Bulgarian men used to gather in front of a Turkish café everyday. The café served as a meeting point and illegal temp agency for horticultural labour in a nearby area. Eventually the police intervened because of complaints, mostly by and on behalf of women (see also van Gestel, 2006). What are called ‘technically unexpellable illegal aliens’ (a Dutch policy term) are a second exception. Typically, they have been put in aliens custody at least once, but were released because they concealed their identity, or because their country of origin did not cooperate with repatriation. Recent field work in the aliens’ custody facility suggests that seriously marginalized illegal immigrants sometimes prefer a temporary stay in custody to life on the street (see also chapter 8).

In general, however, illegal immigrants are more likely to comply with state rules, precisely because they are not allowed to be in the Netherlands. The weak cannot take the same liberties to violate rules overtly like the more powerful, legal residents (see Scott, 1990). Our fieldwork suggests that illegal immigrants not only break formal state rules in a reserved, secretive and selective way (there was already some evidence for that), but that the same patterns are visible with regard to compliance with unwritten street codes such as the ones that have been described. Violation of street etiquette may provoke state action too, especially in case of escalation. Usually these rules are, at the most, transgressed selectively, such as by illegal boys who approach potential marriage partners, or willy-nilly by the minority of addicted illegal immigrants that have become homeless.

We have now come closer to solving the paradox that the rate of illegal residence does not worsen subjective neighbourhood safety, even though it appears to increase the number of property crimes. First, the residents are, as said, relatively inured to minor norm violations. Therefore, they do not feel unsafe very easily, and may also be less likely to answer in the PM survey that ‘much’ delinquency takes place in their area, even though this may well be the case according to objective criteria. Second, illegal immigrants do not appear to violate unwritten street rules with high frequency, while such overt deviant behaviour determines a substantial part of neighbourhood safety (in spite of the increased tolerance for norm violations that is typical for concentration neighbourhoods). Third, illegal offenders are not very often involved in violence, while the moderate association between criminal victimization and subjective safety tends to pertain to violent crimes (Miceli, Roccato, and Rosato, 2004; Moore and Shepherd, 2006).

Does it apply to all illegal newcomers in relation to all established residents?

We have seen that the presence of illegal immigrants does not, in itself, have serious and unequivocal consequences for neighbourhood safety. The consequences depend on the degree to which (regular residents believe that) illegal immigrants contribute to norm violations, anomie and status anxiety. Having an illegal residence status is anything but decisive in these respects, partly because this status has different consequences for different groups. Therefore, the effects of the presence of illegal immigrants on neighbourhood safety vary across categories of illegal immigrants. In this section we will briefly list the main variants that pose a threat for nearly all residents, and variants that are a threat to almost anybody. We then note two examples which demonstrate that specific illegal newcomers can be a threat to specific strata.

The contribution of an illegal immigrant to neighbourhood safety corresponds strongly with his or her position on three dimensions. The first is the degree of delinquency. Illegal immigrants who work or who are supported by family or friends are clearly less threatening than illegal immigrants that commit crimes or display antisocial behaviour. The latter are mostly the most underprivileged illegal immigrants, as well as some circular migrants, including transnational criminals (for instance, thieves from Eastern Europe who expand their work terrain). They not only pose a threat to the social order, but also often threaten neighbourhood prestige.

The second dimension is the degree of incorporation in regular institutions. Illegal immigrants who live-in with family or friends are less threatening than illegal immigrants who are housed in improvised and deviant ways, who sleep in doss-houses, a van, or on the streets. According to the professionals, ‘unconnected’ illegal immigrants also tend to invest less in social relationships, and are usually less informed about neighbourhood rules like waste collection times. Likewise, illegal immigrants who work informally (for instance in a bakery) are less threatening than illegal immigrants who perform functions in the black economy (drug trade).

The third dimension is the degree to which the established mistake the newcomer for a member of a dangerous established group. Initially, we thought that illegal immigrants might be feared more or less categorically as non-Western foreigners by many established residents. This is not the case. Most residents of Bospolder-Tussendijken and de Schilderswijk are of foreign origin themselves. They do not share the negative ideas about ethnic minorities that are prevalent among quite a few elderly Hollanders in the neighbourhoods, even though they realize that there is a connection in Dutch society between ethnic origin and social status. Furthermore, it turns out that most residents, including the native Dutch youngsters and middle-aged individuals, have gradually become more familiar with the multi-ethnic character of the neighbourhoods (Dutch man: “Yes, previously I had to accustom myself to it, it does look different you know. But they are not so different after all, believe me on that one”).

Apparently, most residents have become streetwise in this respect too; they are quite capable of making distinctions, both between and within ethnic groups. For instance, higher and lower groups are distinguished. Especially the groups of low esteem – and among them especially specific *boys* and *young men* – are associated with delinquency

and antisocial behaviour. Also, according to most residents, there are elements in all groups who contribute to society in positive ways. Interestingly, many respondents are critical about certain aspects of the multi-ethnic composition, while other aspects are seen as the most positive aspects of the neighbourhood. The contributions to economic vitality and diversity (stores, restaurants) are praised in particular. This implies that negative stereotypes about visible parallel statuses will be activated mainly with regard to specific groups of illegal immigrants. Presently, young Moroccan and Antillean males tend to be feared. Illegal newcomers from North Africa (but also sub-Saharan Africa) risk being equated with them (in so far as their clothing is not “old-fashioned”). However, this does not apply, for instance, to illegal Asian and female immigrants. It is of little significance in this respect that North African illegal immigrants do not have an interest in copying the behaviour of the delinquent boys either.

Sometimes the established differ strongly in the degree to which they consider a variant of illegal residence a threat. Such relational effects reveal themselves, for example, in the evaluation of illegal males and – partially in connection to their presence – the arrival of sex entrepreneurs. Admittedly, the chances on finding a partner increase for some women due to these men becoming established. On the other hand, the establishment of the men implies a higher risk of unwanted sexual approaches. According to one professional, Turkish women also worry in particular about Bulgarian sex entrepreneurs, for the prostitutes they bring to the Netherlands do not only service Bulgarian illegal workers, but also other men, including Dutch Turks. Many prostitutes are from an underprivileged part of Bulgaria in which Turkish is spoken, so they can approach Turkish men quite easily.

The second example pertains to the relation between established Turks and Bulgarian illegal immigrants as well. In it, various variants of status anxiety meet. For instance, poorly educated Turks often fear losing out in the economic competition with Bulgarians, who are suspected of working under the usual labour price. Traditionally, i.e. since the early 1970s, many Turks worked in horticulture near The Hague (Braam, 1994). Furthermore, it turns out that various Turks fear that the arrival of delinquent Bulgarians will blemish the name of the neighbourhood in general and the reputation of the Turks in particular. For outsiders, Turkish Bulgarians are hard to distinguish from Turks. The following (edited) fragment shows how forms of status anxiety can occur simultaneously, and how they can promote unsafe feelings:

Respondent: “If the Bulgarians were not here, we would work and live better.” Interviewer: “Do you think they take your jobs?” R: “Yes, of course. First I worked for say 10 euros per hour. Then 3, 4 people could work there. But now those people work for 2 euros 50 cents. So then they work”. I: “Do you feel unsafe because of the illegals?” R: “Yes, also for the reason that they do wrong things.” I: “What kind of wrong things?” [Interviewer field note: Here he gesticulated that I had to turn off the recorder; subsequently, he told me about trafficking of women by illegal immigrants]. R: “According to me those illegals must leave.” I: Why? R: Because they do bad things. And now we have less work. We live here. This country is our country. This city is our city. We want to feel safe in the street. Our children

go to school here. We want that our children feel safe here. I am scared as I open the door and my children play in the street.” (Turkish Rotterdam resident)

Concluding remarks

We have demonstrated that illegal immigrants are overrepresented in relatively unsafe neighbourhoods, where considerable (street) crime occurs and where residents feel relatively unsafe. We have shown that this association is mostly spurious. When individual and neighbourhood variables that are known to determine neighbourhood safety are kept constant, the rate of illegal residence is not associated with subjective neighbourhood safety and liveability any longer. It turns out that indicators of social disorganization in particular explain the decreased safety in neighbourhoods where illegal immigrants are concentrated. We even found indications that the rate of illegal residence tends to decrease unsafe feelings among local residents. We did find, however, a robust positive relation between the concentration of illegal immigrants and some property crime rates.

For several reasons, the opportunity structure for illegal residence is concentrated in disorganized urban neighbourhoods which house a disproportional segment of non-Western minority groups and – though less pronounced – singles (chapter 3). Illegal immigrants and other poor newcomers find openings in unsafe neighbourhoods because many households with more social and financial resources tend to move out of these neighbourhoods when they can. Therefore, the concentration of illegal residence is largely not a cause but a consequence: it does not generate neighbourhood differences in safety, but neighbourhood differences in safety generate differences in the concentration of illegal residence.

The fieldwork suggests six reasons why the presence of illegal immigrants does not endanger neighbourhood safety so much: the illegal residence status is hardly determinable by strangers, the relative number of illegal immigrants is quite small, there are social ties (both economic and affective) between legal and illegal residents, the presence of illegal immigrants does not increase anomie substantially, the legal residents of the neighbourhoods are relatively tolerant of minor norm violations, and having an illegal residence status has differential consequences for norm violations and crime.

There were two main reasons to explore the relation between the concentration of illegal immigrants in neighbourhoods and neighbourhood safety. First, we supposed that under certain conditions an illegal residence status may enhance trespassing of social rules, for instance in the form of involvement in property crime. Our observation that residents of concentration areas become victims of specific property offences relatively frequently, whereas we did not observe much higher victimization rates for other types of crime which correspond less to the logic of an illegal residence status, constitutes a clear, albeit indirect, indication that this can indeed be the case. Of course, these elevated crime rates cannot be attributed to illegal offenders with certainty. It may also be that concentration areas contain many regular delinquents and/or that these areas are attractive to non-resident delinquents because of reduced social control. Future studies

could examine how many legal offenders reside and/or offend in these neighbourhoods, and whether they tend to commit additional property offences rather than other types of crime.

The second reason was the worry that illegal residence constitutes an additional burden for disadvantaged neighbourhoods in as far as it promotes a further decline of social organization, and, therefore, safety. The qualitative data suggest that the presence of illegal immigrants produces hardly any decline of social organization, since it often concerns informal chain migration. This finding is valid under the present circumstances. When the percentage of illegal immigrants exceeds a certain limit, or when substantial vagrant groups become part of the illegal population – which occurred in the Rotterdam crack houses for a while – there is a higher chance of negative effects for social organization.

The safety of illegal immigrants deserves more research. At least our study suggests that we should worry about their safety. They often live in unsafe districts. Many of them are young men and women. Admittedly, young men do not feel unsafe so quickly, but they do have an elevated risk of victimization depending on their lifestyle (think of the illegal men who start to sell drugs). Young illegal women may have a higher risk of sexual abuse. Because filing a charge with the police is more risky for illegal immigrants than for regular citizens or denizens, the former may be ideal crime victims.

The state determines whether people are legal or illegal. In a highly bureaucratized country like the Netherlands it also influences substantially the behavioural options people in its jurisdiction have. The restrictive immigration and illegal alien policies do not appear to have unequivocal consequences for neighbourhood safety and liveability. Illegal residence status may contribute to involvement in covert property crimes, and possibly increases the risk on marginalization and problematic drug use. The restrictive policy also occasions the formation of ‘bastard institutions’ (Hughes, 1951) like the false documents circuit. On the other hand, the precarious residence status pushes illegal immigrants away from violence and into complying with most informal street rules. When in public space they are pressed to behave like model citizens. Precisely for the reason that illegal residence is, per definition, a violation of immigration law, most illegal immigrants cannot get away so easily with the overt violation of other state *and* street laws. That is not bad news for the neighbourhood safety and liveability that the established population *perceives*.



Gemeentereiniging in actie bij het 'Bulgarenplein' in de Schilderswijk. / Sanitation department at work at the 'Bulgarians square' in de Schilderswijk



Oost-Europese straatmuzikante speelt bij de ingang van de Haagse markt vlakbij de Schilderswijk / Eastern European musician is performing at the entrance of the 'The Hague market' near de Schilderswijk.



Dichtgemetselde leegstaande huizen in Bospolder-Tussendijken / Vacant houses in Bospolder Tussendijken, closed with bricks. Fotografie /Photography: Suzanne Paanen & Sarah Suykerbuyk.



Hollandse vrouw in Bospolder-Tussendijken / Dutch woman in Bospolder-Tussendijken. Fotografie /Photography: Suzanne Paanen & Sarah Suykerbuyk.

Deel 3

Illegaliteit en criminaliteit

Embedded crimes? – Similarities and dissimilarities in delinquency among legal and illegal immigrants in the Netherlands

Introduction

The presence of relatively large numbers of legal and illegal immigrants has become a permanent feature of most Western societies. In the Netherlands the regular population consists of 16.3 million people, of whom 19% have settled relatively recently.¹ At present, the number of illegal immigrants in the Netherlands is estimated at approximately 150 000 (Engbersen et al., 2002; Leerkes et al., 2004).

Many, but not all, immigrant groups are overrepresented in (street) crime. This is true for the Netherlands (Junger, 1990; Werdmölder, 1997; van San, 1998; Bovenkerk, 2001) and for other Western countries as well (cf. De Haen-Marschall, 1997; Tonry, 1997; Waters, 1999). The available studies also indicate that migrants tend to commit specific types of crimes depending on their country of origin.

In recent years, Engbersen et al. have paid ample attention to the life strategies of illegal immigrants in the Netherlands (Engbersen, Van der Leun and Willems, 1995; Engbersen and Van der Leun, 1995; Burgers and Engbersen, 1999; Engbersen et al. 1999; Engbersen and Van der Leun, 2001; Engbersen et al, 2002). The researchers found large differences in the extent to which illegal immigrants from differing countries of origin come into contact with the police because of criminal offences. Furthermore, it turned out that the prevalence of crime among illegal immigrants appears to have risen since 1997 (Engbersen et al., 2002).

A swift comparison of the results of the research on crime among legal and illegal immigrants suggests that there are similarities as well as differences in the extent to which legal and illegal immigrants from a particular country of origin come into contact with the police as suspects of certain criminal offences. However, such similarities and dissimilarities have not been examined systematically, and have been, for the greater part, neglected in explaining illegal immigrants' delinquency patterns (as well as the patterns of delinquency among legal immigrants).

The aim of this study is to reduce this gap through a systematic comparison of the crime rates among eleven groups of legal immigrants with (indicators of) the crime rates among illegal immigrants of comparable age and country of origin. It also examines to what degree legal immigrants commit similar offences compared to those of their illegal compatriots.

Firstly, I will describe how delinquency among illegal immigrants is currently understood. In the next section, the origin of the data and the research method is explained. Thereafter, the empirical results are presented, and some objections about the validity of the data are discussed. Then, the findings are related to some individual examples of delinquent illegal immigrants that are reported in the literature. Finally, the theoretical implications of the evidence are addressed.

The differential opportunity structure

Engbersen and Van der Leun (1995, 2001) found systematic differences in the extent to which illegal migrants of differing nationalities come into contact with the police as suspects of criminal offences. Suspicions of involvement in criminal offences accounted for 32% of the apprehended Eastern Europeans, 54% of the Algerians, and 65% of the Moroccans. Illegal Turks had only a 4% chance of being apprehended as suspected criminals. Engbersen and Van der Leun explained these differences using the notion of the 'differential opportunity structure' (cf. Cloward and Ohlin, 1960). They reasoned that, depending on their ethnic group, illegal immigrants have differential access to (1) formal institutions of the welfare state, such as the labour market, education, unemployment benefits, housing, and health care, (2) informal institutions such as the network of family and friends, and the informal economy, and (3) criminal 'institutions' or circuits.

Over the last decade, governmental policies with regard to illegal residence have become much stricter in the Netherlands (cf. ROB, 1998). In order to obstruct illegal residence, several measures were adopted, such as the Law on Identification (1994), the Law on Prevention of Marriages of Convenience (1994), and the Law on Labour Aliens (1995). The main piece of restrictive policy is the *Linking Act*, implemented in 1998. Since this law came into operation, it has become difficult for people who lack a residence permit to obtain access to collective arrangements of the welfare state. At present, unlike many categories of legal immigrants, illegal immigrants are not entitled to work on the official labour market, and cannot receive state scholarships, profit from unemployment benefits, or rent houses and apartments for which a housing permit is required.² Although unemployment is high among many regular (non-Western) immigrants, currently legal immigrants are not as systematically and legally excluded from formal institutions as are illegal immigrants.³

The exclusionary illegal alien policies are not always carried out to the letter of the law; nonetheless, there is no doubt that access to formal institutions, particularly the official labour market and the system of welfare provisions, was radically reduced for illegal immigrants in the course of the nineteen-nineties (van der Leun, 2001, 2002).

During a certain policy regime illegal immigrants' survival chances vary, particularly depending on the social capital of the illegal immigrant and the (immigrant) communities in the Netherlands on which the illegal newcomer depends. Social capital can be defined as the capacity of individuals to mobilize certain resources from a community or social network they are a part of (Bourdieu, 1986; Coleman, 1990; Portes, 1995). Well established immigrant communities are assumed to provide illegal countrymen ample access to the second dimension of the opportunity structure, such as the informal ethnic economy, provided illegal immigrants have social contacts with members of the ethnic community, and are able to receive their support (Staring and Engbersen, 2001). Legal immigrants may also provide illegal immigrants with some (indirect) access to the first dimension of the opportunity structure by lending or renting out health insurance cards or fiscal numbers (cf. Engbersen et al., 1999). For these reasons, Engbersen has asserted that delinquency by illegal immigrants is caused by

societal marginalization as a result of the illegal residence status, particularly when marginalization is aggravated by a lack of social capital: “This study made very clear that illegal immigrants with little social capital commit crimes in order to survive” (Engbersen, 2001: 245). While illegal Turks are quasi-integrated in the Turkish community, illegal Moroccans are more at risk of committing ‘survival crime’ (cf. De Haan, 1993, 1994) because they “often have to manage on their own” (Engbersen and Van der Leun, 2001b: 63).

Hence in most publications, there is a tendency to understand illegal immigrants’ crime involvement in a ‘negative way’, i.e., as a final option when no other choices remain. Engbersen and Van der Leun have, however, also asserted that the chances of illegal immigrants becoming engaged in crime may be linked with features of criminal circuits. They found that North African illegal immigrants made better ‘employees’ to occupy the lower echelons of the sale of hard drugs to French ‘drug tourists’, who travelled to Rotterdam to buy and consume hard drugs, for many North Africans speak French (van der Leun, 2002). Yet, this is more a question of differences in human capital than differences in social capital. At any rate, the role of immigrant communities in providing access to *criminal circuits* has hardly been taken into consideration so far.⁴

It was difficult to develop precise hypotheses from the marginalization thesis that could be tested using the evidence presented here. The data pertained to the group level and could not be taken as direct indicators for the amount of social capital of individual illegal immigrants. However, it will become clear why the following analyses indicate that the current explanation must be incomplete.

Data and research method

The data on legal immigrants were taken from the *Herkenningssysteem* (HKS), a database in which the Dutch police register suspects. The HKS system contains all official reports by the police, which describe offences (type of offence, date, place) as well as features of the suspects (date of birth, sex, nationality, country of birth). The data on apprehensions of illegal immigrants were taken from the *Vreemdelingen Administratie Systeem* (VAS), which is designed to register all foreigners who require explicit permission from the Dutch authorities to enter and/or to reside in the Netherlands. All apprehended illegal immigrants – apprehended by the regular police or by specialized divisions such as the alien police – are documented in this system as well. Often, it is the VAS that determines whether a foreigner can be apprehended as an ‘illegal immigrant’ in the first place, because prior to their apprehension, illegal immigrants are either not registered, are already listed as illegal aliens because of previous apprehensions, or are known as formerly legal foreigners with expired residence permits. In the VAS, possible additional grounds for apprehension besides illegal residence are also filed, such as working without a working permit, using public transport without paying the fare, drug offences, and theft. These registrations of possible offences and misdemeanours are excerpts from official reports, which are filed in the HKS.

The data were initially gathered for two separate studies: (1) research on delinquency among young immigrants aged 12 to 25 from relatively recently arrived groups of *legal* migrants (Kromhout and Van San, 2003), and (2) research on *illegal* immigrants of all ages (Leerkes et al., 2004). For this study a secondary analysis of the former dataset was combined with a primary analysis of the latter. Since the first research was limited to young immigrants, and comparable research on older legal immigrants is not available in the Netherlands, the emphasis had to be on young immigrants. Investigation was limited to eleven (non-Western) immigrant communities that are relatively large in the Netherlands: Morocco, Turkey, Surinam, the (former) Soviet Union, the (former) Republic of Yugoslavia, China, Somalia, Iran, Iraq, and Afghanistan (see Table 1).⁵

Police registration practices hamper a straightforward comparison of the datasets. Residence status is not documented in the HKS and legal immigrants cannot be distinguished from illegal immigrants in this system. Therefore, Kromhout and Van San estimated the number of suspects with residence permits by eliminating all foreign-born suspects who told the police they did not reside in the Netherlands from their analyses. As the complete dataset on illegal immigrants was placed at my disposal, I was able to eliminate illegal immigrants from the analyses of Kromhout and Van San with greater precision. First, using the VAS data, I calculated per country of birth the total number of illegal immigrants who were apprehended for offences and were between 18 and 25 years old. These numbers were subtracted from the number of 'legal' suspects reported by Kromhout and Van San (data adjustment A). In this way, the maximum distortion in their figures could be corrected for. Next, I calculated per country of birth the number of illegal immigrants who were in the required age category, were apprehended for offences, and had told the police their residential addresses in the Netherlands (data adjustment B). The best correction of Kromhout and Van San's overestimation of the number of suspects with residence permits probably lies between both adjustments.⁶

The 'quantity' of delinquency

The data in Table 1, which were taken from Kromhout and Van San, are ordered according to the size of the population (offenders and non-offenders) in the age group 18 to 25. For methodological reasons, the age group 12 to 18 is excluded here.⁷ In the right-hand columns indicators for the crime rate are shown per country of birth. The crime rate is defined as the percentage of a population registered in the course of a year as suspected of at least one criminal offence. The average crime rate is the average of the crime rates for 1999 and 2000.⁸ Table 1 demonstrates that the crime rate varies with national origin. Whereas the crime rate approaches ten percent for countries such as Morocco, the (former) Republic of Yugoslavia, Somalia, and the former Soviet Union, it is (less than) three percent for Turkey, Afghanistan, and China. The data adjustments are particularly significant for the former Soviet Union (the average crime rate fell from 10.7 to 6.7 and 8.6) and, to a lesser extent, the former Republic of Yugoslavia (the average crime rate dropped from 9.6 to 8.1 and 9.0).

The figures indicate that delinquency is quite widespread among youngsters in some immigrant communities, especially since the data relate to the total population in the age category concerned - male and female.⁹ A crime rate of 10% for the total population between 18 and 25 years of age may sometimes imply that approximately one-fifth of the male population is annually registered as a crime suspect (cf. van San and Leerkes 2001). Table 2 shows the number of apprehensions concerning illegal immigrants from the selected eleven countries of origin. In order to reduce the influence of random variation – the number of illegal immigrants aged between 18 and 25 was quite small for some nationalities – a somewhat longer period of time was used (1998-2001).¹⁰ For instance, 3 008 apprehensions concerning illegal Moroccans took place in these four years.¹¹ About 35% of these were related to crimes, while for Turkey, this figure was only 16.2%.¹² The remaining apprehensions concerned illegal labour, using public transport without paying the fare, illegal inhabitation of apartments, et cetera. In the Netherlands, these offences are not mentioned in criminal law.

The total number of illegal immigrants per country of birth is unknown. Only the total number of illegal immigrants, regardless of their country of origin, has been estimated in previous studies. Therefore, it is impossible to calculate precise crime rates per country of birth, as we did for legal immigrants. Instead, the percentage of apprehensions for offences was used as an indicator of the prevalence of delinquency (see also Engbersen and Van der Leun, 1995, 2001). This crude measure suggests that crime is much more prevalent among illegal immigrants from Ethiopia, Surinam, Iran, Yugoslavia, and Morocco, than among illegal Chinese, Turks, and Iraqis. The former Soviet Union, Afghanistan, and Somalia occupy a position in the middle.

Unfortunately, in the absence of precise crime rates, it was impossible to determine whether illegal immigrants are more likely, less likely, or as likely as legal immigrants to come into contact with the police because of criminal offences. Yet, what we can establish in Figure 1, which plots (indicators of) the crime rates for the researched groups, is that the crime rate for legal immigrants can be used to predict the percentage of apprehensions of illegal compatriots on the grounds of criminal offences (and visa versa). With residence status held constant, Ethiopian, Surinamese, Iranian and Yugoslavian immigrants are two to three times more likely to be registered as suspects of criminal offences than are immigrants from China, Turkey, and Afghanistan. Table 3 confirms that the correlation coefficient between the two measures is positive. It varies between 0.34 (unweighted) and 0.74 (when the data are weighted according to the relative size of the immigrant groups).

Table 1. 'Legal' suspects by country of birth and the corresponding group population sizes as a whole (18 up to and including 24 years, 1999 and 2000)

	Suspects 1999	Suspects 2000	Popu- lation 1999	Popu- lation 2000	Average Crime Rate 1999/2000	Adjusted Crime Rate (A)	Adjusted Crime Rate (B)
Morocco	2,360	2,030	24,855	23,548	9.1	8.7	8.9
Turkey	749	580	22,450	19,980	3.1	2.9	3.0
Surinam	1,049	942	16,550	14,565	6.4	6.2	6.3
Yugoslavia	508	428	4,698	5,090	9.6	8.1	9.0
Somalia	340	293	3,535	3,680	8.8	8.5	8.7
Iraq	187	218	3,015	3,373	6.4	5.8	6.1
China	44	59	2,533	3,098	1.8	1.0	1.4
Afghanistan	67	78	2,143	2,860	2.9	2.6	2.8
Soviet Union	191	274	1,910	2,423	10.7	6.7	8.6
Iran	119	147	1,700	2,110	7.0	6.4	6.7
Ethiopia	70	55	1,018	1,043	6.1	5.8	5.9

Sources: Kromhout and Van San (2003); Vreemdelingen Administratie Systeem, 1999-2000.

Table 2. Reasons for apprehension of illegal immigrants (18-24 years, 1998-2001)

	Total Number of Apprehensions	Apprehensions for Offences	Apprehensions for Other Reasons	Percentage Apprehensions for Offences
Morocco	3,008	1,065	1,943	35.4
Turkey	1,216	197	1,019	16.2
Surinam	223	131	92	58.7
Yugoslavia	816	325	491	39.8
Somalia	138	47	91	34.1
Iraq	224	67	157	29.9
China	423	88	335	20.8
Afghanistan	90	28	62	31.1
Soviet Union	1,281	427	854	33.3
Iran	105	51	54	48.6
Ethiopia	22	14	8	63.6

Source: Vreemdelingen Administratie Systeem, 1998-2001.

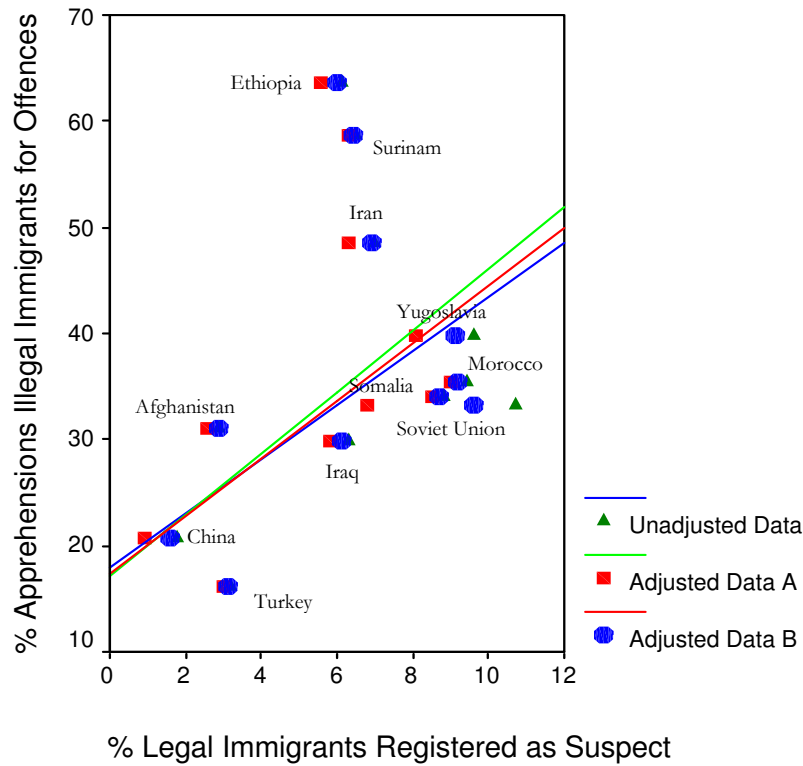


Figure 1. The crime rate among legal immigrants compared to crime rate indicators for their illegal counterparts, 18-24 years, 1999-2000 (legal immigrants), 1998-2001 (illegal immigrants).

Source: Kromhout and Van San (2003), Vreemdelingen Administratie Systeem.

Table 3. Correlation coefficients between crime rates among legal and illegal immigrants (18-24 years) in eleven ethnic groups; 1999-2000 (legal immigrants) and 1998-2001 (illegal immigrants)

	Unweighted	Weighted ^a
Unadjusted Data	0.34 (p<0.31)	0.57 (p<0.14)
Adjusted Data A	0.42 (p<0.20)	0.74 (p<0.11)
Adjusted Data B	0.37 (p<0.27)	0.67 (p<0.13)
<i>Without Surinam</i>		
Unadjusted Data	0.39 (p<0.27)	0.78 (p<0.01)
Adjusted Data A	0.44 (p<0.20)	0.76 (p<0.01)
Adjusted Data B	0.42 (p<0.23)	0.78 (p<0.01)
<i>Without False Documents</i>		
Unadjusted Data	0.53 (p<0.09)	0.40 (p<0.22)
Adjusted Data A	0.58 (p<0.06)	0.43 (p<0.19)
Adjusted Data B	0.55 (p<0.08)	0.41 (p<0.21)
<i>Without Surinam and False Documents</i>		
Unadjusted Data	0.79 (p<0.01)	0.92 (p<0.00)
Adjusted Data A	0.77 (p<0.01)	0.88 (p<0.00)
Adjusted Data B	0.78 (p<0.01)	0.93 (p<0.00)

Notes: ^a: The weighted data are weighted according to the relative size of the immigrant community, with N=11 and N=10 without Surinam

Sources: Kromhout and Van San (2003); Vreemdelingen Administratie Systeem, 1998-2001

Some remarks on the validity of the association

The validity of the statistical association in Figure 1 can be doubted on a number of grounds. Firstly, it may be argued that the connection is merely the result of Kromhout and Van San's inability to eliminate illegal immigrants from their analyses with certainty. The association may be the result of auto-correlation in as far as both datasets include illegal immigrants. The data adjustments, however, do not support such an argument, as the correlation becomes somewhat stronger when the corrections for the possible inclusion of illegal immigrants in Kromhout and Van San's data are taken into account (Table 3). In particular, the score for the former Soviet Union becomes more in agreement with the general trend.

A second objection could be that police data are always incomplete and selective (cf. Brown, 1988; Levitas et al., 1996). Self-report surveys show that the actual prevalence of delinquency is much higher than official police figures tell us. This problem of the 'dark figure' is intensified by its non-randomness: some offences do not interest the police, some offences are more easily discovered than others, et cetera.

Researchers in the field of ethnicity and crime tend to agree that while police data represent a somewhat biased image of the 'true' crime rates among ethnic groups (Bovenkerk, De Haan and Yesilgöz, 1991; De Haan and Bovenkerk, 1993), selectivity of police data probably amplifies, *but does not cause*, ethnic differences regarding crime (cf. van San and Leerkes, 2001). Admittedly, low status groups may be policed and punished to a higher degree than high status groups (Black, 1978). But in our case, all data pertain to immigrants from relatively poor countries; no comparison is made with the dominant, native population or with high status immigrant groups from Western countries. There is also no good alternative available to police data.¹³

For the sake of argument it could nonetheless be assumed that police data do not at all reflect the extent to which immigrants are involved in crime. The scores for Turkish and Chinese immigrants may merely be low, because the offences committed by members of these groups do not interest the police, or happen to have a relatively low chance of discovery. In Figure 1, two exceptions or 'outliers' can be observed: among illegal Ethiopians and Surinamese, the percentage of apprehensions for offences is higher than would be expected based on the crime rates for their legal compatriots. Interestingly, selectivity by the police probably *explains* the deviant score for Surinam (the deviant score for Ethiopia will be addressed later). Many Surinamese speak Dutch as a first or second language, and are often considered Surinamese Dutch. Therefore, Surinamese people probably are less likely to be apprehended for illegal residence than illegal immigrants from other countries. If we could control for this bias, the position of Surinam would become more in accordance with the general trend, because its score would shift vertically, i.e. towards the trend line. Indeed, the positive association in Figure 1 becomes stronger when Surinam is left out of consideration (Table 3).

For the rest, it is unlikely that the association is merely caused by police selectivity. If we assume, for instance, that the figures are biased because the eleven immigrant communities are not policed similarly, the connection remains unexplained, since every point in the figure relates to immigrants from the same ethnic group. If the

police paid more attention to some ethnic groups than others, the prevalence of crime among legal Turks, for example, might be underestimated to a greater extent than the crime rate for legal Moroccans. But in that case, the percentage of illegal Turkish immigrants apprehended for an offence would probably be underestimated as well as compared with the score for illegal Moroccans. For similar reasons, it is impossible to account for the connection by hypothesizing that ethnic groups are involved in offences with differing chances of being caught. Again, the score for a particular group of legal immigrants would be biased in the same way as the score for the corresponding group of illegal immigrants: some countries of origin would move up diagonally along *both* axes, while others would move down a little, leaving the connection unchanged.

The association also remains unaltered if it is assumed that illegal immigrants are invariably involved in crimes with a lower or higher chance of discovery than their legal counterparts: all scores would shift horizontally to the right or to the left, or vertically up or down. Such shifts would not alter the connection.

Moreover, the hypothesis of police selectivity cannot explain either why legal and illegal immigrants tend to commit, to a considerable degree, specific types of crime depending on their country of origin. This is the subject of the next section.

The ‘quality’ of delinquency

Across all ethnic groups, most offenders are engaged in petty crimes such as theft. Less prevalent crimes such as rape and homicide add relatively little to the total number of registered offences. Such distributions are independent of the ethnicity of offenders. Next to such ‘universal’ similarities, several examples of ‘criminal specialisation’ have been observed. For example, suspects of Turkish descent are often apprehended for violence in the Netherlands. This crime pattern is, in part, connected with the tradition of honour vengeance in some parts of Turkey (cf. Bovenkerk and Junger-Tas, 2000). Turks are also known to have substantial involvement in heroin trafficking to Western Europe (Bovenkerk and Yeşilgöz, 1998). Suspects from South America are frequently apprehended for cocaine trafficking (ISEO, 2002). Offenders from Eastern Europe are apprehended for theft and burglary more often than offenders from other countries, but rarely because of drug trafficking (Snel et al., 2000; van San, Snel and Boers, 2002). Moroccan offenders are disproportionately engaged in theft with violence (ISEO, 2002), and marijuana trafficking (van Gemert, 1998). Suspects from several African countries have a much higher chance of being apprehended for fraud than suspects from other countries (van San and Leerkes, 2001).

Table 4 specifies the types of crimes of which legal and illegal immigrants are suspected (for every country of origin the first row represents regular crime suspects, while the second row represents suspects with an illegal residence status). It lacks data on legal Moroccans, Turks, and Surinamese, as Kromhout and Van San did not specify the offences for these groups. Their research mainly focused on delinquency among immigrant groups that are ‘new’ to the Netherlands. Also, Kromhout and Van San have reported the offences for the age category 12 to 25 years old as a whole, and did not

present separate data for suspects aged 18 to 25. Therefore, Table 4 shows the apprehension reason for all suspects aged 12 to 25, even if for methodological reasons it would have been preferable to restrict investigation to suspects aged 18 to 25.¹⁴

Table 4. Types of offences committed by 'legal' and 'illegal' crime suspects (ages 12-24 years) for 1999-2000 (legal immigrants) and 1998-2001 (illegal immigrants)

	N	Sexual offences with violence	Sexual offences without violence	Violence	Theft with violence	Theft without violence	Vandalism	Traffic offences	Drugs	Other offences
(Former) Yugoslavia	1,469	0.8	0	9.9	2.6	63.7	11.4	4.9	0.9	5.9
<i>Cramer's V=0,30</i>	372	0.8	0	4.6	1.1	53	4.3	7.3	5.9	23.1
Somalia	1,258	0.6	1	15.4	6	51.9	14.2	2.9	0.8	7.1
<i>Cramer's V=0,34</i>	53	0	1.9	7.5	7.5	17	5.7	3.8	1.9	54.7
Iraq	672	2.7	1	25.1	6	37.6	18	2.2	0.7	6.5
<i>Cramer's V=0,42</i>	77	0	0	7.8	2.6	28.6	5.2	6.5	9.1	40.3
China	126	0	0	24.6	7.1	38.9	5.6	10.3	0.8	12.7
<i>Cramer's V=0,49</i>	123	0	0	16.3	3.3	16.3	0.8	5.7	0	57.7
Afghanistan	191	5.8	4.2	23	1	33.5	17.3	7.3	0	7.9
<i>Cramer's V=0,74</i>	26	0	0	3.8	0	0	0	0	0	96.2
(Former) Soviet Union	1,126	0.2	0	4.5	2.9	74.3	4.5	3.4	3.9	6.2
<i>Cramer's V=0,25</i>	477	1.7	0	4.2	2.5	60.6	1.5	8.6	2.3	18.7
Iran	504	1.2	0.6	18.7	6.7	39.5	19	4.6	2.8	6.9
<i>Cramer's V=0,54</i>	58	0	0	5.2	0	13.8	3.4	10.3	3.4	63.8
Ethiopia / Eritrea	205	1.5	0.5	13.7	12.7	38.5	14.1	7.3	1	10.7
<i>Cramer's V=0,49</i>	16	0	0	0	0	18.8	0	0	6.3	75
Total legal immigrants	5,551	1.1	0.6	13.6	4.6	55.3	12.3	4.1	1.6	6.8
Total illegal immigrants	1,202	1	0.1	5.9	2.2	45.6	2.8	7.3	3.7	31.6
Total ill. imm. (12-17)	162	0	0	5.6	4.3	46.3	3.1	4.3	3.7	32.7
Total ill. imm. (18-24)	1,040	1.1	0.1	6	1.8	45.5	2.7	7.8	3.7	31.4
<i>Nationalities for which 'quality' of delinquency is not specified by Kromhout and Van San</i>										
Morocco	1,253	1.1	0.2	4.7	3.7	19.9	4.4	7.6	22.7	35.8
Turkey	241	1.7	0.4	13.3	1.7	15.8	5.4	17	18.7	26.1
Surinam	135	0	0	5.2	5.2	17	2.2	3	56.3	11.1

Sources: Kromhout and Van San (2003: 69); Vreemdelingen Administratie Systeem, 1998-2001.

The data in Table 4 are in agreement with the literature: the selected ethnic groups differ significantly, but not enormously, with regard to the types of offences their delinquent 'members' commit. For legal offenders (Cramer's $V=0.14$ / $p<0.00$ / calculated using eight countries of ethnic groups), the association between country of origin and offence committed is somewhat weaker than for illegal offenders (Cramer's $V=0.20$; $p<0.00$ / calculated using eleven ethnic groups), but this difference is not substantial and may be due to the lack of data on legal offenders from Morocco, Turkey, and Surinam. A comparison of the way legal offenders as a whole are distributed among the nine

categories of offences, with the corresponding distribution for illegal offenders, yielded Cramer's $v=0.33$ ($p<0.01$). This figure indicates that there is a modest, but significant association between residence status and type of offence committed.¹⁵

Legal and illegal immigrants' offences can also be compared in a more qualitative way. Independent of ethnicity and residence status, the main reason for apprehending offenders is 'theft without violence', whereas sexual offences and 'theft with violence' are relatively rare. Secondly, regardless of residence status, Eastern European offenders (former Republic of Yugoslavia and former Soviet Union) have a higher than average chance of being apprehended for 'theft without violence': the police have a 63.7 and 74.4% chance of apprehending a legal Yugoslavian or Russian suspect because of 'theft without violence', while the overall chance of apprehension on these grounds is only 55.3%. For comparable illegal offenders, these figures are 53.0% and 60.6% compared to 45.6%. Thirdly, more than 13% of the apprehensions of Turkish illegal offenders concern 'violence', whereas for people from other countries this proportion is only 5% or 6%. Fourthly, more than fifty per cent of the apprehensions of illegal Surinamese delinquents concern 'drugs'.

There are also significant differences. The first that strikes the eye is the diminished share of violence among illegal offenders – both against persons ('violence') and goods ('vandalism'). When Morocco, Turkey and Surinam are left out of consideration (since Kromhout and Van San did not publish separate data on these groups), the share of these crimes among illegal offenders is only 5.9% and 2.8%, compared to 13.6% and 12.3% for legal offenders. Similarly, whereas the ratio of the number of suspects of theft *without* violence compared to theft *with* violence is 12:1 for legal offenders, this ratio is 21:1 for illegal offenders.

The second difference is the elevated share of the category 'other offences' among illegal offenders (31.6% for illegal immigrants versus 6.8% for legal immigrants). The latter difference is probably due to the inclusion of 'false documents' in this category. About 87% of the apprehensions of illegal immigrants within the category 'other offences' concerns this form of fraud (figure not presented in table).

Separate analyses per country of origin reveal that the extent to which the 'quality' of crime among illegal immigrants resembles the crime involvement among their legal counterparts differs somewhat per ethnic group: Cramer's V varies from 0.25 for the former Soviet Union to 0.74 for Afghanistan.¹⁶ This differing extent of resemblance appears to be coupled with the differing size of the category 'other offences' per ethnic group. Note that the latter category is especially large for illegal suspects from Ethiopia, Iran, and Afghanistan. These are precisely the three nationalities in Figure 1 (next to Surinam) for which the crime rate for illegal immigrants is higher than would be expected on the ground of the crime rate for their legal compatriots. When apprehensions for 'false documents' were excluded from the analyses, the connection in Figure 1 became even stronger, especially when Surinam was also left out of consideration.¹⁷

Theoretical implications

Similarities

There are two ways to account for the observation that the patterns of delinquency among legal and illegal immigrants *resemble* one another: (1) we can look for common explanatory variables and (2) we can hypothesize that the involvement in crime among legal immigrants has a criminogenic effect on illegal immigrants and/or visa versa.

As an example of the first strategy, we could speculate that societal marginalization combined with a lack of social capital, not only gives rise to delinquency among illegal immigrants, but among legal immigrants as well. This seems a valid argument since many poor newcomers initially have to put up with a relatively marginal social position in the country of destination, which is in some groups amplified by a lack of social capital. For instance, Sansone (1992), who researched the 'survival strategies' of Afro-Surinamese in Amsterdam, understood the involvement of legal immigrants in the street trade of drugs as a reaction to conditions of social marginality coupled with a lack of social capital. He also observed that even if the involvement of these migrants in the lower and relatively non-organized echelons of the drug trade was quite high at the time, only a few men managed to rise in the criminal hierarchy. Sansone argues that the extended but weak social networks of these Afro-Surinamese migrants impeded their success as businessmen in the regular economy, and in the illegal economy as well.

Yet, this strategy still leaves unresolved the question of why delinquency tends to take the form of burglary among migrants from one country, while violence ('honour vengeance') is overrepresented among migrants from another country. Precisely because there is ethnic diversity in crime, many researchers in the field of crime and ethnicity believe that several explanatory variables should be taken into consideration (cf. De Haen-Marshall, 1997; Tonry, 1997; Kromhout and Van San, 2003). A review of the literature shows that different forms of 'ethnic' delinquency require different explanations. For example, whereas many offences are connected with high levels of unemployment and social exclusion, other forms of crime only become possible when an ethnic group possesses an extensive institutional infrastructure. In the latter circumstances delinquent compatriots have more opportunities to use companies to cover up certain criminal activities such as the wholesale trade of drugs (cf. Zaitch, 2002), or to extort regular entrepreneurs. In addition, some ethnic groups may have access in their country of origin (or in Diasporas) to 'criminal resources' such as guns and drugs, which are not so easily obtained by members of other ethnic groups (Bovenkerk, 2001).

Next to such 'structural' factors, cultural conditions appear to play a role as well. For instance, ethnographers such as Bovenkerk (1994: 59) and van Gemert (1998) have argued that in comparable structural conditions, ethnic groups tend to develop different strategies - including different delinquent strategies. Van San (1998, 2002) as well demonstrated the relevance of cultural aspects in crime patterns. She found that delinquent as well as non-delinquent youth of Curaçao origin, and their mothers to a lesser degree as well, tended to justify certain crimes that are relatively common among

immigrants who originate from the lower classes in Curaçao, such as stabbing in the case of certain insults or threats.

Given that the patterns of delinquency among illegal immigrants reflect the criminal involvement of legal compatriots, and given that a multitude of variables are usually used to explain the differential involvement of legal immigrants in crime, delinquency by illegal immigrants must be influenced by such additional variables as well, either directly (strategy 1) or indirectly (strategy 2). Hence, it cannot be understood only as a uniform reaction to strong societal marginalization.

So far, not many illegal offenders have been interviewed. Some respondents confirm the marginalization thesis. For example, in a (non-random) sample of 165 illegal immigrants, involvement in crime was associated with features indicating a marginal existence in the Netherlands. Delinquent illegal immigrants (N=20) lacked relatives in the Netherlands more often than did non-delinquent illegal immigrants, and were also more often homeless (see Burgers and Engbersen, 1999: 255). Among illegal immigrants there may indeed be a negative empirical correlation between social capital and crime. However, the (ethnographic) literature has also reported examples of 'embedded' delinquent illegal immigrants, which suggests that the social capital as a result of ethnic incorporation on the one hand and crime on the other, is not unambiguous.

The latter examples can be divided into two ideal types. Both illustrate the possibility of co-offending by illegal migrants and their legal counterparts (strategy 2). The first type pertains to delinquent illegal immigrants who cater to the economic demands of parts of their ethnic communities, albeit in ways that violate criminal law. This includes bicycle thieves and illegal immigrants who work in informal restaurants where they sell some marijuana on the side (see Engbersen et al., 1999: 187/8). The consumers of these goods are residents (often compatriots) of poor urban neighbourhoods where such illegal immigrants reside and operate. A certain degree of 'embeddedness' in the local immigrant community is a necessary condition for supplying goods such as cheap bicycles and marijuana.

Examples such as these are reminiscent of Mahler's (1995) study of immigrant life in poor neighbourhoods in the United States. She refers to the activities of 'claveros' that obtain calling codes by 'surfing' callers who use call cards at public phones, and who then sell these codes to other (legal and illegal) immigrants who use them for international phone calls: "They risk being caught for this line of business, but they risk never meeting their goals if they pursue a straight and narrow trajectory in the mainstream economy" (Mahler, 1995: 152).¹⁸ Although not all immigrants make use of such illegal services, we could assert that such crimes are 'functional' for some members of such ethnic communities, given their socio-economic circumstances. Such offences are so closely connected with these communities that it could even be argued they are a *feature* of them.

The second type of 'embedded crimes' concerns illegal offenders who seize delinquent opportunities as a result of contacts with delinquent compatriots who reside in the Netherlands with residence permits. Examples include an illegal immigrant who is recruited in Morocco by a Dutch-Moroccan owner of a coffee shop in which marijuana

is sold (reported by Engbersen et al., 1999: 219), and illegal immigrants from Colombia who were offered the opportunity by their countrymen to make money in the cocaine business (Zaitch, 2002: 232). In such instances, delinquency among illegal immigrants is promoted by their social ties to delinquent legal immigrants: the involvement in crime could not have taken place, at least not in that form, without (criminal) social capital, in this case contacts with delinquent countrymen who reside in the Netherlands with residence permits. Social capital predominantly implies an increase in the number of behavioural options, 'non-criminal' *and* 'criminal' (cf. Portes, 1998).

Accounting for the dissimilarities

The observation that the patterns of delinquency among legal and illegal immigrants are not completely identical should be accounted for as well. It is plausible that the relatively low use of violence by illegal offenders, including theft with violence, as well as their elevated use of false documents, is a consequence of their precarious legal position in comparison with legal immigrants.¹⁹ Illegal immigrants face more difficulties in establishing themselves in the Netherlands, and for many illegal immigrants, deportation is always a threat (even though many apprehended illegal immigrants are not deported).²⁰ As a result, delinquency by illegal immigrants, if it occurs, appears to be more 'prudent' and is primarily aimed at obtaining income - it is 'instrumental' rather than 'expressive' (cf. Radcliffe-Brown, 1952: 143; van San, 1998; Blok, 2001).

The use of false documents appears to be most widespread among illegal 'quartermasters' from ethnic groups that are relatively new to the Netherlands (Ethiopia, Iran, and Afghanistan). Illegal immigrants from relatively settled ethnic groups (Turkey, Morocco, and Surinam) probably do not require false documents to the same extent, for they often have a higher chance to visit or (temporarily) settle in the Netherlands by invitation (Staring, 2001).²¹ This can indeed be understood as a form of social capital.

Concluding remarks

This chapter has demonstrated that both the 'quantity' and the 'quality' of delinquency among illegal immigrants are associated with the involvement in crime among legal immigrants of comparable age and country of origin. Still, these patterns are not completely interchangeable: illegal offenders make use of false documents more often than legal offenders do, and also appear to be engaged less frequently in (theft with) violence and vandalism.

On the basis of the available data differences in opinion on the interpretation of the evidence are still possible, and additional research is needed (especially ethnographic research on the individual level, and on immigrants older than 24). For instance, even if the patterns of delinquency overlap, the offences committed by legal and illegal immigrants, and the motives for committing these offences, do not have to be identical (chapter 6). It could be, for instance, that legal and illegal immigrants who steal tend to steal different types of goods, and for different reasons. It could also be argued that illegal immigrants have an interest in participating in criminal activities of a particular type

that are not especially risky (*being on the look out during a burglary*), while legal co-offenders, on the other hand, may compel illegal immigrants to carry out the more risky activities (*entering apartments*). Interviews would have to be done and judicial dossiers would have to be examined, to determine to what extent this is the case.

But given the similarity in crime patterns and given that several variables besides, or in interaction with, societal marginalization and social capital in the receiving country are usually used to explain offending patterns among legal immigrants, it is probable that similar variables, and interaction effects between these variables, also influence illegal immigrants' crime involvement. Cultural aspects and differences in the availability of criminal resources in the country of origin in particular, should also be taken into consideration. Moreover, we should be aware that there is no straightforward negative connection between social capital and delinquency. Several offences require some measure of social capital.

In this study, two types of 'embedded crime' were identified which illustrates that incorporation in ethnic communities can give access to (ethnic) criminal 'institutions' or circuits: (1) delinquent activities that are, arguably, 'functional' for parts of poor immigrant communities of which delinquent illegal migrants are a part and in which they are to some extent embedded, and (2) delinquent activities by illegal immigrants who are incited to commit crimes by compatriots who reside legally in the Netherlands. 'Embeddedness' in ethnic communities can apparently be connected with all the three dimensions of the 'differential opportunity structure', i.e. with formal, with informal, *and* with criminal institutions or circuits.

Apparently, incorporation in ethnic communities does not have an unequivocal effect on illegal immigrants' involvement in crime; such incorporation may only diminish the chances of illegal immigrants embarking on criminal careers in the Netherlands insofar as the prevalence of delinquency in the ethnic community is low. The chances of illegal immigrants engaging in criminal careers in the Netherlands, and the types of offences such delinquents may commit, vary with the involvement in crime of their legal compatriots. This is an important observation, since involvement in crime appears to be relatively widespread in some ethnic groups, especially among young males.

There are, as was mentioned, empirical indications that illegal immigrants are increasingly engaging in various forms of crime in the Netherlands. This study suggests that this growth may not (only) be a consequence of the exclusionist migration policies of recent years. The increase could be due to a heightened prevalence of crime among legal immigrants in the Netherlands, and because the survival chances of illegal immigrants increasingly depend on them.

Coda

In this substudy, the percentage of apprehensions for crimes was used as a proxy for the prevalence of crime among illegal immigrants. As a consequence, the analyses do not reveal whether the crime rate for illegal immigrants is higher or lower than for

comparable legal immigrants. Nonetheless, it is possible to calculate a more ‘conventional’ crime rate for the *total* illegal population of non-European origin, using Cruijf and Van der Heijden’s (2004) estimations of the total size of the non-European illegal population in the Netherlands. This will be done in chapter seven.

The extent to which having an illegal residence status tends to decrease involvement in violence may even be underestimated somewhat on the basis of this sub-study; the VAS data include a number of former regular immigrants who have lost their residence permit because of criminal activities in the Netherlands. Convictions for ‘serious’ crimes – often crimes with a violent component – are overrepresented as a reason for ending residence rights (see also chapter 7). This could not be researched at the time (2004).

“I am just trying to live my life.” Status dilemmas and delinquency among irregular immigrants with an asylum background

Introduction

Asylum migration to Western Europe increased sharply toward the end of the 20th century, particularly after the fall of the Iron Curtain. Because of this and other factors, the willingness to admit refugees has declined in the Western world (Schuster, 2000). At present, fifty to seventy percent of the asylum requests are rejected in the Netherlands (de Boom, Engbersen and Leerkes, 2006). Moreover, persons who are recognised as refugees increasingly receive temporary residence permits (Doornbos and Groenendijk, 2001).

Asylum seekers who have exhausted all legal remedies lose their right to reside in the Netherlands four weeks after the final rejection of their asylum request.¹ Persons who do not leave can be forcibly expelled. There are a number of reasons why many of these persons do not leave, or their departure is delayed for a long time (see Engbersen et al., 2002; van Kalmthout and Van Leeuwen, 2004).² As a consequence, a sizeable group of irregular immigrants with an asylum background has grown up. In 2005 this involved between 17 500 and 30 000 people, ten to twenty percent of the estimated total irregular population in the Netherlands that year (de Boom, Engbersen and Leerkes, 2006).

Dutch sociologists have paid considerable attention to illegal residence in relation to delinquency. Research in other countries is scarce (McDonald, 1997; Alt, 1999). An important finding is that the number of crime suspects who have an illegal residence status has increased substantially since the middle of the 1990s. In the same period the Dutch state increasingly made an effort to exclude irregular immigrants from the formal labour market and most social services (van der Leun, 2003). This suggests that irregular migrants are increasingly involved in ‘survival crime’, because of a failure to follow a more “integrated career” (Engbersen and Van der Leun, 1995 254).

The existing research leaves a number of questions unanswered. First, it is unclear whether ‘survival crime’ is an adequate term. So far only a few criminal irregular immigrants have been interviewed. Therefore, we cannot draw any conclusions about what irregular immigrants try to accomplish with crime, and whether their motives can be covered by a single term. Second, we do not know the degree of importance of the choices that delinquent irregular immigrants make. At present, it is assumed that the opportunity structures to which an irregular immigrant may or may not have access determine whether or not he or she will be involved in crime. We do not know how delinquent irregular immigrants deal with these chances and what their own contribution to the outcome is. The third open question is whether the delinquent behaviour began in the Netherlands, or earlier in the course of their life. In a time when criminology increasingly searches for causes of delinquency in early youth and adolescence

(Gottfredson and Hirschi, 1990; Samson and Laub, 1993, 2005), little is known about criminal antecedents among irregular immigrants.

Theoretically, irregular immigrants with an asylum background run an elevated risk of involvement in survival crime. Asylum migrants are often pioneers who cannot rely on well-established co-ethnics in case of illegal residence. Therefore they constitute a strategic research group to refine the theories that have been proposed so far. With this aim the life stories of 26 male irregular immigrants with an asylum background and a record of offences were recorded in the Aliens Custody unit at Tilburg. Three research questions underlay this research, which was part of a more comprehensive study on asylum migration and crime in the Netherlands (de Boom et al., 2006; Althoff et al., 2006; Leerkes, 2006).

- What were the men trying to accomplish with delinquency, what kind of offences did they choose for these purposes and what kind of offences did they *not* choose?
- How did the illegal residence status influence the men’s choices, particularly with regard to the development of delinquency?
- To what extent were there police contacts in the country of origin?

Previous findings and theory

The fundamental idea underlying the current explanation of delinquency among irregular immigrants is that the involvement in crime depends upon the opportunity structures to which irregular immigrants may or may not have access in the Netherlands. This structure consists of three dimensions: (1) formal institutions like the official labour market, (2) informal institutions like the informal economy, and (3) criminal circuits (Engbersen and Van der Leun, 1995).

De Haan (1993) introduced the term ‘survival crime’ in the research on illegal residence. Survival crime is assumed to be a reaction to extremely difficult living conditions (see also Sansone, 1992). It is a way of dealing with constant problems of livelihood and personal safety. Internationally, the term is sometimes also used in research on homeless people (for instance Pain and Francis, 2004).

There are a number of empirical indications for a negative connection between conventional life chances and survival crime. There are, for instance, considerable differences between ethnic groups. Turkish irregular immigrants, who are often supported by the tightly-knit Turkish community, are less often suspected of crimes than North Africans, who primarily depend on the Moroccan migrant communities in the Netherlands which, as Dutch research shows, tend to be fragmented. As a result, Moroccan irregular immigrants are left to their own devices to a greater extent. Furthermore, in a group of 165 irregular immigrants delinquency was reported more often by respondents who were homeless and/or did not have kin in the Netherlands, than by respondents who did have a fixed domicile and family in the country (Burgers

and Engbersen, 1999). Moreover, the number of crime suspects with an illegal residence status rose markedly since 1997 (chapter 7).

At the same time it has been suggested that an illegal status can also curb delinquency (van der Leun, 2003). Irregular immigrants are assumed to avoid police contacts in order to avoid expulsion. In the chapters four and five empirical indications were described for this 'deterrence thesis'. They make clear that this effect primarily shows itself in the relatively low involvement of irregular immigrants in violent assaults and vandalism. The latter crimes tend to be 'expressive crimes'. In comparison to instrumental offences in which the offence is primarily a means to a particular end (such as identity fraud), violent assault and vandalism usually have a stronger expressive component, and are more often an end in themselves (see van San, 1998; Cohn and Rotton, 2003).

There are significant ethnic differences in the types of offences irregular immigrants are involved in (chapter 5). That diversity can be explained in part by group differences in the degree of access to criminal circuits in the Netherlands. For example, Engbersen and Van der Leun have shown that irregular migrants who spoke French turned out to be relatively well-equipped to assist with the sale of hard drugs to French 'drug tourists' who travelled to Rotterdam to acquire and use these drugs. Elaborating on this insight, various authors have argued that illegal newcomers have higher chances of 'criminal embeddedness' as they encounter more offenders in their social networks, for example if delinquency is relatively common among their countrymen who have a legal status in the Netherlands (Kehla, 1999; Zaitch, 2002; chapter 5). In that case social ties to legal and delinquent inhabitants enable involvement in somewhat more integrated and organized forms of crime, and do not necessarily function as a 'buffer' against delinquency (cf. Weerman, 1998). Because of a combination of factors, since the 1980s ethnic North Americans have increasingly left their mark on the street trade in hard drugs in the Netherlands.³ It is likely that irregular newcomers from North Africa can join this black economy more easily than irregular immigrants from other countries of origin.

A number of criminologists who have done research on regular migrants have attributed ethnic diversity in delinquency to cultural or subcultural factors, although doing so was a taboo in academia for a long time (see van Gemert, 1998). Today we still do not know whether and how such factors may impact the degree and form of delinquency among irregular immigrants as well.

Neither do we know much about criminal antecedents among irregular migrants in the countries of origin. Van der Leun (2003) interviewed a few North African drug runners and found indications that delinquency had begun in the Netherlands. On the other hand, in his ethnographic research on cocaine trade among Colombians, Zaitch (2002) also found indications for continued criminal careers.

Research method

The lion's share of all crime suspects are men. This also applies to crime suspects among asylum seekers (De Haan and Althoff, 2002) and among irregular immigrants (Engbersen et al., 2002). Therefore, women were excluded in this study. The limited size of the interview group also played a part in this selection, as well as practical considerations. The Tilburg prison is an institution for men.

The fieldwork on which this chapter is based was carried out in the Aliens Custody unit of the Tilburg prison in 2005. Initially all detainees with an asylum background and a record of offences were approached with a letter (N=110). There were translations in English, French, Arabic, Russian and Serbo-Croatian. The records of offences the men committed were made available by *Justitiële Documentatie*, a department of the Ministry of Justice. In return for engaging in an interview the respondents were offered a phone card of €10.

Because only five men responded, a more informal approach was chosen which included a role for the clergymen of the institution (imams, priests, ministers). An imam recruited three men who had not responded to the letter. In addition, I was given the opportunity to introduce myself during two Islamic and two ecumenical Christian services. The services are well attended.⁴ The willingness to co-operate with the research was high; 86 persons registered. A further selection was made of persons who actually had an asylum history and a record of offences (N=30). Ultimately, the target number (N=25) could just be obtained, because several of the men were expelled from the Netherlands before the interviews could take place.

Most respondents were interviewed twice. An interpreter was present with eight respondents.⁵ The remaining men were sufficiently fluent in Dutch or English. Many men had (or had had) a Dutch partner and/or had taken language courses during the asylum procedure. The Africans who were from former English colonies often spoke English as a first or second language. The interviews took place in rooms in the visitor wing that are ordinarily used for meetings between detainees and lawyers or representatives of external state organisations. The individual interviews, which were semi-structured, lasted for one-and-a-half up to two hours. Twenty respondents permitted me to record the interviews.

The interviews were sometimes quite emotional, especially for the respondents but in some cases for me too. Several men were dejected, angry, stressed or fearful, although laughter could also be heard regularly. I often tried to break the ice with a joke. In other ways as well I tried to put the men at ease. The record of offences was put on the table (“Do you know this, this is what they say”). To reassure the men once more that this involved scientific research, I also put two books on the table on illegal residence in the Netherlands (Engbersen et al., 1999; Leerkes et al., 2004). It appeared to me that most respondents appreciated the opportunity to tell their story in a setting where no moral judgements or important decisions were made about them.

Validity

The life-course approach has a number of methodological drawbacks (Giele and Elder, 1998). The same is true for prison interviews (see Kroese and Staring, 1993). People tend to rearrange their experiences, and do not remember everything. Questions about deviant behaviour can stimulate socially desirable answers. Respondents may fear that talking about unsolved crimes may lead to additional punishment. One respondent (A) indeed ended his cooperation after the first interview, because he did not want to risk that I was a policeman after all. Others were less worried about that. Some men ‘confessed’ incidents they were not convicted for. It is probable that strategic responses may have occurred with regards to migration motives in particular. The interviewees were not in the asylum procedure any longer, but many men had not given up all hopes that they would eventually be recognised as refugees. Political motives may have been feigned or exaggerated. I suspect that the chances of strategic response with regards to delinquency were lower. As has been said, all respondents knew that I had their record of offences. The hope of legalization may have promoted a conventional presentation of self (within the limits set by the record of offences), but may also have led to greater openness. An institution psychologist informed me that one respondent had gone on a rampage after the interviews (see below) because the man had hoped – in spite of information to the contrary – that he would obtain a residence permit in this way; this was one of the reasons why he had granted full cooperation.

I tried to neutralise these problems of validity as much as possible, although they are mostly inherent to the research method. The records of offences were used as a memory aid. I strove for a confidential atmosphere. With the life-course approach, that could be done quite well; I asked about the integral development of the respondent as a person, not only about the part of his life which had been important in the asylum procedure or the judicial process. The extensive duration of the interviews and the similarity to the respondents as regards age (I was 31) also promoted rapport. Leading and suggestive questions were avoided; the interpreters were instructed to omit signs of condemnation. Threatening subjects like delinquency and migration motives were often reserved until the end of the interviews. It is probable that the role of the clergymen promoted trust as well.

Respondent characteristics

The men were born in Africa (N=16), Eastern Europe (N=7) or Asia (N=3). The average age was 28 years (Table 1). Most men had been convicted for fraud (more specifically identity fraud), theft and drug dealing (Table 2). All men had an asylum background and were ‘illegal aliens’ at the time of the interview.

I thought at first that all men had resided illegally in the Netherlands before they were apprehended. This was true for most men. They had live in with friends, resided clandestinely in asylum centres or lived on the streets. However, some men had ‘stamped’ with the Aliens Police regularly as rejected asylum seekers. Formally they were illegal aliens who could have been apprehended and detained in order to be expelled every time

they reported to the police (albeit most of them did not realise this). Some ‘stampers’ had been receiving elementary social benefit (in the asylum centre or from the local government) although they were not formally entitled to it; others had to take care of themselves. A few men became illegal aliens in prison. Their asylum applications were rejected in part because of convictions.

The transitions between the residence statuses in time were also less rigid than I initially assumed. Most men had become irregular immigrants after their asylum application was rejected. However, four respondents had lived as irregular immigrants in several European countries before they requested asylum in the Netherlands. Three respondents had had a temporary residence permit as recognised refugees, which they failed to extend in time because of absence from the Netherlands or personal problems. Some men had had the status of rejected asylum seeker and illegal alien, but had managed to re-enter the asylum procedure, at least temporarily.

In what follows the emphasis will be on illegal residence without any government relief. But I suspect the findings are also valid for ‘stampers’ and asylum seekers, at least to a considerable extent. Under the law these three groups have a very marginal social position, and other variables which correlate with delinquency, such as age and ethnic origin, are comparable too.⁶ This is not to say that the status of being an illegal immigrant is unimportant. The interviewees tended to commit fewer crimes –with the exception of violent crimes– when they had legal residence in the Netherlands than in the periods when they were irregular immigrants. Large-scale quantitative research suggests that the relative number of crime suspects is higher among rejected asylum seekers than among recognised refugees and asylum seekers who are in the procedure (de Boom, Engbersen and Leerkes, 2006). The content of many men’s records of offences would probably have been different if they would have had complete civil rights in the Netherlands.

Table 1. Respondent characteristics

	Country	Age	Interviews	Language	Interpreter
<i>North Africa</i>					
A	Algeria	22	1	Dutch	
B	Algeria	35	2	Arabic	*
C	Algeria	37	2	Arabic	*
<i>Other Africa</i>					
D	Sierra Leone	19	2	English	
E	Sierra Leone	20	3	Dutch	
F	Sierra Leone	22	1	English	
G	Sierra Leone	23	1	English	
H	Sierra Leone	25	1	English	
I	Zaire / Congo	29	2	French	*
J	Zaire / Congo	32	2	English	
K	Zaire / Congo	37	3	English	
L	Liberia	29	2	English	
M	Liberia	36	2	English	
N	Angola	20	2	Dutch / English	
O	(South) Mauretania	22	2	Dutch	
P	(South) Sudan	24	2	English	
<i>Eastern-Europe (including former Soviet Union)</i>					
Q	Former Soviet Union	22	2	English	
R	Former Soviet Union	29	2	Dutch	
S	Former Soviet Union	33	2	Russian	*
T	Former Soviet Union	36	2	Russian	*
U	Former Soviet Union	44	2	Dutch	
V	Georgia	20	2	Russian	*
W	Former Yugoslavia	25	2	Serbo-Croatian	*
<i>(Other) Asia</i>					
X	Lebanon	23	1	Dutch / Arabic	*
Y	Afghanistan	29	2	Dutch	
Z	Iran	42	1	Dutch	

Table 2. Overview of convictions and some pending cases per respondent.

<i>North Africa</i>	
A	Insulting a policeman
B	Shoplifting (multiple charges), car burglary, burglary in apartments
C	Intended sale of hard drugs (one time)
<i>Other Africa</i>	
D	Travelling on somebody else’s passport, registering with the register of births, deaths and marriages as somebody else
E	Street trade in hard drugs (one time)
F	Working with somebody else’s document, cannabis use
G	Forgery
H	Leaving the Netherlands on somebody else’s passport
I	Bicycle theft, fare dodging
J	Shoplifting (multiple occasions, with confederate), working with somebody else’s papers, paying with counterfeit money (1 bank note)
K	Insulting a policeman, dealing in hard drugs, theft from an apartment, destruction of a car, street robbery, dangerous driving
L	Travelling with somebody else’s passport, driving without a driving license
M	Theft, receiving stolen property, driving without a driving license, working with somebody else’s papers.
N	Shoplifting, driving under the influence of alcohol, theft from a residence, using a false name
O	Driving without a driving license, destruction
P	Intended physical assault (asylum centre)
<i>Eastern-Europe (including former Soviet Union)</i>	
Q	Shoplifting (six times), including two with violence during flight; pending: undesirable alien
R	Shoplifting (one time)
S	Shoplifting (one time)
T	Shoplifting (multiple occasions, with confederate), receiving stolen property, burglary in office building; pending: attempted murder and homicide
U	Rape, shoplifting (multiple occasions), breach of the peace
V	Shoplifting, minor violent assault, insulting a policeman
W	Minor physical assault, driving without insurance
<i>(Other) Asia</i>	
X	Dealing in hard drugs, shoplifting, destruction of a car
Y	Rape and theft under threat (same incident), driving without a driving license
Z	Thefts, attempted theft with burglary (residence, office building), pickpocketing, destruction, not following a police order, street trade in hard drugs, drugs nuisance, undesirable alien

Source: Ministry of Justice (‘Justitiële Informatie’)

Toward a typology of crime among irregular immigrants

Illegal residence status and its consequences strongly contributed to some of the men's offences. In other cases this status appears to have had little or no influence. In Diagram 1, the offences are structured according to their aim and, in connection with that, the influence of the residence status, from strong and relatively direct (residence crime) to very weak and indirect (other crime). There are two intermediate categories. Subsistence crime and addiction-related crime are committed in response to conditions that are, partly, an indirect consequence of the illegal residence status.

I will also address the question why certain types of crime were rarely committed by the men, if at all. The absence of certain types of crime may be, among other things, an indication of a *negative* connection between illegal residence status or its consequences and crime.

The diagram's primary purpose is to structure the data. It should not be taken too absolutely. Crimes that are classified in a certain way often have elements in common with crimes that are assigned to another category.

Diagram 1. A typology of crime among irregular immigrants. Convictions and self-reported offences

Residence crime

- Entering or leaving the Netherlands with false documents, somebody else's documents (borrowed, stolen, bought) or without a document.
- Not leaving the Netherlands after having been declared an 'undesirable alien'.
- Not being able to identify oneself in the Netherlands or showing a false document / somebody else's document (borrowed, stolen, bought) (law on identification).
- Recalcitrance during apprehension, ignoring a police order, flight to avoid arrest.
- Giving a false name, including registering with the register for births, deaths, and marriages with a false name.

Subsistence crime

- Working with false papers or somebody else's papers
- Theft (mostly shoplifting)
- Drug dealing (mostly street vendor or drug runner)
- Receiving or resale of stolen goods (mostly clothes, cell phones, bicycles)
- Driving without a driving license and /or car insurance
- Fare dodging
- Taking the law in one's own hands (violence or destruction following an insult, violence or threat in an attempt to collect a loan, forcing door of a landlord's property).

Addiction-related crime

- Drug dealing (street vendor)
- Shoplifting

- Car burglary
- Burglary in residencies or office buildings
- Street robbery (one convicted respondents denies involvement)

Other crimes

- Sexual violence (sexual assault and rape)
- Violence in connection with mental disturbance (psychoses)
- ‘In good faith’ (non-Western migrants do not always know what is illegal in the Netherlands)
- Insulting a policeman
- Youth delinquency (experimenting with drugs, driving under the influence / without a driving license, shoplifting)

Residence crime

The aim of residence crime is to obtain residence in the Netherlands or some other Western country. It usually takes place at national borders, and can be aimed at entry and departure. Besides this, there are variants which occur inside national borders.

Since 1994 it has been obligatory in the Netherlands to be able to identify oneself at work, during specific events such as soccer matches, in case of offences or misdemeanours, and in case of suspected illegal residence. On January 1, 2005, a general law on identification came into force, but most respondents were already detained by then. Hence residence crime inside the Netherlands was rare among these men, for there was only a limited identification obligation until 2005. But although no respondent was convicted for it, some men identified themselves occasionally with somebody else’s driver’s license or their old W-document (a special ID for asylum seekers), for instance during traffic checks. It is likely that residence crime inside of national borders is now more common.

Many citizens of non-Western countries do not qualify for a residence permit. Even for a tourist visa one must be able to demonstrate ‘sufficient means of existence’, or one needs to find a guarantor. Many irregular immigrants with settled family in the Netherlands formally come as tourists to the Netherlands (Staring, 2001). The respondents lacked that opportunity because they did not have established kin or friends.⁷

Almost all respondents entered the Netherlands in irregular ways. Various Africans landed as stowaways in the Rotterdam harbour. Most of the Eastern Europeans made use of smugglers who avoided all border controls over land or provided false documents. The North Africans were shipped to Europe with a smuggler, or formally came as tourist when that was still easier. The latter group came from regions from which people have migrated to Europe for a considerable time (Sayad, 2004). They lived as irregular immigrants in Spain, France, Belgium and/or the Netherlands before they applied for asylum in the Netherlands (in two of the three cases after they had been detected by the authorities). Three respondents flew into Europe; one as a regular tourist, two with false documents.

Later, various men tried to leave the Netherlands with an invalid document because they did not see a future for themselves with an illegal residence status there, though unwilling or unable to return to their country of origin. Two Africans tried to fly to Canada, a country that, according to them, is more prepared to receive immigrants; one recalled that there were Canadian immigration programs in Africa in which potential migrants could enrol. Two men tried to reach Sweden. (S) was arrested in Germany three times; each time he was transferred to the Dutch authorities. The third time the German police gave him a fine because he had shown a false document. (L) wanted to fly to Sweden because he could not find work in the Netherlands, but counted on a temporary residence.

“A friend advised me to go to Sweden, to work in construction. Good money, no taxes. I could live in with Liberians. It was a problem how to travel. My friend said, 'Hey, there are a lot of junkies in the Red Light district who sell passports.' Eventually I ended up with a Dutch guy who for €200 offered me a passport of somebody who looked a bit like me. So I called an African friend, she had €80. My buddy gave me €50. When I started to beg around like that in Amsterdam I had two, three hundred euros. I bought the passport for €150. Then I still had to arrange the journey. I thought, I'll try a small airport. Then they won't catch me. From Rotterdam I could fly for €50. At the airport the customs guy said, 'Man you look stupid! I am sure that's not you!' So he asks, 'Is this your passport?' I say no [gives a somewhat melancholy smile, amused]. So he says, 'Sorry, I have to arrest you for trying to use somebody else's document.' I said, 'Go ahead; I am just trying to live my life.'”

(S) hoped to earn enough money in Sweden to take a lawyer in the Netherlands. In the period when he had a temporary residence permit, he became a father. Although he no longer has a good relationship with his former Dutch wife, he feels tied to the Netherlands because of his daughter. Residence crime clearly touches on subsistence crime in this case. The offence was aimed at residence in a Western country, but behind that aim was the wish to comply with a standard which is thought of as 'basic' by the offender and the social environments in which he participates, participated, or wants to participate – in this case the norm that a father should be able to see his daughter every now and then.

Subsistence crime

While residence crime is almost inherent in illegal residence, it does not encourage the commission of other crimes to the same degree. Irregular immigrants who work in the informal economy are, admittedly, punishable because they do not pay taxes, but they do not have to commit crimes in order to make a living. This applies as well to irregular immigrants who are supported by family, friends or a partner. It is also probably possible to stay alive in the Netherlands without a social network, while still not violating the criminal code. In case of subsistence crime – which should not be taken in an economic sense only⁸ – the offender intends to meet 'basic' social standards, which are usually perceived in a similar way by others who constitute the social networks in which he

participates, participated, or wants to participate. Many of the crimes committed were more aimed at prevention or reparation of relative deprivation on account of social comparison (including the situation in the past), than in response to absolute deprivation (hunger, illness). The illegal residence status had a more indirect influence upon these crimes, chiefly for the reason that this status complicates earning a conventional income.

The respondents are not from countries of origin that are the source of sizeable ethnic minorities in the Netherlands, and had few opportunities to work informally in ethnic niches (take-away restaurants, cleaning services). A few men did succeed in moonlighting somewhat through Dutch contacts. Three men's offences consisted of working in the formal labour market with somebody else's papers.

Z. (J) for example tried to make more of his life, after having spent a few years alternating between freedom and detention as an irregular immigrant. He followed the advice he was given in prison and began looking for a girlfriend. This worked out. Rather quickly the couple decided to live together, according to Z. out of love, and also because he lacked housing (the Dutch girl still lived with her parents). His girlfriend's pregnancy increased the pressure to earn money ("My girlfriend said, 'Everybody works why don't you?'"). Z. arranged an ID from somebody with a working permit, and started to work as a garbage collector through a temp agency. He paid fifty euros a week to the supplier of the document, until the Aliens Police intervened.

Many men stole in the Netherlands (Table 2). Mostly, the thefts were surreptitious and unorganized (often shoplifting). Some men stole food. M. (N), a physician's son, told about the difficult period he went through after his asylum request was rejected. He had to leave his room in the asylum centre and was in danger of going to seed. Still, he wanted to limit his 'degradation'. He was keen on distinguishing himself from junkies and vagrants, and did not look for food in litter bins because he found the practice dirty and unhealthy. He tried to take a shower regularly at the homes of acquaintances. After a while he started feeling very ashamed that he had to ask his friends for help so often. He began to 'help himself' and started shoplifting. On the one hand, the thefts served to help pay for his marijuana use, which increased sharply in that period. For instance, he stole bras that he could sell to a couple of Moroccan street boys, who had probably seen him begging in the street. However, most thefts were not aimed at buying soft drugs, but were rather "for himself". He was arrested when he stole a sausage. Although he acknowledges that shoplifting gave him kicks in a certain sense (cf. Katz, 1988), he does not attribute the thefts to a desire for excitement ("My life went wrong and I knew I could get into trouble.").

Most men intended to meet somewhat higher standards with crime than the norm which prescribes that an 'honourable' human being obtains his food from a shop. Nonetheless, these standards are still considered as basic. I. (S), who became quite well off in the car trade after the disintegration of the Soviet Union, stole a leather jacket in the local shopping street. He could sell it to an asylum seeker who was about to marry. On the one hand, he hoped to force a final decision about his residence status with this incidental theft ("Are you going to admit me or will you send me away?"), for he had been repeatedly advised to submit a new asylum application, even though all his previous

requests were denied. On the other hand, he hoped that the sale of the jacket would satisfy the appeal by his family to contribute to the funeral costs for his father, who was terminally ill. He regretted his absence at the funeral. Moreover, he believed he had failed as a son because he lacked a good job and offspring (“My father died without having seen his grandchildren.”).

The choice of becoming involved in drug dealing sometimes also qualifies as subsistence crime. An assistant to an Algerian car mechanic, (C) lived as an illegal immigrant in various European countries for years, presumably without committing crimes. He managed to support himself with several odd jobs in the informal economy, like re-papering apartments and installing satellite dishes. After having reached a certain age, he searched for a wife. Via the Internet he met a divorced Algerian woman who lived in Belgium. They got along well, visited her mother, and committed themselves to enter into an agreement around Christmastime about how to organize a wedding. But with the “access to Europe” within reach (by marrying, (C) hoped to obtain a residence permit), his savings fall short for a dowry.

“I used to hang around at the Rotterdam central station if I was out of work. Tourists sometimes asked me if I sold drugs. The police knew me, but left me alone. They knew that I had been released from Aliens Custody before. With six weeks before Christmas, I approached a guy who sells fake brands at the station and inquired about drug dealing. He arranged a contact with an Arab dealer, who advised me to buy drug balls for €450. Later that day I was, to my surprise, apprehended while I was buying a shirt at the V&D [a department store]. I hadn’t had the opportunity to sell one ball! The police said they had mistaken me for somebody else. When I was doing time in prison, many prisoners laughed at me. A dealer should know it is unwise to carry all the balls [a person who carries a limited number of balls can pretend to be a user, which is not prosecuted in the Netherlands]. The judge was surprised about my criminal activities because I was illegal for years without offences. I told him what I am now telling you. You can inquire about that if you wish.”

Three more variants of subsistence crime come to the fore in B’s (O) story: receiving and resale of stolen goods, driving without a Dutch driver's license, and taking the law into one’s own hands. The Mauritian opposition activist met a Maastricht girl, started to live together with her, and had a daughter. The Immigration Services then presented him with a difficult choice. In view of his situation, he either chooses for the asylum procedure, and then he cannot live with his girlfriend and his daughter, or he chooses for his relationship, and abandons the asylum procedure (perhaps temporarily). B. preferred the latter option and became an illegal alien. He expected that he would be able to apply for asylum later; several of his acquaintances received refugee status at a later stage.

During his relationship B’s delinquency was limited to driving without a license. He took driving lessons, first informally from a friend, later on at a driving school. As an illegal alien he could not obtain a driver's license. In that light B. did not feel that a driver's license was necessary, because he also believed he was a good driver. His girlfriend appreciated it too if he drove her places. However, B. always complied with all

other traffic rules because he realized he was illegal and uninsured (his record of offences confirms that).

After a while his girlfriend found a new boyfriend. She wanted to end the relationship, although she did not insist that he leave the apartment. B. took the honourable way out and moved in with an asylum seeker friend, a few blocks away. (B. cried as he told this.). He managed to make ends meet by selling African bracelets and jumble sale stuff to youngsters from various ethnic origins with whom he went out regularly and played street basketball. Besides this, a friend who was still in the asylum procedure let him share in his allowance money. Sometimes B. bought stolen goods such as a mobile phone (“You won’t let that go if you are illegal. You can trade it or you can use it yourself. That’s a little bit bad. But not very.”).

B. then got into a relationship with a Guinean asylum seeker and moved in with her. Nonetheless, he was increasingly irritated by the limitations of his illegal residence status. His ex-girlfriend allowed him to see his daughter three times a week, but only when she was present. In the street as well his prestige was diminished now that many people had found out he was illegal (“They didn’t really say take it easy or I will go to the police. But they think you are less. And I could never go too far ‘cause I think, oh, I am illegal, I need to take account, I am blocked so to speak.”). B. applied for asylum once more, in vain. The frustration about his position appears to have been released when he ran into debt for his rent once more.

“One time we did not pay. I found myself in front of a locked door. My girlfriend was with acquaintances in France. I called the landlord, left a message at his voice mail; left a letter on the doormat. He didn’t react to all those things! I knew him well, I often phoned him and gave him the rent when he came. And my stuff was inside! Clothes, shoes, a bag. Not much, but it was not about the money. These were my things and he didn’t have the right to change the lock. So then I got angry and forced the door with a friend.”

B. did not consider contacting the police. Many non-Western newcomers (and established Dutchmen as well) will not know exactly what the role of Dutch institutions is in such conflicts. In that sense this way of taking the law in one's own hands – based on the principle that a person ought to have control over his possessions – is not specific to irregular immigrants. At the same time B. noted that he did not have the opportunity to go to the police because he was illegal (formally, he *could* do so, but risked detention and expulsion).

Addiction-related crimes

Various researchers have reported on the recent increase in the number of irregular immigrants among problematic hard drug users (Braam, 2003; Hoogenboezem et al., 2005). Five men came into contact with the police because of committing crimes in order to finance their hard drug use. (T) already took heroin before emigrating. (U) was talked into hard drug use in the asylum centre. There is a connection with illegal residence status in three other cases. With (Z) the illegal residence status followed problematic hard drug

use; he failed to renew the residence permit he had, and became illegal. The relation was inverse in the two other cases, in which substance use was promoted by homelessness, which was in turn, at least in part, caused by the illegal residence status. In the past the primary risk for the homeless was alcoholism, but nowadays various other addictive stimulants circulate on the streets (Anderson, 1923). With the latter two respondents, subsistence crime in the form of drug dealing preceded hard drug use. It may be that entrepreneurs with higher positions in the supply chain try to persuade marginalized irregular immigrants to become street vendors in hopes of simultaneously recruiting a consumer (*hooking*, Glaser and Strauss, 1971).

In contrast to subsistence crime, drug related acquisitive crime is not aimed at fulfilling 'basic' social standards. The drug use is mostly a way of coping with psychological problems. Below, H. (B), son of an Algerian construction foreman, tells how he became addicted to hard drugs in Rotterdam at the age of thirty. Some years earlier he had lost contact with his family. After his arrival in Marseille, H. lived and worked illegally in Paris for two years, without committing crimes, as an assistant to a Jewish shopkeeper. In 1994 he drove to the Netherlands on the off chance of finding more opportunity there, and asked for asylum on the recommendation of a travelling companion.

All in all, H. lived for five years without criminal convictions in various refugee centres. In between, H. left the asylum centre for about a year, and was therefore out of the asylum procedure. At the time he did not have much faith that his claim would actually be recognized, and started to go around with a group of North Africans who had no permanent homes or addresses. For the most part the men stayed with compatriots who did have a residence permit. He then got involved in shoplifting. The stolen clothes or electronic devices were, in part, sold for cigarettes, liquor or marijuana. A policeman eventually pointed out to him that he had received a temporary residence permit, but that document turned out to have expired. Nonetheless, H. was readmitted to a refugee centre. His convictions stopped for some years. When he had exhausted all legal remedies, he left the refugee centre with €50 in his pocket.

“It seemed wise to go a big city, but I knew nobody in Rotterdam. Sometimes somebody did me a favour and invited me to stay for the night. Everybody said that it was impossible to get a job without documents in the Netherlands. And I ran into the wrong people once more when I was on the streets. Mostly North African, I hardly spoke Dutch or English. This is when I went into drugs. First dealing only. Then using as well. We sold something, used up the rest. It was not a life I was used to [smiles scornful]. Sometimes I went to the Salvation Army or St. Paul's church [a Rotterdam church that was well-known for its assistance to marginal social groups] for some food, to shave, for clothing. I started to steal when I couldn't pay for my use by selling drugs. Shoplifting first. But you soon find out that does not yield enough. You use together and learn other things. Breaking into cars for a radio or camera is better already. One day I met an African user. Also illegal. He knew how to break into apartments. He was looking for

somebody who could be his lookout. Eventually we got caught. I had to do a year in prison, subsequently they brought me here."

H's story illustrates once more that the greater part of the men's delinquency is incidental or episodic. It is not due to a permanent trait of their personalities that exerts itself irrespective of the circumstances. At the same time, although the behaviour is a response to conditions that can be coupled with illegal residence, it is not inherent in illegal residence.

Other crime

Certain crimes had little or no connection with the offender's social position as a result of their irregular status. The two rape convicts are cases in point. Ironically, they were the only respondents whose original partner was in the Netherlands. The Afghan (Y) attributed the event to his alcohol and soft drug use, as a result of problems with the payment of his allowance money as part of the asylum procedure. The Russian (U) claimed that the woman, who had exhausted all legal remedies herself, prostituted herself in the asylum centre and had presented the coitus as rape in hopes of getting a residence permit as a victim. (If this allegation is true, this strategy could be classed under the head of residence crime). Furthermore, there are indications for a connection between mental disorders and violence (see also Althoff et al., 2006). While in the asylum seeker's centre a Chechen (I) wounded a Yugoslav with a knife. The offender suffered from hallucinations that started during soft drug use. The man who went on the rampage after the interview turned out to use various psycho-pharmaceuticals (this had not communicated to me before the interview), and had acted out violently a number of times in the course of the asylum procedure as well. One respondent (I) thought he was innocent when a local bicycle thief sold him a bike at the asylum seekers centre. A North African youngster (A) insulted the policeman who gave him a fine because his bicycle light did not function any more. Finally, some men who came to the Netherlands while they were minors were involved in juvenile delinquency. For instance, M. (N) sometimes drove the car of a classmate's father, before he was eighteen. He had learned how to drive on a parking lot behind the local soccer stadium, where he met friends to drink and smoke in the weekend.

For the most part, the men committed these 'other crimes' in periods during which they were legally residing in the Netherlands. That does not imply that such crimes do not take place among irregular immigrants.⁹ But, within this research population, as far as there is a connection between these 'other crimes' and the illegal residence status, illegality followed criminality instead of the other way around: the asylum requests of some of the men were probably rejected in part because of the convictions. Convictions are a counter-indication for obtaining a residence permit; in specific cases a migrant can be also be declared an 'undesirable alien' (Q and Z). The state actively pursues a part of the connection between criminality and illegality, in hopes that such migrants will leave the Netherlands, which is not always the case. This phenomenon does not only occur

among Western European offenders (EU citizens who cause drug nuisance in the Netherlands also risk being declared undesirable aliens) as Engbersen and Van der Leun (1995) noted, but also in increasing measure among non-Western offenders (see chapter 7).

Types of crime not present

The records of offences rarely mention violent assault and vandalism, in particular for the periods that the residence in the Netherlands was illegal.¹⁰ The relative absence of certain types of crime which could have been committed by men in their position is remarkable. The research group is quite small in this case, but police figures also suggest that illegal crime suspects are significantly less involved in violence and vandalism than their legal counterparts with a similar country of birth and age (chapter 5; for the low involvement of irregular immigrants in violence in the United States see also McDonald (1997) and Wolf (1988); for Belgium see van Meeteren, Van San and Engbersen (2007)).

This provides additional indications for a differential effect of illegal residence status on law-abiding. Involvement in crime may arise under the influence of the illegal residence status, but the involvement usually remains selective. Certain rules are violated, but other rules are observed, maybe even more closely. B., for instance, drove without a driver's license, but followed other traffic regulations as much as possible. In social traffic too, he was restrained to a higher degree ("I am blocked so to speak.").

The low involvement in certain crime types is not merely a question of social opportunity and social control given the illegal residence status. Social control also comes from inside. This is particularly clear from the observation that the men have consciously and unconsciously avoided crimes of the sort that would have been, on the face of it, opportune and performable variants of subsistence crime. None of the men were convicted for robberies. Besides this, most respondents found a crime such as bag snatching too immoral ("Street robbery is an ugly thing to do."). Several respondents never even considered that crimes such as a street robbery or hold-ups were possible ("No, never thought about robbing people. No [makes a hissing noise]. Dear me [laughs]. No, never occurred to me. The car yes [driving without a driving license]" [laughs] (O)).

Even the hard drug users recognized internal constraints with regards to their delinquent behaviour. H. was the lookout, but did not break into apartments himself, for he could not bring himself to that. (The burglar was also an irregular immigrant; apparently he could weigh things differently). The man who became a heroin user in the asylum seeker's centre was only convicted for shoplifting. He claimed that he is not a violent person. He also stated that, in his mind, shoplifting is not as immoral as stealing from individual citizens ("Then I only thought: not against people.").

Most men were convicted for victimless or consensual crimes. In the case of victimless crimes there is no clear individual victim (identity fraud primarily impairs state authority). With consensual crimes the victim agrees with the offence (for instance, drug dealing). The men who were convicted for theft mostly limited themselves to shoplifting. Earlier research yielded similar indications. De Haan (1994) counted one irregular immigrant among the violent street robbers in the Amsterdam Bijlmer area, although

irregular immigrants probably represent several percent of the residents there (Leerkes et al., 2004). German research reaches a similar conclusion (Alt, 1999: 305): “Die überwältigende Mehrheit von ihnen möchte selbst dann, wenn sie zur Begehung von Straftaten keine Alternative sehen, wenigstens ‘so wenig kriminell wie möglich’ sein”.

Criminal antecedents

I focused on the men’s experiences in the Netherlands, but also asked whether or not the respondents committed offences outside of the Netherlands. For most men this does not appear to be the case. This is indicated by their answers, but also by the nature and timing of the offences for which they were sentenced. People who have police contacts because of delinquency since childhood tend to commit property crimes as well as violent crimes, often minor offences as well as serious offences (Gottfredson and Hirschi, 1990; Beke, Van Wijk and Ferwerda., 2000). Moreover, it turns out that the men’s delinquency had usually not started immediately after emigration. After settlement in the Netherlands there is, as a rule, a negative connection between involvement in crime on the one hand, and, on the other, conventional opportunities, i.e. an income through the asylum procedure, informal work, a temporary residence permit, or via a partner.

Two men reported police contacts because of incidents that would be considered as crimes in the Netherlands as well.¹¹ (T) had been incarcerated in several Russian prisons. In his case there was not really a question of ‘criminal emigration’ (Bovenkerk, 2002) – he did not come to the Netherlands in order to commit crimes – but he did continue his old behaviour (shoplifting and burglary, both related to hard drug use). Eventually he was involved in a serious violent assault in connection with the decline of his mental health. The man who went on the rampage after the interview had been detained in Georgia once, because of theft. Six men admitted police contacts in their countries of origin because of political activities, evasion of conscription, desertion, or refusing to carry out an order as a soldier. Furthermore, some men committed crimes for which they were not been convicted. An African (D) narrated how he wandered in the bushes with some friends after the rebels had driven him out of his village. They sometimes sneaked into farms to steal food. In addition, I spoke to four alleged child soldiers or rebel helpers who claim to have been forced to participate in plundering and, in one case, murder. None of these respondents was involved in crime in the Netherlands to any serious extent; their records of offences show only one simple property crime or case of fraud.

Apparently there is no unequivocal connection between criminal antecedents and delinquency in the Netherlands. The possible trajectories that can be distinguished analytically appear to occur in reality too: 1) a clear past history of criminality with a clear continuation thereof, 2) a clear past history of criminality that ends, at least in that form (i.e., the child soldiers), 3) no criminal history and little or no delinquent behaviour in the Netherlands (for instance, one conviction for working with somebody else’s documents) and 4) no criminal history and several police contacts in the Netherlands. The second,

third and fourth variants are most prevalent among the men. Althoff et al. (2006) also suppose that criminal antecedents are not the rule among delinquent asylum seekers (see also De Haan and Althoff, 2002).

Theoretical interpretation

Status dilemmas and crime

The preceding analyses show that the men were not merely passive bearers of the illegal residence status, and nothing else. Their social position was also determined by other social statuses, such as father, son or 'boyfriend' (compare Merton's (1957) notion of the 'status set'). Above all, we must understand the men as migrants: their aspirations resemble traditional familial group values in the country of origin as well as values that are characteristic of the milieus in which they move in the Netherlands. An uncle tries to arrange a good and safe future for his nephew in Europe, a son is expected to contribute to his father's funeral costs, a bridegroom is expected to pay a dowry, a boyfriend wants to chauffeur his Dutch girlfriend around.

Illegal residence status, and the marginal social position that may be its consequence, may hamper the observance of these 'basic' social standards. Hence the men were frequently confronted with status dilemmas (Hughes, 1994). The social expectations and opportunities that are coupled with the illegal residence status may be at odds with parallel statuses such as father of fiancée. The milieus in which the men move confront them with these status expectations; but they are also imposed on them internally. People who seriously disappoint their internalized status expectations risk tensions with the social environment *and* themselves.

Every man has to respond to these institutional contradictions in his own way ("I am just trying to live my life."). The interviews indicate that usually a certain weighing occurs: in order to maintain one standard, concessions are made in other norms, at least temporarily (cf. Matza, 1964). Accommodation of conflicting behavioural standards takes place in social life continuously, and must take place if social traffic is not to stagnate (Goffman 1969; 1971b). Sometimes this is also the case – to a higher degree – during illegal residence. The men sometimes substitute delinquency for conventional behaviour.

When dealing with these phenomena, where individuals identify with conventional ambitions but do not have sufficient resources to realize them in conventional ways, criminologists often refer to Merton (1938: pp. 672-82). His strain theory was primarily related to the American situation where deprived groups aspired to be upwardly mobile. A more modest social dream is also observable among some of these men. The North Africans in particular did not leave their land because of safety concerns. Their coming over to Europe, and the residence crime this usually involved, was primarily aimed at upward social mobility. Their subsistence crime as well appears to have been inspired – at least to a greater degree than among most of the other men – by a desire to get ahead in the world. In most of the other cases delinquency appears to be aimed at preventing or reducing social descent. These offenders did not know beforehand that they would become illegal aliens. They tried to hold on to a standard and

identity that had been a guarantee for them in the past: safety or a certain standard of living in the country of origin and/or the Netherlands, as asylum seeker or recognized refugee (cf. Newman, 1999).

The respondents tended to sacrifice standards to which they are not so deeply attached, at least not in comparison to other options. Legal jobs would have been preferable for many men, in comparison to black labour. But black labour is more attractive than 'crime'. Minor offences were preferred over serious offences. 'Serious offences' would appear to be a step too far for the men, because the condemnation for these is too great, both internally, by their conscience, and by their social environment. Such crimes would create a strong new tension between their aspirations and their actual identity, even if they might help reduce the initial tension between the illegal residence status and the parallel statuses. Apparently, the men aimed at a sort of 'golden mean'.

Unlike residence crime and subsistence crime, addiction-related crime does not modify the status dilemma by selectively substituting delinquent alternatives for conventional behaviour. Still, the objective of substance abuse may be a seeming resolution of the tensions that status dilemmas cause. This coping behaviour does not seek to manipulate the external causes of this tension, but to check its emotional consequences. While residence and subsistence crime can be regarded as problem-oriented coping, substance use is seen as avoiding emotion-oriented coping (Billings and Moos, 1981). In criminology too, problematic drug use tends to be understood as a response to limited opportunities for normal social functioning. The adaptation does not have an 'innovative' character (i.e., new ways to old goals), as is often the case with residence and subsistence crime, but amounts to a withdrawal from normal social transactions (compare *retreatism* in Merton, 1938).

Status dilemmas and (sub)culture

By interpreting the men's offences as behavioural reactions to status dilemmas, I have tried to link the current structure-oriented perspective to a more actor-approached viewpoint that does justice to aspects of interpretation and socialization. Among the reasons that this is important, is that there are similarities as well as dissimilarities in the extent to which given social conditions come to take on the meaning of a status dilemma. This is because a status is a position in the social structure to which certain behavioural expectations (roles) are attached. These expectations are not completely inherent in the status, but can vary between (sub)cultures.

Various men, for example, landed in Rotterdam without much money, family and friends. The Lebanese respondent (X) found his oncoming inability to pay for his pension a sufficiently alarming prospect to become a street-trader in hard drugs. The man spent most of his youth with Italian clergymen in conditions of relative prosperity. As a teenager he was part of a group of 'alternative' Italian youngsters who frequently smoked soft drugs. A respondent from South Sudan (P), who grew up in a poor family and claims to have travelled to Europe via the church, lived for a considerable time in the streets of Rotterdam with €30, on a diet of bread, sardines and cola, without committing crimes. Eventually a stranger offered him illegal work. The observation that (C) was prepared to

deal drugs for his wedding suggests that the meaning of a given situation may also differ per group. Although the incapacity to contribute to a wedding would be degrading to most fiancées, the giving of a dowry (the *mahr*) is a strong cultural prescription in certain Arab countries (Douwes, 2003).

Paying attention to such aspects of interpretation and socialization enhances our understanding of the behavioural reactions of the men, including their delinquent strategies (cf. van Gemert, 1998; Van San, 1998; Van San en Leerkes, 2001; Bovenkerk, 2001). Their experiences in the country of origin seemed to affect delinquency in the Netherlands, even though most of the men probably did not have police contacts there because of delinquency. As has been said, the men did not perceive all the possibilities that were within their reach. Neither did they follow all strategies that they perceived. A good example of a behavioural improvisation for which previous socialization appears to have created the preconditions, was given by the Serbian respondent (W). He collected broken televisions in local electronics stores and sold them to a repairer. He rewarded the shopkeepers for their kindness with inexpensive supermarket pies. He was familiar with this sort of trading; he used to collect and sell cardboard with his parents and other gypsies in Belgrade. Among the West African respondents, we may observe (additional) indications for a connection between ethnic origin and behavioural strategies. The men had relations with Dutch partners with remarkable frequency, and often had children with them. Unlike most of the other respondents they could communicate with these women in English, but we also know that polygyny – a man having several partners without necessarily being married to them – is quite common in West Africa (Collins, 1988: 104).

Although the men were predominantly convicted for light offences, they did not commit precisely the same types of crimes. The Africans were more frequently convicted for fraud. The records of offences of the Eastern Europeans almost exclusively mention theft. Two of the three North Africans sold hard drugs (Table 2). Similar patterns are observable in the police data on *all* apprehended irregular immigrants (chapter 5; de Boom et al., 2006).

Ethnic differences in the forms of delinquency are connected to differences in access to opportunity structures. However, the interviews suggest that this diversity may also have been encouraged by differences in perception and valuation of delinquent strategies. The African respondents at least appeared to be relatively accepting of fraud with government documents, including variants in which some other respondents were involved. However, they declared themselves very strongly against drugs ("I didn't want to do drugs, although I knew people who were dealing." (O)) and theft (some men stated that thieves are severely beaten in their regions of origin). It appeared that the Eastern Europeans found theft relatively acceptable in the circumstances, especially when large enterprises were the victims. The North Africans who were dealing drugs found involvement in this trade less reprehensible than theft.

Such differences may be connected to the social circumstances in the countries of origin. For instance, many African countries are relatively unstable and corrupt according to international standards (see for example the Transparency International index).

Therefore, certain forms of government regulation may have less legitimacy for African migrants (cf. Kehla, 1999). Traditionally the cultivation of hemp constitutes an important source of revenue in the Riff Mountains (van Gemert, 1998).

Concluding remarks

Three research questions served as a guideline for this study. These will be answered below. A number of remarks on the term 'survival crime' and the representativity of the findings will close this chapter.

1. This study increases our insight into the preferences of delinquent irregular immigrants with an asylum background. It turns out that delinquency is, in part, aimed at residence in the Netherlands or other Western countries. Residence crime usually takes the form of identity fraud or illegal border-crossing. Beyond that, many men made certain minimum demands on the quality of the illegal residence. The most common forms of subsistence crime are working with somebody else's papers, theft from shops, or street trade in drugs. Addiction-related crime, which is aimed at the consumption of illegal drugs to cope with psychological problems, also appears to develop from illegal residency to some extent. The latter offences in particular can be more socially disruptive and personally intrusive (car and house burglary). Finally, a rather heterogeneous residual category was noted which included sexual violence, violent assault in connection with mental disorders, insulting policemen and the like.

The men did not commit all types of crimes that could have been feasible variants of residence crime, subsistence crime or drug related crime. They preferred 'minor' and non-violent offences. That preference stems from the desire to reduce police contacts and limit the chances of deportation, *and* from the inclination to sacrifice relatively light social standards. Some standards (for instance, those against murder and robbery) are valued very highly in almost all social environments. On account of that, the men probably committed fewer and less serious crimes than we would expect on the basis of their limited access to formal and informal institutions in the Netherlands.¹² More research could be done on cultural similarities and dissimilarities in perception and valuation of delinquent behavioural strategies.

2. It appears that the restrictive immigration policy often played a role in the circumstances that led the men to commit crimes. With residence crime this share was greater and more direct than with subsistence crime and addiction-related crime. In the case of the latter two types of crime, the connection with illegal residence status runs to a higher degree via the outcome of processes of marginalisation in the Netherlands, in particular via economic deprivation and homelessness. The illegal residence status hardly contributed to offences in the category 'other crimes', if it did so at all. It also appears that the men mostly committed offences of this sort during periods when their residence was legal.

Social capital modifies the relation between illegality and criminality; social support tends to smooth the edges from social exclusion by the state. However, the interviews suggest that embeddedness does not necessarily diminish the chances on delinquent behaviour, not even in the case of conventional social networks. It turns out that social integration often has a price attached to it: if people want to belong to a group they need to position themselves to the roles that are expected in the social relationship. This is a new insight. If social psychology is right, i.e. if strong social relations increase the chances on problem-oriented coping, while a lack thereof tends to be coupled with emotion-oriented coping or its avoidance (Billings and Moos, 1980), social embeddedness in conventional milieus will curb drug related crime, but may sometimes promote residence and subsistence crime, at least in cases where an offender does not have legal sources to maintain his social relationships (for instance, because these relations do not give access to such resources).¹³

The men certainly made choices even though their opportunity structures were limited. For that reason, the relationship with the illegal residence status must not be conceived of as too deterministic. No doubt, some of the rejected asylum seekers return voluntarily to their country of origin, in so far as they receive a *laissez passer*. It is possible that others who stay in the Netherlands expect less in limiting social conditions (not consuming food from the supermarket, not driving a car).

3. Although no records of offences have been collected in the countries of origin, it is probable that most men did not have police contacts there because of criminality. This appears from their comments and from the timing and nature of the majority of the crimes for which they have been convicted.

Survival crime?

The interviews confirm that term ‘survival crime’, if it is of any value, must be understood in a broad, sociological sense; simply staying alive is usually not at stake (cf. Engbersen, 2001). But even then the concept has drawbacks. The term inevitably evokes associations with survival in a biological sense – in particular outside of the social sciences – and cannot easily be stripped from its normative connotations. In my opinion its use suggests that we should forgive irregular immigrants their crimes, which they have only committed in order to ‘survive’. This is not to say that there cannot be a humanitarian problem in regard to this group, in addition to a crime problem.

The descriptive value of the term is also dubious. Some men tried to be upwardly mobile with the aid of crime. They tended to commit ‘development crime’ rather than survival crime. Addiction-related crimes are not aimed at preserving the old identity either. Perhaps we should use the more neutral term ‘reaction crime’ or ‘adaptation crime’ to denote that delinquency can be a reaction to limiting conditions as a result of the illegal residence status (with residence crime, subsistence crime, and addiction-related crime as possible examples thereof). We could use the term ‘reaction conformism’ or ‘adaptation conformism’ to denote that the illegal residence status may also curb rule

breaking, in particular with more expressive offences such as violence, vandalism, a 'tough driving style' or 'being loud-mouthed'.

Representativity

The findings cannot be generalized with certainty because of the limited size of the research group. On the other hand, statistical representativity was not the main objective. The primary aim was to get an insight into the qualitative diversity within the phenomenon (Hammersley and Atkinson, 1995). Nonetheless, even with 26 respondents hardly any new types of offences and motives were encountered as additional respondents were interviewed. This suggests that the diversity in the population is not very large. In that case the men do perhaps constitute a good reflection of all delinquent irregular immigrants with an asylum background or a similar situation. Van Kalmthout and Van Leeuwen (2005) also carried out field work in the Tilburg prison. The overwhelming majority of the irregular immigrants they spoke to (N=61, only a part of these respondents had an asylum background) had not committed crimes, or were convicted for relatively minor and unorganized crimes as well. Police figures on all apprehended irregular immigrants also indicate that minor and apparently instrumental offences constitute a large majority of the apprehensions for crimes.¹⁴

It is nonetheless probable that the situation of rejected asylum seekers differs from other groups of irregular immigrants in certain respects. In comparison with informal chain migration that we can observe among ethnic minorities in the Netherlands, asylum seekers will depend to a greater degree on residence crime to establish themselves in the Netherlands. Further, they will be more inclined to continue travelling to try their luck in other Western countries.

The income position of irregular immigrants with an asylum background appears to differ less from other groups than expected. Some men still obtained benefit payments or housing (for instance from local governments) after the rejection of their asylum application, or shared the allowances of friends who remained in the asylum process. In addition, they managed to partially compensate for the lack of established family by entering into relationships with singles in the Netherlands.

Presumably, the respondents differ most from the migrants who move to the Netherlands in order to commit crimes and/or to flee prosecution for crimes. An unintended consequence of the relatively open borders after the end of the Cold War and the ongoing expansion of the European Union is that there are now fewer barriers to Eastern European delinquents, for instance, committing crimes in Western Europe. Such offenders, who are partly irregular immigrants, are often involved in instrumental crimes as well, including burglary, car theft and circulating counterfeit money (Weenink et al., 2004). But it remains to be seen whether these crimes should also be understood as residence crime, subsistence crime or addiction-related crime, and whether the restrictive immigration policy in the Netherlands contributes to that as well.



De Vreemdelingenbewaring van de PI Tilburg, gezien vanaf het parkeerterrein. / The Aliens Custody of the Tilburg Prison, seen from the car park.



Illegale migranten spelen voetbal in de Vreemdelingenbewaring van de PI Tilburg / Illegal immigrants are playing football in the Aliens Custody of the Tilburg Prison.

The rise in crime among irregular immigrants: The marginalization thesis in question.

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Introduction

The majority of immigrants who enter or remain in the Netherlands illegally never come into contact with the police as a result of criminal behaviour. Yet there are serious indications that there has been a rise in crime among irregular immigrants in the Netherlands over the years. While in 1997 31% of the apprehensions concerning irregular immigrants were related to crime, this share had increased to 38% in 2000 (Engbersen et al., 2002). In 2003 this figure was 45% (Leerkes et al., 2004), and in 2004 49% (Boekhoorn, Speller and Kruijssen, 2004: 156).¹ The crimes concerned are mostly theft, identity fraud and involvement in drug dealing. Illegal residence as such is not a crime in the Netherlands (ACVZ, 2002).

In the course of the 1990s access to the formal labour market and social benefits in the Netherlands became more and more a privilege of the regular population. This suggests that the increase in the number of crime suspects with an illegal residence status might be related to a rise in ‘subsistence crime’, i.e. crime that is a response to harsh living conditions, motivated by the need to maintain a livelihood in the Netherlands. This interpretation is known as the marginalization thesis (Engbersen and Van der Leun, 1998; Engbersen and Van der Leun, 2001, Engbersen, Van der Leun and De Boom, 2007). It understands the rise in crime as a reaction to the closing of the internal borders within the Dutch welfare state that protect the formal labour market and public services from unwanted immigrants. This thesis – which resembles what Gary Marx (1981) has called the ‘ironies of social control’ – is relevant from a theoretical and policy perspective. Its implication is that research on social exclusion and crime needs to be supplemented by research on the relationship between residence status and crime. Furthermore, this thesis contributes to the growing literature on the unintended consequences of immigration policies. Most of these unintended consequences are related to external border control, such as the rise of human smuggling organizations or the increase in mortality among irregular immigrants along certain segments of the Mexican–US and Mediterranean borders (Cornelius, 2001; Carter and Merrill, 2007). Much less has been written on the unintended consequences of internal border control. Internal migration control comprises a wide array of policy measures such as exclusion from the labour market and public services, employer sanctions and detention and expulsion (Lahav and Guiraudon, 2000, Zolberg, 2003; van der Leun, 2006; Guiraudon and Lahav, 2007; Broeders and Engbersen, 2007).

This chapter examines the marginalization hypothesis. Specifically, the hypothesis will be tested against five alternative interpretations which are based on recent literature

and ongoing policy developments in this field. First, the rise in the number of irregular crime suspects may be due to the state's practice of reclassifying residence statuses. Criminal activity may lead to the status of being an 'illegal alien' instead of the other way around. Regular migrants may lose their residence permit because of offending in the Netherlands, and irregular immigrants may also be declared undesirable aliens, after which their continued presence *is* punishable as a crime under Dutch law.

Second, the rise in crime may be due to an increase in criminal migration and cross-border crime. Some irregular immigrants may come with the intention of committing crimes. Hence, delinquency may not be the result of a process of marginalization after settlement in the Netherlands. For instance, while migration opportunities for nationals from former European colonies were increasingly curbed, border controls with respect to Eastern Europe were eased, at least to some extent.

Third, the rise in crime may be an effect of developments in crime detection and reporting by the police. Crime as such may increasingly have been uncovered and/or registered by the Dutch police (Wittebrood and Nieuwbeerta, 2006), or the police may have given higher priority to apprehending and documenting delinquent irregular immigrants. Special teams in which various branches of the government work closely together have been formed for this purpose in all the largest cities, and in particular in Amsterdam, since 2002. Where in the past undocumented immigrants primarily risked apprehension at work, the national government is now addressing a whole array of social problems including the 'clandestine infrastructure' surrounding them, public disorder in mixed neighbourhoods, irregular housing circuits etc.

Fourth, the rise in crime might be brought about by a simultaneous increase in crime among *legal* immigrants. The chances of irregular immigrants engaging in criminal careers in the Netherlands depend, at least in part, on the number of delinquents irregular immigrants encounter in their ethnic social networks (Leerkes, 2004).

Lastly, the rise in crime may be a by-effect of demographic developments with regard to the composition or size of the irregular population. It could be that the number of (young and male) irregular immigrants has increased between 1997 and 2003.

For these purposes, data on all irregular immigrants who have been apprehended in the Netherlands between January 1997 and October 2003 were analyzed. Additionally, the apprehension data from the police were linked for the first time to data from the Dutch Immigration and Nationalization Service (IND) on all foreigners who have been declared undesirable aliens between 1997 and 2003, or lost their residence permit in this period in other ways because of criminal activities. Length of stay in the Netherlands at the time of committing an offence was used as an indicator for criminal migration. Furthermore, information was gathered on the developments in criminal statistics for the Netherlands as a whole. Cruiff and Van der Heijden's (2004) estimations of the size of the irregular population were used to examine the demographic hypothesis.

Below, all hypotheses will be described in more detail. Subsequently, the data sources and research method will be explained. The results of the empirical tests suggest the need for a discussion of the intended and unintended consequences of migration management for immigrant crime in an advanced welfare state like the Netherlands

which, like other Northern European welfare states (Germany, Denmark, Sweden), is strongly committed to combating irregular migration in order to protect the welfare state and the regulated labour market (Engbersen, 2003).

Specification of the hypotheses

Marginalization

The reception of irregular immigrants has changed dramatically in the Netherlands. During the 1960s, the state showed considerable leniency in admitting ‘spontaneous migrants’, who could quite easily obtain a residence permit if they applied for it. This leniency was closely related to the demand for low-skilled labour in an expanding Dutch economy. Later on (1969-1991), the discourse on irregular immigration became more restrictive, but in reality few things changed. For instance, it remained fairly easy for irregular immigrants to acquire a tax and social security number, with which they could be formally employed in certain economic sectors. This led to the creation of a category of ‘white illegals’ (irregular immigrants working in the formal economy and paying tax, social security premiums, etc.), some of whom were eventually granted legal residence status. After 1991, a clear change in policy was introduced. Certain practices continued to be tolerated, but a number of legislative and other measures were taken to combat illegality more effectively.

Policy in this area began with the advisory report of the Zeevalking Committee, which advised the government on illegal employment in 1991. In the same year the state blocked access to the formal labour market by imposing sanctions on employers and by establishing a protective ring of documentary requirements around the formal labour market. It became impossible for irregular immigrants to obtain a tax and social insurance number, which had serious implications for their labour market position (van der Leun and Kloosterman 2006; Broeders and Engbersen, 2007).

Second, the state took steps to exclude irregular immigrants from public services (welfare, social security, health care, education, public housing). In 1998, the *Linking Act* came into force (van der Leun, 2003). From then on only immigrants with residence permits could obtain social security and other social benefits. The Act is also known as the ‘Linking Act’ because it permits immigration service registration files, census bureau data, tax identification data and social security data to all be cross-checked to verify the validity of a person’s residence and work status.

In principle, the involvement of irregular immigrants in crime is inhibited by their precarious societal position, in which expulsion is always a risk. However, according to the marginalization hypothesis, a restrictive policy that excludes irregular immigrants from conventional means of existence tends to contribute to subsistence crime: crimes by means of which the offenders try to maintain themselves in the Netherlands. This may be even more true because return to their country of origin is often problematic. Irregular immigrants do not easily decide to go back voluntarily, and expulsion may be

time-consuming and even impossible (van Kalmthout and Van Leeuwen, 2004; Minderhoud, 2004).

The marginalization thesis is supported by a number of empirical studies in the Netherlands. Since the early studies which stressed that most irregular immigrants avoid criminal behaviour (Engbersen and Van der Leun, 1998), subsequent studies have documented a steady rise in arrests for criminal offences. First, whereas in 1997 31% of the apprehensions concerning irregular immigrants concerned criminal offences (Engbersen et al., 2002), this had reached 45% by 2003 (Leerkes et al., 2004), and 49% in 2004 (Boekhoorn, Speller and Kruijssen, 2004: 156). Throughout the years, the most prevalent types of crime for which irregular immigrants are arrested are theft (29% of all apprehensions for crimes), drugs (23%), and false documents (20%). Second, in their ethnographic study Burgers and Engbersen (1999) asked a number of irregular immigrants in Rotterdam (N=165) whether or not they committed crimes in the Netherlands. It turned out that this was more often the case for irregular immigrants without a permanent residency and without family in the Netherlands than for irregular immigrants with a permanent address and with family in the country (N=165). Third, the life stories of the 26 irregular immigrants that were analyzed in chapter 6 show that delinquency can be explained, at least to a considerable extent, by the limited scope the respondents had for meeting social standards that they (as well as their social milieus) considered elementary. Examples included working in the formal economy with someone else's papers in order to contribute to the family income, stealing food from supermarkets in case of homelessness, and dealing drugs in order to finance a dowry.

Reclassification

Public administration usually involves the creation of administrative categories, which are intended to reduce the complexity of social phenomena (Scott, 1998). Compare, for example, the efforts by welfare agencies to distinguish between the 'deserving poor' and the 'undeserving poor' (Katz, 1989). Such classifications, which facilitate the implementation of differential policy, may have severe consequences for the people involved, both those who benefit from public services as well as for those excluded from them.

The state's ways of seeing and its classification practices do not develop in a social vacuum. The development of anti-irregular migration policies can be seen as a reaction to the influx of large numbers of asylum seekers and irregular immigrants in the 1990s, a period in which large numbers of regular citizens were unemployed. Moreover, during the period of study it became less controversial in Dutch society to argue that immigrant crime is a social problem. Although surveys in this field tend to yield ambiguous findings, clear indications of changing public opinion regarding this theme can be found in the International Social Survey Program. As part of the ISSP, two representative surveys on 'national identities' were carried out, in 1995 and 2003 respectively. In 1995, 37.0% of the Dutch respondents (N=1,823) agreed or agreed strongly that immigrants increase crime rates. In 2003 this percentage had gone up to 44.7% (N=2,089). Similar trends can be identified in most other Western countries.

This raises the question whether the state has employed its powers to redefine delinquency and/or immigrant statuses in such a way that the number of irregular crime suspects has increased since 1997, while the behaviour of immigrants has stayed more or less the same. Two basic possibilities suggest themselves.

First, the state may have introduced paragraphs in the criminal law with which irregular immigrants cannot easily comply. This has been the case with the introduction of the limited identification obligation in 1994. Since then, every person in the Netherlands has to be able to prove his identity with a officially recognized identity document such as a passport, at least in certain cases such as when using public transport or when working, but also when suspected of an offence or of residing in the country without permission. But the possibility of this explaining or accounting for the rise in crime among irregular immigrants is limited, because this change occurred years before the period 1997-2003.²

The second possibility concerns the deliberate changing of the residence status of delinquent foreigners by the state. For instance, immigrants - both regular and irregular immigrants - can be declared undesirable aliens. This can be done when regular immigrants are sentenced to prison for at least three years, while for irregular immigrants the criteria are less strict.³ All undesirable aliens are considered illegal aliens, and they are not allowed to return to the Netherlands for five years, or ten years in the case of a conviction for drug trafficking or serious violence. Undesirable aliens can be imprisoned for a maximum of six months every time they are found in the Netherlands within this term, irrespective of whether or not they have committed other crimes.

According to the European Convention on Human Rights, immigrants legally residing in a country have a right to maintain a family life in the country of settlement. This right obviously clashes with the implications of a being an undesirable alien. In case of family ties, the residence status may nevertheless be changed by withdrawing the residence permit and/or by refusing applications for an extension thereof.⁴

In this chapter the term 'status reclassification' will be used as sociological synonym for the changing of a residence status because of delinquency (declaring immigrants undesirable aliens, or the other modes of residence termination).

The criteria for declaring someone an undesirable alien have not changed since 1997. However, the criteria for other modes of status reclassification *have* been loosened. Decisions on residence termination are based on what is called a 'sliding scale' (ACVZ, 2005). This stipulates that the combination of the seriousness of the offence and the length of stay in the Netherlands determines whether a residence permit can be withdrawn. The underlying idea is that legal immigrants gradually build up their right to stay in the Netherlands. In July 2002 the scale was readjusted. The most important change was that regular immigrants now became at risk of losing their residence permit for less serious crimes, at least in the case of short residence durations, i.e. up to five years. Apart from developments in law making, differences in law application also appear to have played a role, for a number of policy projects have been implemented in the Netherlands in order to increase residence termination.⁵

Status reclassification may strengthen the connection between illegal residence and crime in three ways. First, undesirable aliens may in fact remain in the Netherlands, or re-enter the country. In case of further police contacts they contribute, per definition, to the total number of irregular crime suspects, because being in the Netherlands as an undesirable alien is a crime and can be punished as such. Second, we can expect that additional delinquency will be relatively common among undesirable aliens, should they remain. After all, past offending is the best known predictor of future offending (Gottfredson and Hirschi, 1990). Third, former regular immigrants who have been detained because of crimes may be re-apprehended in prison on the ground of illegal residence, so as to be transferred to the Aliens Custody unit in order to be expelled. They may end up in the data on irregular immigrants, while the initial reason for apprehension (for instance a burglary or a murder) may not be erased. Policemen customarily enter the most serious reason for apprehension in the records on irregular immigrants. In theory, an increase in status reclassification might also *reduce* the number of irregular crime suspects, but this effect is probably not strong.⁶

Criminal migration

Offending in the Netherlands does not necessarily have to be the result of a process of marginalization after migration. In some cases delinquency is the primary reason to migrate. Delinquents may decide to cross borders because of criminal opportunities (such as smuggling or theft, in case of large international disparities in wealth), and/or the desire to decrease eventual punishment (because of inadequate international police cooperation, the absence of extradition treaties, international differences in sentencing, or a desire to escape criminal prosecution in the country of origin). In the literature this phenomenon is called criminal migration or cross border crime (Vagg, 1992; van Duyne, 1993; Benyon, 1996; Gaylord, 1999). In this chapter the former term will be used.

The connections between irregular migration and criminal migration are self-evident in the case of human smuggling. This form of smuggling is largely an adaptation to restrictive immigration policies (Torpey, 1999; Kyle and Koslowski, 2001). Most migrants who manage to find their way by breaking criminal laws (illegal border crossing), do not have criminal motives once they have reached the country of destination (Kyle and Siracusa, 2005). For this reason, one might argue that crossing the border illegally with false documents is not a form of criminal migration. Nevertheless, identity fraud on arrival is defined by law as a crime. Furthermore, this type of law-breaking is not a reaction to an unforeseen process of marginalization in the Netherlands.

Dutch criminological literature has documented the phenomenon of 'criminal migration' among regular migrants, but few authors have studied the connections between irregular migration and criminal migration. For example, delinquent Turkish immigrants are found to play an important role in the distribution of heroin (Bovenkerk and Yesilgöz, 1998) and cocaine trafficking is, to a considerable degree, run by South American migrants (Zaitch, 2002). Furthermore, after the fall of the Iron Curtain 'revolving door migrants' from Eastern Europe have been identified as perpetrators of a growing share of certain property offences, such as house burglary and car theft (Bort

2000; Weenink and Huisman, 2003; Von Lampe, 2004). The role of irregular migrants is less clear.

Zaitch (2002) observed that some Colombian drug traffickers reside illegally in the Netherlands simply because they cannot obtain a residence permit. Such a permit was nonetheless preferred by most of his informants because it would ease their setting up legal companies that could serve as ‘fronts’ for drug trafficking. A residence permit was also believed to reduce the risk of expulsion in case of police contacts. Furthermore, it has been reported that a part of the mobile offenders from Eastern Europe are irregular immigrants (Weenink, Huisman and Van der Laan, 2004). It appears that they either enter Western Europe as tourists and overstay, or cross the border in clandestine ways. Cross border brigandage from Eastern Europe was facilitated by the fall of the Iron Curtain, and has risen since the middle of the 1990s as visa requirements for short visits were dropped for what were at the time future member states of the European Union. For instance, visa requirements to Schengen countries were lifted for Bulgaria (2001) and Romania (2001) and to the Netherlands for Poland in the early 1990s.

Policing

The rise in the number of irregular crime suspects could also be a consequence of an improvement in crime detection or crime recording by the Dutch police. Two variants suggest themselves. First, the increase might be due to the general trend in criminal law enforcement whereby the police are more active in detecting crimes in general and in registering their findings, due in part to societal pressure but probably also to changes in recording (Wittebrood and Nieuwbeerta, 2006). If this were the case, this should also be visible in the regular crime figures as collected by the Central Bureau of Statistics (CBS). Second, the increase might be due to the police giving a higher priority to detecting and/or recording delinquent irregular immigrants in order to meet public concerns about unwanted immigration. In a recent evaluation of the Aliens Law 2000 Boekhoorn et al. (2004) argue that the police have become more active in checking the residence status of arrested individuals, and of individuals whose detention is coming to an end, which was actively stimulated under the ‘Foreigners in the Criminal Law Chain’ approach (*Vreemdelingen in de strafrechtsketen*). It could also be that the police have deployed more personnel over time to trace identity fraud by irregular immigrants. Furthermore, in particular in the Amsterdam area – and to a lesser degree in other urban areas as well – specialized teams have been formed to target criminal structures surrounding irregular immigrants, but also to arrest irregular immigrants who are heavily involved in criminal activities (see below).

Ethnic embeddedness

Informal social networks in the country of destination, including criminal networks, are important resources for irregular immigrants. The involvement in crime among irregular immigrants is associated with the involvement in crime among legal immigrants of comparable age and country of origin, even though the former make use of false documents more often than the latter, and appear to be engaged in violence and

vandalism less frequently (chapter 5). Therefore, the rise in crime among irregular immigrants could be an effect of a simultaneous rise in crime among regular immigrants.

Demographic developments

The rise in the number of crime suspects could be a side effect of developments in the composition of the irregular population, or its size. Involvement in crime correlates with sex, age, ethnicity, and the degree of urbanisation (Gottfredson and Hirschi, 1990). It could be that the share of young males from certain ethnic groups and/or the degree of urbanization has grown between 1997 and 2003. It could also be that the number of irregular crime suspects has merely increased proportionally to an increase of the total number of irregular immigrants in the Netherlands.

The six hypotheses explained above primarily serve heuristic ends. They draw attention to different mechanisms that may contribute to the number of irregular crime suspects. In order to put the marginalization thesis to a critical test, the alternative hypotheses were operationalized in ways that put the marginalization thesis at a disadvantage rather than favouring its corroboration.

Data sources, research method and validity

Data sources

The data on apprehended irregular immigrants have been provided by all 25 Dutch police forces and are taken from the *Vreemdelingen Administratie Systeem* (VAS), a national database in which all known aliens are registered. Immigrants who have been handed over by other government agencies (for instance the Labour Inspectorate) are included in this database. The entries include information on nationality, sex, age, date of entry in the Netherlands, date of apprehension, and the most serious reason for the apprehension. Between January 1997 and October 2003 107 322 apprehensions have been registered. Of these, 93 030 concerned non-EU nationals. In about one third (36%) of the latter cases, the reason for apprehension was a suspicion of a crime, i.e. offences that fall under criminal law, and not for instance infractions of immigration laws.

Part of the irregular immigrants in this data base was brought in by the Aliens Police. Some irregular immigrants, for instance, have resided legally in the Netherlands before becoming irregular immigrants. This is the case with rejected asylum seekers. They are required to report to the Aliens Police on a regular basis, and eventually some of them are apprehended in order to be expelled. Others are apprehended by or handed over to the Aliens Police departments after border controls, workplace checks or housing inspections in disadvantaged urban areas. Many irregular immigrants are apprehended by the regular police. They are either crime suspects themselves or they fall into the hands of the police as 'additional catching' when people are asked for their papers in the course of regular policing activities. In the Amsterdam area, furthermore, special teams occasionally target criminal irregular immigrants or those who benefit from them. In the period under

study these teams deployed five coordinated actions under the name *Spirit*, in which approximately 400 irregular immigrants were arrested in total. The first *Spirit* action took place in September 2002.

Almost 70% of the apprehensions in the VAS concern males between 20 and 40 years of age, coming from countries all over the world. The largest groups come from well-known source countries for immigration to the Netherlands such as Turkey, Morocco and Surinam, and now also Eastern European countries (for more details on the composition of the irregular population in the Netherlands see Engbersen et al., 2002). Approximately 15% are rejected asylum seekers, mostly from Sub-Saharan Africa, the Middle East and Central Asia (de Boom, Engbersen and Leerkes, 2006).

The VAS data contain information on the date of entry to the Netherlands in about fifty-five percent of the cases. For persons who initially resided legally in the Netherlands, the date of entry may have been present in the VAS before the actual date of apprehension as an irregular immigrant. The date of entry may also have been registered as a result of previous contacts with the authorities (for instance after arriving at the airport). For recidivists, i.e. irregular immigrants who are registered more than once in these VAS data as illegal aliens, the first date of apprehension may have been registered as the date of entry. Sometimes the police rely on statements by the arrestee about his or her date of entry if these are deemed sufficiently reliable.

At our request, the Dutch Immigration and Nationalization Service (IND) provided us with information on all persons who have been declared undesirable aliens or lost their residence permits in other ways during the period 1997-2003. These IND data could be linked to the VAS data, because persons in both datasets could be identified with unique 'foreigner numbers' which are normally used by the state for administrative purposes.

Finally, statistics on registered crimes among the regular population in the Netherlands in general, and among regular, non-EU immigrants in particular, were collected. The demographic thesis was examined with the help of Cruijff and Van der Heijden's (2004) estimations of the size of the irregular population in the Netherlands. For these estimations, which are based on the VAS data as well, Cruijff and Van der Heijden employed what is termed the capture-recapture method. This method was initially developed by ecologists to estimate the size of animal populations that cannot be observed in their entirety (for a discussion on the validity of this method in the social sciences see van der Heijden, Cruijff and Van Houwelingen, 2003).

Research method

In accordance with previous research (cf. Engbersen and Van der Leun, 2001), the registered reasons of apprehension in the VAS were classified into five categories: (i) illegal residence, (ii) misdemeanours, (iii) minor offences, (iv) serious offences, and (v) drug-related crimes.⁷ The first category contains infringements of the Aliens Act. Such infringements are mildly punishable or not at all. The second category includes misdemeanours that are usually punished with a fine, such as fare dodging, driving under the influence of alcohol, illegal prostitution, and the like. The third category consists of

minor crimes for which imprisonment up to four years can be imposed, such as shoplifting, car and house burglary, vandalism, and staying in the Netherlands as an undesirable alien. The fourth category concerns crimes for which four or more years of imprisonment can be imposed, including violence and robbery, and physical assault. The final category contains various drug-related crimes. These can range from large-scale drug trafficking to petty dealing or the mere possession of drugs. Due to registration practices, drug offences cannot be classified in terms of seriousness. In this chapter we will focus on the last three categories: minor offences, serious offences, and drugs. Apart from formal judicial differences between crimes and misdemeanours, crimes are generally considered 'criminal activities' in Dutch society, while illegal residence and misdemeanours are not (see also van der Leun, 2003).

For every year since 1997 - the first year for which reliable digital data were available - the total number of apprehensions for criminal activities was counted (i.e. for minor offences, serious offences, and drug-related offences). The analyses were limited to what are here termed third-country nationals, i.e. irregular immigrants from countries that were, at the time, not part of the European Union. This includes countries like Poland (EU member since 2004) and Bulgaria (EU member since 2007). The data for the first three quarters of 2003 were extrapolated to 2003 as a whole by multiplying all 2003 figures with 12/9.

Subsequently, indicators for status reclassification and criminal migration were calculated. The indicator for status reclassification consists of the sum of all apprehensions for crimes in the VAS in the period 1997-2003 that concern persons (1) who have been *declared* undesirable aliens in these years, (2) who applied in vain for a residence permit and/or lost this permit in the period examined due to criminal activities, but who were not declared undesirable aliens, and (3) who have been *apprehended* as undesirable aliens in these years but were not declared undesirable aliens in this period (but apparently earlier). These are wide-ranging criteria. The indicator includes irregular immigrants who have been declared undesirable aliens after having committed subsistence crime. The IND data did not lend themselves to a neat distinction between undesirable aliens who were irregular immigrants to begin with, and undesirable aliens who initially had a residence permit. Nonetheless, it is probable that former legal immigrants constitute a large majority of the cases.⁸

A short length of stay in the Netherlands at the time of apprehension indicates criminal migration. An offence was counted as a case of criminal migration if it occurred within three months after the date of entry in the Netherlands (immigration policy too generally uses this period for distinguishing temporary and permanent residence). When controlling for the reclassification and criminal migration hypotheses, all apprehensions that count as instances of status reclassification or criminal migration were *excluded* from the annual totals. If a rise in crime can still be discerned among the remaining cases, it is very plausible that the illegal alien policy has contributed to it. The policing, embeddedness and demographic hypotheses were examined by comparing the trends on delinquent irregular immigrants to general developments in recorded crime in the Netherlands.

Validity

The VAS data provide valuable quantitative insight into illegal residence in the Netherlands in general, and the criminal involvement of irregular immigrants in particular. We already obtained good results with these data (apart from chapter 3 and 4 see Engbersen and Van der Leun, 2001). Nonetheless, police data are inevitably tricky and should be handled with care (see van der Leun (2003)). One of the most critical methodological issues is whether or not the ‘measurement’ of crime among irregular immigrants, as it is expressed in the VAS data, has changed between 1997 and 2003. We believe we have taken this eventuality into consideration by controlling for the policing hypothesis.

Three limitations should be mentioned. Firstly, reclassification effects may be underestimated to a small extent, in particular for the beginning of the period studied (1997, 1998). Some crimes among irregular immigrants may have been committed by former regular migrants who were reclassified before 1997. However, this bias is probably limited, also because reclassification was operationalized according to broad criteria.⁹

Second, the validity of the registered dates of entry could not be tested against other measures. In particular the self-reporting of dates of entry may be problematic. Some persons may have claimed that they have just arrived in the Netherlands in hopes of evading punishment, although length of stay actually makes no difference in this respect. On the other hand, others may have reported extensive residence in the Netherlands in vain hopes of legalization. Fortunately, we are primarily interested in how criminal migration has developed over time. There is no reason to assume that the direction of the latter biases has *changed* during the period 1997-2003.

Third, the share of criminal migration for the cases with no registered date of entry is uncertain. However, it is unlikely that this share is very high.¹⁰ Furthermore, there is no reason to believe that this share has changed considerably between 1997 and 2003.

Testing the alternative hypotheses: results

Table 1 starts with an overview of the number of apprehensions for crime between 1997 and 2003. The police apprehended non-EU irregular immigrants because of crimes 3 203 times in 1997. In 2003 this figure had gone up to 7 557. The number of cases concerning minor offences, serious offences, and drug offences more than doubled between 1997 and 2003 (2003 index: 235). The table also includes figures for the total number of *additional* apprehensions for crime that have taken place from 1998 up to and including 2003, in comparison to the hypothetical situation in which the number of apprehensions for crime would have remained the same as in 1997. It shows that 12 697 additional apprehensions for crime have taken place in these six years (See ‘ ΔN ’ in Table 1: $(3\ 387 - 3\ 282) + \dots + (7\ 713 - 3\ 282)$).

Table 1 also includes estimations of the annual crime rate among irregular immigrants and regular non-Western immigrants, which is defined as the percentage of

the population that is registered as a crime suspect. For the figures on the crime rate among irregular immigrants the estimations by Cruyff and Van der Heijden (2004) of the total size of the non-Western irregular population in the Netherlands have been used. During the 1990s the crime rate among irregular immigrants appears to have been lower than among regular non-Western immigrants. However, the crime rate among irregular immigrants increasingly equals or even surpasses the crime rate among regular immigrants, in particular in comparison to the first generation.

Control 1. Reclassification

Table 2 shows that 5 541 non-EU nationals were declared undesirable aliens between 1997 and 2003, and an additional 928 lost their residence permit or saw their applications otherwise refused because they were considered a threat to public order. Status reclassification has indeed become more common since 1997: compared to 1997, the annual number of cases had almost doubled by 2003.

Not all reclassified immigrants end up in the VAS data, but a substantial number do: they represent about three thousand of the apprehensions for crime. About one third of these cases appear to pertain to cases of status reclassification that occurred before 1997: these crimes involve suspects who have been apprehended as an undesirable alien between 1997 and 2003 at least once, but who were not reclassified in these years. Apprehensions involving reclassified immigrants are concentrated in 2001, 2002 and 2003. Serious offences, in particular violent crimes, are somewhat overrepresented as a reason for apprehension among reclassified immigrants. This difference is expected. We have seen that the possibilities for status reclassification increase with the seriousness of the offence.

In order to control for effects of status reclassification, all cases in the VAS involving 'reclassified' offenders are excluded from the analyses (Table 3, Control 1). If we would still find rising crime rates with the remaining cases, other reasons than reclassification must be responsible. We find that developments in status reclassification explain a limited part of the increase in the number of irregular crime suspects since 1997: whereas for all cases the crime index in 2003 was 235, the crime index for the non-reclassified cases is 225. Furthermore, the levelling-off of the rise in crime as a result of this first control mainly occurs in the years 2001, 2002 and 2003.

Table 1. Apprehensions for crime amongst irregular non-EU nationals and regular non-Western immigrants (1997-2003)

	1997	1998	1999	2000	2001	2002	2003	ΔN
Minor offences	2,232	2,275	2,418	3,384	4,376	5,372	5,487	9,920
Serious offences	377	436	390	451	544	889	971	1,419
Drugs	674	676	584	659	929	1299	1256	1,359
Total	3,283	3,387	3,392	4,494	5,849	7,560	7,713	12,697
Index	100	103	103	137	178	230	235	
Crime rate irregular immigrants ^a	1.4-2.8%	1.5-2.7%	2.3-3.3%	2.6-3.9%	2.2-4.5%	3.2-5.5%	3.4-5.8% ^c	
Crime rate regular immigrants ^a (1 st generation)	4.1% ^b	4.3% ^b	3.3%	3.2%	3.3%	3.4%	3.7%	
Crime rate regular immigrants ^a (2 nd generation)	[no data]	[no data]	4.1%	3.8%	4.1%	4.0%	4.4%	

Notes: ^a These figures do not include immigrants from Eastern Europe, because the estimations by Cruiff and Van der Heijden are less reliable for this group.

^b Calculated on the basis of Boerman, Van Tilburg and Grapendaal (2003: 147). These figures include a number of foreign suspects (~5%), probably mostly irregular immigrants, who told the police they had residence in the Netherlands, while this was not the case according to official census data. The police data for these years were not linked to the registry of births, deaths and marriages (see also chapter 5).

^c These figures are calculated, based on the assumption that the estimation by Cruiff and Van der Heijden for 2003 would be the same as for 2002.

Sources: Vreemdelingen Administratie Systeem, 1997-October 2003, Netherlands' Central Bureau for Statistics (CBS), Statline.

Table 2. Undesirable alien resolutions and (other) residence terminations because of public order interests, non-EU nationals (1997-2003)

	Undesirable	Other	New	In VAS		In VAS (Total)
	Alien ^b	Residence Terminations ^c	reclassifications Total	In VAS (Minor Offences)	(Serious Offences)	
1997	740	25	765	107 (74) ^d	12	135
1998	711	28	739	127 (83) ^d	22	172
1999	742	23	765	137 (91) ^d	41	241
2000	700	48	748	188 (124) ^d	48	412
2001	647	207	854	236 (128) ^d	95	620
2002	896	352	1,248	488 (227) ^d	122	879
2003 ^a	1,105	245	1,350	529 (177) ^d	68	673
Total	5,541	928	6,469	1,812 (904) ^d	408	3,132

Notes: ^a The VAS data for 2003 are extrapolated for 2003 as a whole.

^b Some persons have been declared undesirable aliens more than once in this period; only the first time is counted

^c Only those cases are counted that concern persons who have not been declared undesirable alien in the period 1997-2003.

^d The figures between parentheses concern the number of cases in the VAS when apprehensions for 'undesirable alien' (itself a minor offence) are not counted.

Sources: Netherlands' Immigration and Naturalisation Department (IND); Vreemdelingen Administratie Systeem, 1997- October 2003.

Control 2. Criminal migration

Thirty five percent of all apprehensions for crimes occurred within the first three months of stay in the Netherlands (Table 4). (Thirty percent even occurred within four weeks). The proportion of 'early' crimes differs considerably accordingly to type of crime. This diversity is more easily demonstrated if the reasons of apprehension are not classified according to the seriousness of the offence, but according to the content of the offence. Categories in which the share of early crimes is low are: other violence (13% of the cases occur within three months of residence), simple theft (23%), and other fraud (25%). Three types of criminal migration emerge: drug trafficking (81%), false documents (56%), and theft with burglary and/or violence (28%, in particular the case of Eastern Europe with 39%).

The use of false documents upon entry appears to be quite common among all non-Western third country nationals. Asians (with the exception of Turkey) and Sub-Saharan Africans are somewhat over-represented.¹¹ National disparities are more pronounced for drug trafficking and aggravated theft (theft with burglary or violence). About half of all the registered cases of drug trafficking by third-country nationals within three months involve Latin Americans (including Surinamese), while Latinos represent one out of ten irregular crime suspects. Criminal migration involving aggravated theft is most prevalent among immigrants from Central and Eastern Europe. No less than four fifths of all arrests for aggravated theft within three months of stay involve what were at the time third-country nationals from Europe (mostly Poles, Romanians, Lithuanians, former Yugoslavs), while these nationalities constitute about one out of three irregular crime suspects.

Table 4 makes clear that the marginalization hypothesis cannot explain all crimes committed by irregular immigrants, because a proportion of the criminal activities take place upon arrival or very soon after. These findings indicate the existence of forms of criminal migration. Such forms appear to have risen between 1998 and 2001. While in the mid-1990s about a quarter of all arrests for crimes occurred within three months after entry, by 2001 this percentage had almost doubled. The subsequent fall after 2001 may be related to the growing importance of subsistence crime and status reclassification

Table 3. Apprehensions for crime among irregular non-EU nationals (1997-2003); controlling for alternative hypotheses

	1997	1998	1999	2000	2001	2002	2003	ΔN
After control 1 (reclassification)								
Minor offences	2,177	2,190	2,336	3,254	4,197	4,992	5,084	8,991
Serious offences	374	430	361	415	459	782	935	1,138
Drugs	664	670	530	493	656	1043	1201	609
Total	3,215	3,290	3,227	4,162	5,312	6,817	7,220	10,738
Index	100	102	100	129	165	212	225	
After control 2 (criminal migration)								
Minor offences	1,751	1,732	1,701	1,986	2,277	3,039	3,267	3,496
Serious offences	330	364	297	344	364	678	819	886
Drugs	303	359	314	350	344	472	593	614
Total	2,384	2,455	2,312	2,680	2,985	4,189	4,679	4,996
Index	100	103	97	112	125	176	196	
After control 3a (general policing)								
Minor offences	1,751	1,728	1,686	1,957	2,165	2,672	2,640	2,341
Serious offences	330	363	294	339	346	596	662	620
Drugs	303	358	311	345	327	415	480	418
Total	2,384	2,449	2,291	2,641	2,838	3,683	3,782	3,379
Index	100	103	96	111	119	154	159	
Control 5b (demographic growth)								
Minor offences	1,751	1,853	2,273	2,336	2,187	2,449	2,420	3,011
Serious offences	330	389	397	405	350	546	606	713
Drugs	303	384	420	412	330	380	440	548
Total	2,384	2,626	3,090	3,152	2,867	3,376	3,466	4,272
Index	100	110	130	132	120	142	145	

Notes: ^a Extrapolated figures on the basis of data until October 1st.

^b These figures are calculated, based on the assumption that the estimation by Cruiff and Van der Heijden for 2003 would be the same as for 2002.

Sources: Vreemdelingen Administratie Systeem, 1997-October 2003; Immigration and Naturalisation Service Data (IND); Central Bureau for Statistics (CBS), Statline.

Table 4. Reason of apprehension by length of stay amongst third country nationals (1997-2003)^a

	Simple Theft	Theft with burglary and/or violence	False documents	Fraud other	Drug- trafficking	Drugs other	Violence other	Other crimes	Total
1997	475 (17)	676 (20)	483 (35)	159 (5)	32 (50)	642 (54)	210 (10)	606 (11)	3,283 (26)
1998	495 (20)	677 (22)	519 (30)	132 (14)	59 (34)	617 (48)	262 (15)	626 (11)	3,387 (25)
1999	530 (25)	707 (26)	474 (57)	115 (17)	46 (48)	538 (42)	247 (11)	735 (13)	3,392 (29)
2000	633 (27)	748 (30)	1281 (61)	135 (19)	11 (55)	648 (39)	303 (16)	735 (17)	4,494 (36)
2001	715 (29)	972 (35)	1906 (64)	239 (40)	52 (58)	877 (57)	372 (17)	716 (24)	5,849 (45)
2002	1,033 (24)	1,447 (31)	1,938 (56)	270 (30)	557 (90)	742 (33)	577 (13)	996 (22)	7,560 (38)
2003 ^b	1,129 (21)	1,481 (26)	1,684 (57)	334 (29)	440 (85)	816 (32)	637 (11)	1191 (19)	7,713 (34)
Total	5,010 (23)	6,708 (28)	8,285 (56)	1,385 (25)	1,197 (81)	4,880 (44)	2,608 (13)	5,605 (17)	35,678 (35)
<i>of which:</i>									
Europe (non-EU)	2,820 (31)	3,878 (39)	2,444 (55)	337 (42)	100 (75)	665 (47)	729 (23)	1,740 (26)	12,714 (38)
Africa	1,387 (13)	1,896 (11)	3,147 (53)	709 (21)	367 (74)	2,231 (32)	1047 (10)	2,362 (12)	13,145 (27)
Asia (incl. Turkey)	471 (18)	508 (16)	1928 (58)	224 (17)	82 (87)	594 (40)	617 (9)	1,061 (17)	5,485 (34)
Latin-America	296 (14)	399 (15)	742 (67)	103 (15)	617 (85)	1,294 (61)	194 (9)	377 (12)	4,022 (49)
North-America / Oceania	37 (17)	27 (8)	25 (43)	11 (26)	31 (100)	96 (74)	21 (16)	65 (30)	311 (47)

Notes: ^a Between parenthesis the percentage of apprehensions within three months of arrival.

^b Extrapolated figures on the basis of data until October 1st.

Source: Vreemdelingen Administratie Systeem, 1997-October 2003.

In the second and subsequent controls, all arrests before three months of stay were excluded from the analyses (Table 3). In doing so, the crime index for 2003 indeed drops further from 225 to 196. The decrease is most pronounced for the category of minor offences, including the use of false documents, as well as burglary. The crime index for drugs is hardly affected, because most irregular immigrants who are apprehended for drugs are not apprehended for drug-trafficking but for drug dealing (see also Table 4). The effects of this second control are most pronounced in the years 2001 and 2002, the years with the highest share of criminal migration.

Apparently, a substantial part of the rise in crime among irregular immigrants is indeed due to an increase in criminal migration. In comparison to status reclassification effects, criminal migration explains a larger share in the rise of the number of irregular crime suspects.

Control 3. Policing

The possibility that the rise in the number of irregular crime suspects is a consequence of a change in policing strategies and/or crime recording practices should also be taken into consideration. Two variants suggest themselves: (a) the increase is due to general developments in crime detection and recording; (b) the increase is due to the higher priority police have placed on tracing and/or recording delinquent irregular immigrants in response to public concerns about immigrant crime.

(3a) The total number of crime suspects in the regular population increased by about 24% between 1997 and 2003 (Table 5). This increase is partly the result of considerable expansion of the police forces between 1999 and 2002.¹² More generally, Wittebrood and Nieuwebeerta (2006) also demonstrate that in the period under study the Dutch police have become more active in recording crimes. It may also be that the number of delinquents has *actually* increased in the regular population, for instance because of developments in the size of the regular population, which indeed grew by approximately 5% between 1997 and 2003. But since we wanted to put the marginalization thesis to a critical test, we assumed that the increase in the number of crime suspects is completely a consequence of improvements in crime detection and crime recording by the Dutch police. Hence the number of apprehensions for crime concerning irregular immigrants was divided by the crime index for suspects for the regular population as a whole (i.e. general police figures). For instance, the number of apprehensions in 1997 was divided by 1, the number of apprehensions in 2001 was divided by 1.05, and so on (see the index in Table 5). As a result of these adjustments the crime index among irregular immigrants for 2003 drops from 196 to 159. Still, the rise in the number of irregular crime suspects is considerably more pronounced than in the regular population.

Table 5. Total number of crime suspects in the Netherlands (1997-2003)

Year	Total population	Crime Suspects	Crime rate (%)	Crime index (suspects)
1997	15,567,107	266,292	1,7	100
1998	15,654,192	266,978	1,7	100
1999	15,760,225	268,717	1,7	101
2000	15,863,950	270,212	1,7	101
2001	15,987,075	280,070	1,8	105
2002	16,105,285	302,895	1,9	114
2003	16,192,572	329,470	2,0	124

Source: Netherlands' Central Bureau for Statistics (CBS), Statline.

(3b) In most cases the police target crime suspects regardless of residence status (van der Leun 2003). They often do not know in advance whether a crime suspect resides in the country legally or not. There are two exceptions to this rule. First, it could be the case that the police have deployed more personnel over time to trace identity fraud by irregular immigrants (although the prevalence of identity fraud may also actually have increased, as an adaptation to the law on identification or to gain fraudulent access to the formal labour market). The second exception can be made when irregular immigrants are specifically targeted, as for instance in the Amsterdam area, with its recent police activities under the name of *Spirit*.

For these reasons we excluded *all known cases* concerning false papers - not just the cases that occurred within three months of stay (these having already been excluded when controlling for criminal migration). As a result of this additional control, the crime index for 2003 only dropped marginally from 159 to 154 (figures not in table). Apparently, increased policing of identity fraud hardly accounts for the rise in the number of irregular crime suspects. When the apprehensions that occurred in Amsterdam are excluded in addition, the crime indexes actually increased somewhat, even for 2002 and 2003 when *Spirit* was operational. The rise in crime between 1997 and 2003 has occurred across the country, and is not limited to Amsterdam or other large urban areas (see also control 5a). Also, the supposition that the police increasingly checks and registers the residence status of foreign crime suspects finds very limited support in the data for the rise in crime is much stronger for 'instrumental' crimes that generate income, than for more 'expressive' crimes such as violence.¹³

Control 4. Ethnic embeddedness

The crime rate among non-Western immigrants rose slightly, at least between 1999 and 2003 (no comparable data was available for 1997 and 1998). For instance, for the ages 12 to 80 the percentage of crime suspects among first and second generation immigrants from Africa, Asia and Latin-America was 3.7 in 1999, 3.6 in 2001 and 4.1 in 2003. For Eastern Europeans these figures were 2.3%, 2.4% and 2.6%.¹⁴ These increases are not more pronounced than in the population at large (compare Table 5), which was already controlled for with control 3a.

The embeddedness hypothesis may, at the most, contain some truth for irregular immigrants from specific countries, in particular certain Eastern European countries. For instance, the crime rate among immigrants from the former Soviet Union (ages 12 to 80) rose from 2.0% in 1997 to 3.2% in 2003. This may partly explain why the crime index for 2003 after control 3a is higher for Eastern Europeans (245) than for the other regions of origin (129; figures not in table).

Control 5. Demographic developments

The rise in the number of crime suspects may also have been caused by developments in (a) the composition of the irregular population, or (b) its size.

(5a) Crime involvement correlates with sex, age, ethnicity and the degree of urbanization (Gottfredson and Hirschi, 1990). When estimating the irregular population, Cruijff and Van der Heijden did not make specific estimations of subgroups within the irregular population (apart from a general distinction between Europeans and non-Europeans; see below). But on the basis of the apprehensions in the VAS, it appears that the rise in crime is not the result of a change in the composition of the illegal population with regard to age, sex, ethnicity, and the rate of urban residency.

First of all, the average age of all apprehended third nationals actually *rose* from 28.8 in 1997 to 29.7 in 2003. Furthermore, the share of males has increased only marginally from 79% to 81%. Besides this, the rise in crime is actually more pronounced for women (181 after control 3b) than for men (153). Admittedly, a number of notable changes have occurred with regard to the ethnic composition of the irregular population. For instance, the share of the Eastern Europeans among non-EU nationals in the VAS increased from 30% to 42% between 1997 and 2003, while the share of the North-Africans (a group with a high crime involvement) decreased from 20% to 14%. Yet, it is unlikely that these changes are responsible for the increase in the number of irregular crime suspects. The rise in crime is not limited to specific nationalities; and it turned out that the total rise in crime actually became somewhat more pronounced if developments in the ethnic make-up were corrected for. Finally, changes in the degree of urban residence cannot account for the rise in crime either. The relative number of apprehensions in the four largest cities actually decreased slightly; and the rise in crime is not spatially concentrated within the Netherlands.¹⁵

(5b) There are two proxies for assessing developments in the size of the irregular population: (1) looking at the annual number of apprehensions in the VAS, for crimes but also for illegal residence and misdemeanours, and (2) the estimations by Cruijff and Van der Heijden (2004).

Figure 1 shows the development of both indicators after 1997. All indicators for 1997 have been set at 100, while the year 2003 has been excluded because the estimates by Cruyff and Van der Heijden for that year cannot be compared to the other years (only the first nine months were available at the time and the estimation cannot be extrapolated to the whole year). Both indicators suggest an initial fall, followed by a rise in the size of

the irregular population. The eventual rise is more pronounced according to the first indicator than according to the second indicator. This disparity is probably due to an increase in the chance of apprehension over time, both as a result of the rise in crime and because increased tracing of illegal labour. For instance, between 2001 and 2003 the number of investigations for illegal labour rose from 250 to 880 (Boekhoorn et al. 2004: 140). Cruijff and Van der Heijden's estimations are not sensitive to such developments in the chance of apprehension, at least not in theory.

An important observation is that while the number of Eastern Europeans appears to have risen according to both indicators, the size of other non-EU groups appears to be stable or diminishing somewhat. Hence, it is unlikely that the rise in crime is completely the result of an increase in the size of the irregular population in the Netherlands, for two reasons. First, as we have already seen, the rise in crime is not limited to immigrants from Eastern European countries. Second, the eventual increase in the size of the total irregular population since 2001 is, in any case, much less pronounced than the increase in the number of irregular crime suspects. If we adjust the figures in Table 3 for possible changes in the size of the irregular population as we did for control 3a (using the estimations by Cruijff and Van der Heijden for the available years) the crime rate for 2003 drops somewhat further from 159 to 145. Interestingly, the crime index for 1999 now also mirrors the general trend (see Table 3). While the crime index for 2003 decreases as a result of this final control, ΔN increases; the total number of additional crime suspects would actually have been somewhat higher than has been the case, if the size of the total irregular population had not dropped and then risen, but would have remained constant since 1997.

Conclusion: between openness and closure

The marginalization thesis was subjected to a critical examination, but could not be falsified. Even when we control for all other explanations, marginalization effects appear to be responsible for at least one third of the total increase. The analyses also show, however, that marginalization is not the whole story. A combination of factors has contributed to the rise in the number of irregular crime suspects between 1997 and 2003. Criminal migration and general developments in policing and police registration practices each appear to account for approximately one quarter of the increase in the number of irregular crime suspects, while status reclassification and demographic growth have each contributed one tenth or less.¹⁶

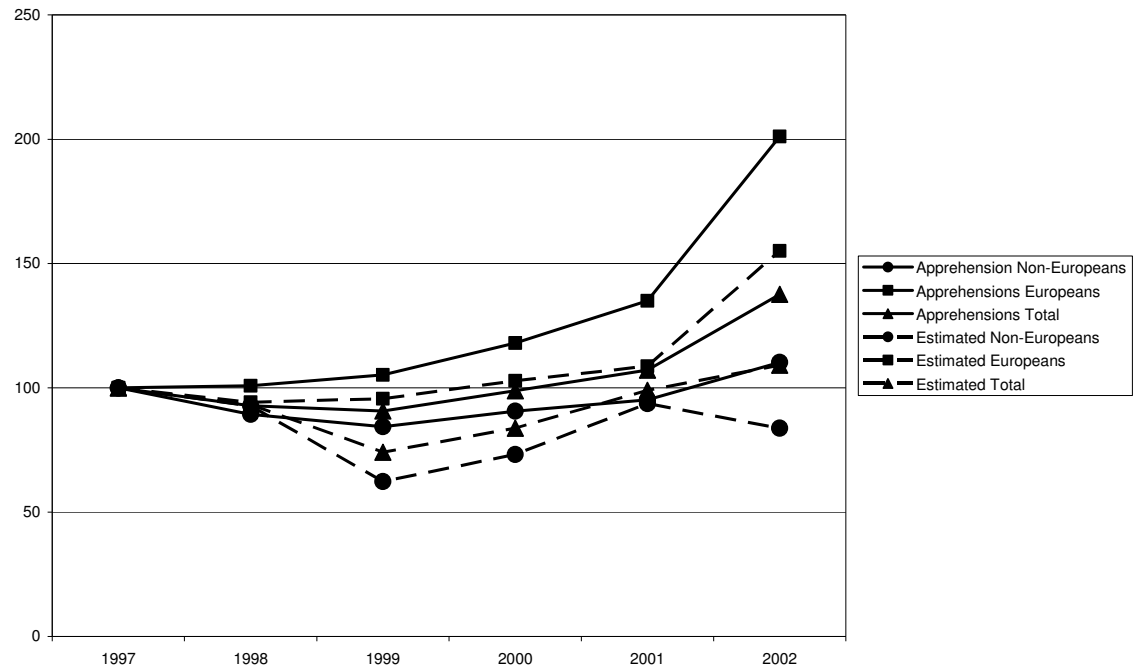


Figure 1. Relative developments in the number of irregular European (non-EU) and non-European nationals

Notes: ^a Cruijff and Van der Heijden's estimations of the size of the irregular European population include (a minority) of irregular Western-Europeans.

Sources: Vreemdelingen Administratie Systeem, 1997-2002; Estimations taken from Cruijff and Van der Heijden (2004, pp. 38-39).

To make the marginalization effects more tangible, we have calculated that the intensification of the policy measures toward irregular immigrants in the Netherlands appears to have caused a minimum of three thousand additional crime suspects in the period 1997 and 2003 because of the effects of marginalization (see ΔN in Table 3). Whether or not this is a high number depends partly on the perspective from which the increase is judged. For irregular immigrants who still reside in the Netherlands the increase is significant. For them, the chances of being involved in subsistence crime appear to have increased, on average, by at least forty percent between 1997 and 2003.¹⁷ On the other hand, from the perspective of public order in the Netherlands, the increase is quite marginal, although the effects may be concentrated in certain areas (see chapter 4). The additional three thousand crime suspects equal 0.15% of all suspects in the regular population for the researched period (see Table 5). Even without the controls, the number of additional crime suspects ($\approx 12,000$) equals no more than 0.6% of all regular crime suspects in these years.

It could be argued that the total criminogenic effects of the restrictive policies toward irregular immigrants may be somewhat stronger, because irregular immigrants were already excluded from the formal labour market in 1991, six years before 1997, which is the first year for which reliable digital data were available. Nevertheless, the empirical findings clearly falsify the social myth that irregular immigrants are responsible for a large share of all crimes in the Netherlands. While irregular immigrants appear to be overrepresented in crime statistics only recently, their criminal activities account for a small part of all crimes that are committed in the Netherlands.

It is unknown at this point to what degree the strict policies on illegal residence discourage irregular immigrants from coming to and residing in the Netherlands. At the moment we have no empirical indications for a decrease in the number of irregular immigrants, although the restrictive policies may have prevented an increase. But even though the effectiveness of the restrictive illegal alien policies remains an open question, our findings do indicate that these policies have unintended and unwanted consequences, such as a rise in income-generating crimes.

In the *Open Society and its Enemies* Popper (1962: 95) has stated that it is the main aim of the social sciences to analyze the unintended consequences of intentional human actions. He stressed the importance of understanding unintended consequences in relation to the logic of situations (Popper 1962: 97). Situational logics are also crucial to understand the unintended repercussions of anti-irregular immigration policies. In some countries immigration policies hardly affect the life chances of irregular immigrants, while in other countries the influence is far-reaching. This study has shown that the lack of a legal status can be a relevant determinant for criminal activities in a well-developed welfare state that has developed a fine-tuned system of internal border controls over the years. Two decades ago the 'context of reception' in the Netherlands was rather different. Since then, the net appears to be closing. But at the same moment there are many Western countries in which the gap between legislation and actual implementation of

exclusionary practices is still wider (see Cornelius et al. 2004). In these countries irregular immigrants have better opportunities to gain access to the labour market (formal and informal) and to refrain from criminal activities. It remains to be seen whether this will also change over time.

On the other hand, while our research has documented the unintended repercussions of closed internal borders, the present analyses also point to the unintended repercussions of open external borders. Open and closed societies generate and facilitate specific forms of crime. In a time in which the free movement of legal goods and certain persons is promoted, it is also much easier for delinquents to migrate for shorter or longer periods of time to commit crimes like drug trafficking or aggravated theft in other countries.

The unintended consequences of restrictive *and* liberal migration management indicate the complexities of dealing with international migration and crime. In other places we have argued for more intelligent policy strategies that counteract the unwanted repercussions of restrictive policies, such as temporary labour migration (including housing facilities), selective regularization programs and effective return policies (Engbersen and Van der Leun 2001; Engbersen, Van San and Leerkes, 2006; Leerkes, Engbersen, Van San 2007). These policies could be complemented with policies to counteract criminal migration. In pre-modern Amsterdam, delinquent vagabonds risked a cut in their cheek, making them more easily identifiable and removable in case of recidivism (Spierenburg, 1995). While such brutal ways of branding are unacceptable to modern standards, there appears to be an undeniable incentive in Western societies to develop more 'civilized' technologies to distinguish desirable migration from unwanted migration (Broeders and Engbersen, 2007). Current examples are filing finger prints, iris scans, and DNA material. Who can rule out the possibility that states will not eventually insert irremovable devices in known 'delinquent bodies', so that such bodies can always be electronically located within the state territory? It can be hoped from a humanitarian perspective that such developments will prove to be less appealing to rich societies than other policy options such as stimulating international police co-operation, subsidizing foreign anti-crime programs and reducing international social inequality.

Nawoord

Naar een mondiale verzorgingsstaat of terug naar het armenhuis?

Inleiding

De Nederlandse socioloog De Swaan heeft eind jaren tachtig, begin jaren negentig van de vorige eeuw in enkele publicaties beweerd dat de druk op de rijke verzorgingsstaten in het westen zal toenemen, omdat het restrictieve immigratiebeleid, volgens hem, niet zal kunnen verhinderen dat zich steeds meer arme migranten zullen vestigen. Hoewel de internationale migratie merendeels zonder grote maatschappelijke problemen zal verlopen, kan een deel van deze nieuwkomers voor de maatschappelijk gevestigden een last gaan vormen. De Swaan veronderstelt daarom dat rijke landen er op lange termijn gebaat bij kunnen zijn om de drang tot emigratie te verminderen, door in arme landen een bestaansminimum te waarborgen. Dit zou volgens hem kunnen gebeuren door potentiële migranten en/of hun familieleden uitkeringen te verstrekken of er gesubsidieerde werkgelegenheid te creëren. (De Swaan benadrukt overigens dat hij dergelijke maatregelen niet noodzakelijkerwijs voorstaat).

In dit laatste hoofdstuk buig ik me over de vraag wat er over deze prognose te zeggen valt in het licht van (1) de ontwikkelingen die zich sindsdien hebben voorgedaan en (2) de resultaten van mijn studie. Zijn er sindsdien contouren van nieuwe armenzorg zichtbaar geworden die in verband kunnen worden gebracht met (illegale) migratie uit arme landen?

In het navolgende volgt eerst een uitleg van De Swaan's onderzoekingen naar het proces van collectivisering van de zorg; daarmee worden de achtergronden van zijn prognose duidelijker. Vervolgens bespreek ik de ontwikkelingen die deels stroken met zijn analyse. Daarna beargumenteer ik waarom de betekenis van deze ontwikkelingen begrensd is en waarom ik daarin voor de voorzienbare toekomst geen verandering zie komen. De analyse mondt uit in een alternatieve prognose waarin niet zozeer een voortschrijdende collectivisering van de zorg de centrale verwachting is, maar een toenemende differentiatie van zorgarrangementen in de vestigingslanden, vanwege een renaissance van oude vormen van armenzorg.

De Swaan's theoretische veronderstellingen

De collectivisering van zorg

Armenzorg heeft in de westerse wereld niet altijd dezelfde vorm gehad. Voor zover historisch gedocumenteerd, lijken er in vroegere landbouwsamenlevingen lokale charitatieve stelsels te hebben bestaan waarin de boeren de armenzorg informeel regelden in eigen kring. Elke boer liet bijvoorbeeld een deel van de plaatselijke armen mee-eten en bood onderdak in de schuur. Vanaf de dertiende eeuw komen daarnaast in sommige steden al wat meer geformaliseerde stelsels op, waarin de plaatselijke notabelen onder geloofsgenoten aalmoezen inzamelen, onder het toezicht van de geestelijken en het

stadsbestuur. Met deze gelden worden de gasthuizen gefinancierd waarin voornamelijk ouderen en zieken worden opgevangen. Vanaf het einde van de 16^e eeuw neemt het zogenoemde armenhuis of werkhuis een hoge vlucht. In deze lokalen worden de armen opgevangen en tewerkgesteld, wat de kosten van de opvang zou verminderen en het arbeidsethos zou vermeerderen. In de twintigste eeuw worden op nationale schaal collectieve werkloosheidsverzekeringen verplicht gesteld.

In zijn magnum opus, *In Care of the State* (1988), probeert De Swaan de opgang en neergang van de genoemde sociale arrangementen sociologisch te verklaren. Hij wil zich niet verliezen in historische bijzonderheden of uitzonderingen, maar probeert een analytisch inzicht te krijgen in de algemene dynamiek van deze ontwikkelingen. De Swaan heeft daarbij houvast aan een aantal theoretische uitgangspunten die deels kenmerkend zijn voor de figuratiesociologie (waarvan Elias de geestelijke vader is) en deels voortkomen uit de welzijnseconomie. Ten eerste veronderstelt De Swaan dat de maatschappelijk sterkeren en zwakkeren steeds van elkaar afhankelijk zijn, ook al slaat de machtsbalans altijd in meer of mindere mate door in het voordeel van de sterkeren. Hij schrijft (1988: 13): “[A]lways and everywhere the condition of the poor depended on that of their counterpart, the rich; or rather, the poorer depended on the richer for survival, the richer on the poorer to maintain their advantage”.

De gevestigden staan volgens De Swaan doorlopend voor een tweeledige opgave. Enerzijds moeten zij, willen zij hun rijkdom behouden, de mogelijkheden benutten die de aanwezigheid van de armen biedt, maar anderzijds moeten zij ook potentiële bedreiging die van hen uitgaat, beheersen. In deze benadering is armenzorg dus slechts beperkt ingegeven door altruïstische overwegingen. De primaire functies ervan zijn het beheersen van problemen op het gebied van de openbare orde – De Swaan vat *openbare orde* op in brede zin; het omvat naast de openbare veiligheid bijvoorbeeld ook de openbare gezondheid – en het in stand houden van een arbeidsreserve.

De Swaan stelt verder dat armenzorg altijd selectief is geweest. Er zijn in de wijze waarop de maatschappelijk gevestigden de armen classificeerden volgens hem steeds drie criteria te herkennen: *ongeschiktheid*, *meegaandheid* en *nabijheid* (vgl. Katz, 1989). De geschikte armen waren degenen die in staat werden geacht om zelf in hun levensonderhoud te voorzien. Als zij daarnaast meegaand of gezagsgetrouw waren, werden ze bij voorkeur geïncorporeerd in het reguliere economische verkeer. Wie rebels was werd vroeger in de eerste plaats weggestuurd of eventueel opgesloten. Om in aanmerking te komen voor het plaatselijke verzorgingsarrangement moesten armen niet alleen ongeschikt en gezagsgetrouw zijn, maar ook ‘nabij’ (of ‘inheems’). Voor ‘vreemde’ armen, zoals zwervers en marskramers, voelden de gevestigden zich het minst verantwoordelijk. Vreemde armen die niet in hun eigen onderhoud konden voorzien, werden als eerste buitengesloten en weggestuurd.

Een ander uitgangspunt is dat de voordelen van de armenzorg publieke goederen zijn. Ook degenen die niet aan de armenzorg hebben bijgedragen profiteren van de verbeterde openbare rust en de beschikbaarheid van een arbeidsreserve. Daarom is er een sterke individuele verleiding om niet aan de armenzorg bij te dragen. Maar als iedereen zo

redeneert, blijven de lasten van de armoede onverminderd groot en de lusten beperkt. De rijkere moeten dergelijke problemen van collectieve actie op de een of andere manier zien te overwinnen.

Ten slotte verandert de armenzorg sterk met de maatschappelijke verhoudingen als geheel, hoewel de maatschappelijke functies ervan identiek zijn. Het is van belang om iets langer bij dit uitgangspunt stil te staan, aangezien juist dit laatste element De Swaan heeft geïnspireerd tot de prognose over het ontstaan van een mondiale verzorgingsstaat.

De veranderingen in zorgarrangementen zijn altijd het gevolg geweest van, en hebben op hun beurt bijgedragen aan, de maatschappelijke dynamiek als geheel. Ooit hadden mensen, in kleinere aantallen, vooral met familieleden en stamgenoten te maken en nauwelijks met buitenstaanders. In een proces van staats- en marktforming zijn de relaties buiten het primaire netwerk echter sterk toegenomen in aantal en belang.

Naarmate de interdependentieketens tussen mensen zich uitbreidden, ondervond elk lokaal verzorgingsarrangement steeds sterker de effecten van de armenzorg (of het gebrek daaraan) op andere plaatsen, waardoor de stabiliteit van die lokale arrangementen afnam. Immers, op plaatsen waar de armenzorg achterbleef – en elke gemeenschap stond bloot aan de verleiding om ‘overtollige’ leden van de gemeenschap uit te stoten – raakten groepen armen op drift. Zij versterkten de gelederen van de bendes van bedelaars en bandieten die in toenemende mate in de hele regio het algemene belang van de openbare veiligheid ondergroeven.¹ Dit probleem nam pas af toen er enkele grote (hof)steden waren ontstaan. Die bleken bereid om een onevenredig groot deel van de zorg voor de landlopers op zich te nemen, omdat juist zij sterk waren gebaat bij veilige toevoerroutes vanuit de ommelanden.

Het voornaamste aspect van de maatschappelijke ontwikkeling die volgens de Swaan heeft bijgedragen aan de hedendaagse verzorgingsstaat, is de opkomst van de arbeidersklasse na de industriële revolutie. Zo waren er in de negentiende eeuw al grote openbare orde problemen ontstaan in de achterstandswijken van de sterk groeiende steden, waar zich vanuit het platteland grote aantallen nieuwkomers vestigden. Toen de industriearbeiders zich vervolgens begonnen te organiseren leken ook hun vakbonden de arbeidsrust en de openbare orde vergaand te bedreigen.² Ook vergt de vorming van nationale verzorgingsstaten de vorming van betrekkelijk gesloten nationale staten als zodanig. Juist de nationale overheden konden de collectieve actie problemen doorbreken door het verplichten van collectieve werkloosheidsverzekeringen en zij konden vreemdelingen – een woord dat sindsdien in het juridische jargon inderdaad de betekenis heeft van ‘niet-landgenoten’ – ervan uitsluiten. Een daarmee samenhangend aspect waarop De Swaan overigens niet expliciet ingaat, is dat met de opkomst van nationale staten de mogelijkheden tot het wegsturen van de eigen overlastgevende armen verder werden ingeperkt, al stuurden Engeland en Frankrijk veel gedetineerden naar speciale koloniën, terwijl Nederland daarvoor, op beperkte schaal, Suriname gebruikte.³

Naar een mondiale verzorgingsstaat?

De Swaan stelt vast dat er tegenwoordig een groeiende stroom armen migreert vanuit de periferie van de moderne wereld naar de wereldsteden in de kerngebieden. Die centripetale stroom van (deels illegale) migranten creëert volgens hem in de rijkere gebieden een belang bij het verbeteren van de levensomstandigheden in arme landen.⁴ Bovendien gaat het ook ditmaal om een probleem dat rijke landen in onderlinge coördinatie zullen moeten oplossen. Zo herhaalt zich volgens De Swaan (1988: 257) op wereldschaal de dynamiek van interdependentie tussen rijk en arm, ook al is er “no historical necessity for the collectivizing process to proceed at a global level”.

Een jaar na het verschijnen van *In Care of the State*, stelt De Swaan (1989a, 1989b) dat rijke landen wellicht de zorg op zich zullen gaan nemen voor de allerarmsten in de wereld, al acht hij de kansen daarop op afzienbare termijn beperkt. Hij wijst ten eerste op de ecologische ontwikkelingen. Zo zullen rijke landen er steeds meer belang bij hebben om ook buiten hun landsgrenzen de milieuvervuiling te verminderen en de natuurgebieden te behouden (overigens is het de vraag of de voordelen die arme landen hier wellicht uit weten te trekken ten goede zullen komen aan hun armen; De Swaan gaat daar niet op in). Ten tweede wijst hij opnieuw op de toegenomen lange afstandsmigratie vanuit arme landen. Hoewel die migratie merendeels zonder grote maatschappelijke problemen zal verlopen, zullen er uit de arme landen volgens hem ook mensen komen die zich niet weten te redden en niet teruggaan:

Die nemen toe in tal en last. De pressie op de westerse verzorgingsstelsels stijgt. Misschien krijgen de rijke landen er dan langzamerhand belang bij om in de arme landen zelf voorzieningen te treffen die daar een minimumbestaan kunnen waarborgen. Dat zou dan het allereerste begin zijn van een supranationaal verzorgingsstelsel. (1989a: 101)

De Swaan voegt daaraan toe dat de machtsverhoudingen niet snel radicaal zullen verschuiven ten gunste van de armen in arme landen. Maar toch (1989a: 101-2) “[n]eemt de onderlinge afhankelijkheid [...] nog toe en op den duur kan daarvan een dwang uitgaan tot grotere gelijkheid.”

Voorstellen voor transnationaal sociaal beleid

In 1994 verschijnt onder redactie van De Swaan *Social policy beyond borders*, waarin diverse auteurs zich buigen over ‘de sociale kwestie in transnationaal perspectief’. Daarin herhaalt De Swaan dat transnationale zorgarrangementen op lange termijn mogelijk zijn als de contemporaine maatschappelijke ontwikkelingen worden “geëxtrapoleerd”. Zo verwijst hij naar de *Eurobarometer* uit 1992, waaruit naar voren komt dat ruim een kwart van de Oost-Europeanen emigratie overweegt. Op grond daarvan zou het aantal Oost-Europeanen dat ‘zeker’ of ‘waarschijnlijk’ zou migreren op ongeveer dertien miljoen komen.

Voorts blijkt De Swaan zijn ideeën in enkele opzichten te hebben verfijnt. Zo stelt hij nu dat *geslaagde* arbeidsmigratie eveneens de druk kan opvoeren tot de vorming

van mondiale verzorgingsarrangementen (en niet alleen de komst van migranten ‘die niet voor zichzelf kunnen zorgen’). Arbeidsmigranten kunnen gevestigde werknemers van de arbeidsmarkt gaan verdringen. In reactie op deze ‘druk van onderaf’ (Elias, 1939) kan ook de gevestigde maatschappelijke onderlaag voor maatschappelijke onrust gaan zorgen. Een ander nieuw element is dat De Swaan voorstellen doet voor transnationale zorgarrangementen. Hij redeneert dat het geven van een uitkering aan jonge mannen vanuit het gezichtspunt van migratiepreventie het meest effectief zou zijn. Zij zijn immers het sterkt geneigd om te migreren. Tegelijkertijd denkt hij dat dit negatieve effecten zou kunnen hebben voor de herkomstlanden, aangezien het de prikkel tot werk verlaagt voor precies die groepen die er aan economische groei zouden kunnen bijdragen. Daarom ziet hij vooral soelaas in het creëren van gesubsidieerde arbeidsplaatsen in de herkomstlanden. Daarnaast zou overwogen kunnen worden om de uitkering niet te verstrekken aan jonge mannen, maar aan de inactieve bevolking (kinderen, gehandicapten, ouderen en alleenstaande moeders):

For the present purpose this is not at all undesirable since it relieves the burdens on the population of working age [want zij hoeven de inactieve bevolking niet langer te onderhouden, AL], indirectly adding to the disposable income in these households and without interfering with the labour market.⁵

Migratiestromen en internationale collectieve actie

Er zijn ongeveer 13 jaar verstreken sinds het verschijnen van *Social Policy beyond Borders*. Er hebben sindsdien diverse ontwikkelingen plaatsgevonden die (deels) stroken met De Swaan’s prognose. Tot een supranationaal verzorgingsstelsel is het niet gekomen, maar ruim bemeten zijn er drie nieuwe of geïntensifieerde vormen van internationale collectieve actie aan te wijzen die mogelijk hebben bijgedragen, of zullen bijdragen, aan grotere internationale sociaaleconomische gelijkheid, terwijl de zorg over ongewilde migratiestromen tot de handelingsmotieven behoort. Die som ik hieronder op, waarbij ik steeds laat zien dat de betekenis van deze ontwikkelingen begrensd is. Vervolgens beargumenteer ik waarom dergelijke internationale inspanningen niet de enige en naar mijn idee ook niet de dominante trend vormen.

Internationaal activisme

Sinds het einde van de jaren tachtig zijn de Verenigde Naties een actievere rol gaan spelen in conflictmanagement, zowel bij internationale oorlogen als bij binnenlandse conflicten (Mack, 2005). Terwijl het aantal conflicten flink daalde vanwege het einde van de koude oorlog, nam het aantal preventieve diplomatieke missies toe van een in 1990 naar zes in 2002. Het aantal missies op het gebied van vredesbevordering (*peacemaking*) steeg in dezelfde periode van vier naar vijftien. Het aantal missies ten behoeve van vredeshandhaving (*peacekeeping*) steeg tussen 1988 en 2004 van zeven naar zestien.

Een vermindering van oorlogsgeweld verkleint vluchtelingenstromen. Vrede is daarnaast een belangrijke voorwaarde voor lokale welvaart. Het is nog onduidelijk in hoeverre het internationaal activisme inderdaad de kansen op vrede verhoogt, al zijn er wel aanwijzingen in die richting (Fortna, 2003). Tegelijkertijd blijkt de VN nog steeds niet bij alle gewapende conflicten een belangrijke rol te kunnen opeisen, zoals pijnlijk duidelijk is geworden toen de Verenigde Staten en enkele bondgenoten in 2003 het Irak van Saddam Hoessein aanvielen.

De uitbreiding van de Europese Unie

Sinds 1994 is de Europese Unie drie keer uitgebreid, waardoor het aantal lidstaten in twaalf jaar tijd ruim is verdubbeld. Bij twee rondes, in 2004 en 2007, ging het merendeels om relatief arme landen uit Centraal en Oost-Europa. Een aantal overige oostelijk gelegen landen is op dit moment kandidaat-lidstaat (Kroatië, Macedonië en Turkije) of heeft te horen gekregen dat ze op termijn lid kunnen worden van de EU (Bosnië en Herzegovina, Servië, Montenegro en Albanië). Het is aannemelijk dat het EU-lidmaatschap de armoede in de nieuwe lidstaten op termijn zal verminderen.

De genoemde uitbreiding van de Europese Unie was volgens sommigen vooral in het belang van de op dat moment meest oostelijk gelegen lidstaten zoals Duitsland, Oostenrijk, Denemarken en Zweden. Vanwege de kleinere geografische afstand hadden juist zij er veel bij te winnen. Vooral zij zagen namelijk handels- en investeringsmogelijkheden (Moravcsik, 1993). Daarnaast waren juist zij gebaat bij politieke stabiliteit in de oostelijke buurlanden. Na de val van de Berlijnse muur was een buitenproportioneel deel van de asielmigratie uit Centraal en Oost-Europa althans terechtgekomen in landen als Duitsland en Oostenrijk (UNHCR, 2001).

Schimmelfennig (2001) betoogt dat het voor uitbreiding noodzakelijk was dat de voorstanders (de nieuwe lidstaten en oostelijk gelegen landen in de EU) het ideaal van de Europese eenwording strategisch konden inzetten. De meer westelijk gelegen landen hadden volgens hem bij de uitbreiding namelijk minder of geen belang. Vooral landen die sterk aangewezen zijn op EU subsidies, zoals Frankrijk en Portugal, vreesden dat de uitbreiding een hervorming van het Europese subsidiestelsel noodzakelijk zou maken. Gegeven deze belangenverdeling had volgens hem een intensivering van de economische samenwerking voor de hand gelegen, zonder verdere politieke integratie. Ook dan hadden de EU-lidstaten kunnen profiteren van de voordelen van integratie (economische groei en politieke stabiliteit), terwijl negatief geachte effecten (hervorming van de EU subsidies, een afnemende van controle over arbeidsmigratie en criminele migratie vanuit de nieuwe lidstaten) kleiner waren gebleven. In dat licht is de afwijzing door de EU-landen van het verzoek tot toetreding van Marokko (1987), terwijl de Europese Unie en Marokko in 2000 wel een handelsakkoord hebben gesloten en op termijn tot een vrijhandelszone willen komen, veelzeggend. In de termen van De Swaan: Oost-Europeanen zijn (tegenwoordig) blijkbaar minder 'vreemde armen' dan Marokkanen.

De externe dimensie van de Europese migratiepolitiek

Met het verdrag van Amsterdam in 1997 heeft de Europese Commissie een grotere rol gekregen in het immigratie-, asiel- en ontwikkelingsbeleid. De Europese Commissie vult die rol vooral in door de ontwikkeling van de zogeheten externe dimensie van de immigratiepolitiek. In dit beleid worden twee strategieën zichtbaar (Boswell, 2003). De eerste strategie is restrictief. Daaronder vallen het exporteren van de klassieke instrumenten van migratiecontrole naar de herkomst- en transitlanden (de landen die migranten aandoen op weg naar de EU), zoals het afdwingen van striktere grenscontroles, migratiewetgeving en het maken van afspraken over terugname van illegale migranten. De tweede strategie manipuleert niet zozeer de mogelijkheden tot internationale migratie, maar probeert de behoefte van potentiële migranten om naar de Europese Unie te migreren, te verkleinen. Een aantal lidstaten heeft daartoe de afgelopen jaren uiteenlopende voorstellen gedaan, zoals het organiseren van informatiecampagnes om illegale migratie te ontmoedigen, het vanuit de Europese Unie interveniëren in conflictregio's, het financieren van regionale opvang van vluchtelingen en het bijdragen aan de lokale economische ontwikkeling, waaronder voorstellen tot het strategisch inzetten van de gelden voor ontwikkelingssamenwerking.

Enkele voorstellen die tot tweede strategie gerekend kunnen worden, zijn op beperkte schaal uitgevoerd. Zo is er in 1999 op Nederlands initiatief (Waren de Nederlandse ambtenaren beïnvloed door De Swaan's werk?) een *High Level Working Group* opgericht ten behoeve van enkele herkomstlanden en transitlanden.. Het budget is onder meer ingezet voor twee projecten in Marokko. Eén project waarin migrantengroepen eigen bedrijfjes opzetten en een project ter stimulering van een bank voor *remittances* van Marokkaanse migranten in Europa (Boswell, 2003). De Europese Commissie heeft daarnaast geld vrijgemaakt voor overige projecten in Marokko waarvan het doel als volgt werd omschreven: “[F]ixer les populations en créant de l’emploi dans les regions source principale de cette émigration”.⁶

In 2003 concludeert Boswell dat er voor dergelijke projecten meer geld vrijgemaakt zal moeten worden, wil de tweede strategie meer dan symbolische waarde hebben. De ontwikkelingen nadien lijken echter vooral te wijzen op een intensivering van de eerste strategie, het externaliseren van de migratiecontrole.⁷

Processen van selectieve incorporatie en uitsluiting: waarom er niet meer gebeurt

Hoewel er dus het nodige is gebeurd in de door De Swaan veronderstelde richting, hebben de genoemde ontwikkelingen de armoede en sociaaleconomische ongelijkheid in de wereld niet (sterk) verkleind. Mondiaal is de armoede sinds het begin van de jaren negentig weliswaar substantieel afgenomen, maar voornamelijk door de economische groei in China. Wordt China buiten beschouwing gelaten, dan is het aantal armen mondiaal gestegen, terwijl hun aandeel in de wereldbevolking licht is gedaald (World Bank, 2007: 9).⁸ In de allerarmste landen, die zich merendeels in Afrika bevinden ten

zuiden van de Sahara, is de armoede zowel absoluut als relatief toegenomen. Aanwijzingen voor de vorming van een internationaal uitkeringstelsel zijn er volgens mij helemaal niet of misschien heel indirect in de EU via het stelsel van Europese subsidies. In wat volgt zal ik daarom ingaan op de vraag waarom internationale migratiestromen niet sterker aanzetten tot transnationaal sociaal beleid.

Selectie op voorhand: beperkte internationale migratie door de allerarmsten

Achteraf blijken de internationale migratiestromen niet de proporties te hebben aangenomen die ze, volgens sommigen, zouden krijgen na de val van de Berlijnse Muur. In de oude lidstaten van de Europese Unie (EU-15) is het aantal Centraal en Oost-Europeanen tussen 1990 en 2001 gestegen met ruim twee miljoen (in plaats van met dertien miljoen).⁹ Van de totale wereldbevolking is naar schatting tussen de twee en drie procent een internationale migrant.¹⁰ Weliswaar vormen migranten inmiddels ongeveer tien procent van de bevolking in westerse landen (Cornelius et al., 2004: 3), maar zeker in vergelijking met binnenlandse migratie blijft de internationale migratie beperkt.¹¹

De recente migratieliteratuur beschrijft diverse factoren die de omvang van internationale migratie beperken (zie bijvoorbeeld Massey et al., 2005; Faist, 2000). Zo wordt onder meer gewezen op de relatief hoge kosten en risico's van lange afstandsmigratie. De ongeveer twee miljard allerarmsten die er wereldwijd volgens de Wereldbank zijn – nota bene: dit zijn mensen die dagelijks minder dan twee dollar te besteden hebben en vaak minder dan een dollar – kunnen internationale migratie simpelweg niet betalen.

Maar ook sociale redenen dragen bij aan *distance deterrence*, waarin de kans op migratie daalt met de te overbruggen afstand (Molho, 1995). Veel mensen willen helemaal niet lange tijd (ver) weg; immobiliteit vergroot doorgaans de kans op maatschappelijke acceptatie en integratie in sociale en familiale verbanden (Fischer, Martin en Straubhaar, 1997).

Wie toch weg wil, kan zich lang niet altijd ergens vestigen, zelfs al zou zij het geld hebben om te reizen. Sociale en culturele bindingen tussen potentiële migranten en gevestigden in de bestemmingslanden ondersteunen migratie. Dergelijke banden (familiebanden, economische banden, overeenkomsten in taal et cetera) ontwikkelen zich weliswaar in toenemende mate, maar nog het minst onder de allerarmsten. De armste landen leveren dan ook zeker niet de meeste emigranten en de meeste internationale emigranten behoren niet tot de allerarmsten, migranten zijn veeleer de *topdogs* van de *underdogs*. (Dit laatste heeft vermoedelijk minder sterk gegolden voor de arbeidsmigranten die *geworven* zijn in de landen rond de Middellandse Zee en geldt tevens in mindere mate voor volgmigranten.)¹²

De toenemende regulering van migratie draagt nog bij aan de selectiviteit van internationale migratiestromen (zie ook Carling, 2002; Turner, 2007). Westerse landen proberen bepaalde migratiestromen te bevorderen en andere af te houden. Daartoe worden in toenemende mate nieuwe technologieën ingezet (Broeders, 2007). Hoogopgeleide kennismigranten zijn steeds meer welkom omdat landen met hen de

economische concurrentie beter aan denken te kunnen. (Zie bijvoorbeeld de recente plannen om in EU verband een 'blue card' in te voeren waarmee kennismigranten kunnen gaan werken in willekeurig welk EU land.)¹³ Meer informeel worden echter er ook migranten aan de onderkant van de arbeidsmarkt geworven. Illegale arbeidsmigranten zijn meestal eveneens betrekkelijk vermogend (afgemeten aan economisch kapitaal, sociaal kapitaal, *human capital*), al doen ze vaak werk dat onder de reguliere beroepsbevolking in de rijke landen niet erg in trek is, zoals werk in de land- en tuinbouw, de prostitutie, de particuliere schoonmaak en dergelijke. Daardoor is er overigens ook maar beperkt sprake van 'verdringing'.¹⁴

Regulering verhoogt vooral de migratiekosten voor wie niet aan de officiële criteria voldoet en evenmin door gevestigden wordt geholpen om zich clandestien te vestigen, bijvoorbeeld met een toeristenvisum. Reizen met een smokkelaar is aanmerkelijk duurder dan reguliere migratie, terwijl de risico's, zoals de kans op een ongeval, groter zijn en de opbrengsten onzekerder.

Door de genoemde economische, sociale en politieke selectieprocessen is de relatie tussen inkomen en (arbeids)migratie niet lineair: migratie neemt eerst toe als in het herkomstland het inkomen stijgt om pas voorbij een bepaald punt af te nemen. Bij lange afstandsmigratie ligt het keerpunt bovendien bij een aanmerkelijk hoger inkomen dan bij binnenlandse migratie. Dit verschijnsel staat in de migratieliteratuur bekend als de 'migration hump' (migratiebult) (Martin, 1993; Martin en Taylor, 2001). Dit is een belangrijk verschil met de korte afstandsmigratie in het verleden, die te voet kon worden afgelegd.

De opportuniteit en effectiviteit van transnationaal sociaal beleid

Martin en Taylor (2001) stellen dat het strategisch inzetten van economische ontwikkeling ten behoeve van een vermindering van de internationale migratie vanuit arme landen weliswaar mogelijk is, maar pas als de lonen in het bestemmingsland minder dan vier of vijf keer zo laag zijn als in het herkomstland. Op korte termijn zal er bovendien sprake zijn van toenemende emigratie aangezien het inkomen in het herkomstland eerst zal stijgen tot onder het punt van maximale emigratie. Ook nemen de banden tussen het herkomst- en bestemmingsland die migratie kunnen faciliteren, met de economische ontwikkeling toe.

Op grond van deze hedendaagse kennis over internationale migratie is het waarschijnlijk dat elementaire uitkeringen aan armen in arme landen vooral zouden fungeren als migratiesubsidies, zelfs als de actieve bevolking ervan wordt uitgesloten.¹⁵

Migratieonderzoekers en beleidsmakers vormen hechte netwerken: ook de laatstgenoemde sociaalwetenschappelijke kennis is doorgedrongen in Brusselse kringen (Boswell, 2003). Beleidsmakers blijken zich te realiseren dat economische ontwikkeling, voor zover die überhaupt ingezet kan worden voor migratiepreventie, niet gericht zou moeten zijn op de allerarmsten. Maar die gedachte blijkt op morele bezwaren te stuiten in de ambtelijke kringen waar de ontwikkelingshulp altruïstisch wordt gelegitimeerd.

Een andere conclusie die uit het voorgaande kan worden getrokken is dat de bestemmingslanden er geen belang bij hebben om de behoefte tot emigratie volledig weg te nemen. Er bestaat vraag naar meer *en* minder geschoolde migranten. Het handhaven van de *status quo* genereert weliswaar bepaalde negatieve neveneffecten, zoals een sterke toename van de kosten voor veiligheid en detentie (zie hierna), maar garandeert ook een grote mondiale arbeidsreserve.

Nadere uitsortering na vestiging

In het voorgaande ben ik ingegaan op de selectieprocessen die aan emigratie voorafgaan. Die verminderen de opportuniteit en effectiviteit van transnationaal sociaal beleid in hoge mate. Dit wordt nog versterkt doordat het proces van uitsortering na vestiging doorgaat. In wat volgt ga ik kort in op de laatstgenoemde selectieprocessen.

Migranten met een verblijfsvergunning worden in Nederland in toenemende mate verplicht, en in staat gesteld, om ‘in te burgeren’. De staat kan de verblijfsvergunning juist weer intrekken ingeval van criminele activiteiten. Binnen de illegale bevolking vindt er eveneens een nadere uitsortering plaats. Nader beschouwd blijkt lang niet elke illegale migrant voor alle gevestigden even ongewild of overlastgevend te zijn. Illegale migranten zonder sociale bindingen kunnen die alsnog proberen te verwerven, door middel van werk en/of een partner. Degenen die daar in slagen bedreigen de openbare veiligheid nauwelijks. De illegale verblijfsstatus garandeert juist dan grote terughoudendheid ten aanzien van regelovertreding, omdat de noodzaak tot bestaanscriminaliteit door het sociaal kapitaal voor een belangrijk deel is weggenomen. Dergelijke illegalen hebben bovendien een grotere kans op legalisering, via een huwelijk of bij eventuele legaliseringsacties.¹⁶

De ‘bedreiging voor de gevestigden’ is vooral geconcentreerd in de groep die dan nog resteert. Die groep wordt echter voor een belangrijk deel uitgezet nadat de eerste politiecontacten hebben plaatsgevonden wegens criminaliteit, wegens dakloosheid, wegens het wonen in illegale pensions en dergelijke. Bij reguliere migranten ligt de wettelijke norm hoger, maar ook zij riskeren in toenemende mate uitzetting bij criminele activiteiten.

De bedreiging voor de gevestigden lijkt inderdaad te groeien – ook omdat uitzetting vaak mislukt (zie hierna). Maar het aantal niet-westerse armen dat migreert en daadwerkelijk en blijvend de openbare orde bedreigt, is vermoedelijk veel te klein om in verzorgingsstaten als Nederland een zwaarwegend belang te creëren om de internationale sociale ongelijkheid sterk terug te dringen. (Daarbij moet overigens wel worden aangetekend dat zich vooral ook onder tweede generatie migranten nog omvangrijke criminaliteitsproblemen kunnen voordoen.)

Vooruitzichten voor de lange termijn

De Swaan is nooit expliciet ingegaan op de hierboven beschreven selectieprocessen, terwijl daarin voor een belangrijk deel precies de ‘dimensies van de armoede’ terugkeren

uit *In Care of the State*. Niettemin stelt hij in 1997, terugblikkend op zijn prognose, dat “many of the external effects of remote poverty may be effectively warded off through the exclusion of poor populations and thus fail to trigger any impetus towards transnational collective action”.¹⁷ Nadat hij een aantal andere aspecten heeft besproken die voor de ontwikkeling van transnationaal sociaal beleid van belang zijn, concludeert hij (1997: 573): “At present the prospect [of transnational social policy] seems to be receding into an ever distant future”. Als de druk daartoe moet komen van internationale migratie, dan lijken me de vooruitzichten zelfs op de lange termijn ongunstig.¹⁸

In het laatste deel van dit nawoord wil ik de ontwikkelingen bespreken die niet wijzen op een verdere collectivisering van de zorg in de herkomstlanden, maar veeleer op een toenemende differentiatie van de armenzorg in de vestigingslanden, vanwege een renaissance van oude vormen van armoedezorg en -beheersing.

Het alternatieve scenario: naar oude vormen van armenzorg voor nieuwe groepen

Het zachte gezicht van illegalenzorg: informele hulp aan the deserving poor

In een periode dat de verzorgingsstaat werd versoerd zijn er in Nederland op lokaal niveau aanvullende sociale vangnetten ontstaan van meer informele aard. Vooral (illegale) migranten zijn daarop sterk aangewezen. Zo was in 2002 uit een casestudie in Den Haag en Leiden naar voren gekomen dat er vaak sprake is van solidariteit met illegale migranten (Rusinovic et al, 2002; Van der Leun, 2004). Er bleken diverse informele vormen van ‘illegalenzorg’ ontstaan. Een bonte verzameling van kerken, particuliere initiatieven, migrantenorganisaties, linkse actiegroepen en ambtenaren bleek betrokken te zijn bij steun aan, en opvang van, illegale migranten. De betreffende instellingen en individuen bieden ieder voor zich op specifieke manieren hulp, waaronder het verstrekken van maaltijden (zie ook de opkomst van de voedselbanken in Nederland sinds 2001 (Desain et al., 2006)), het geven van juridisch advies of informatie over gezondheidszorg, het regelen van tijdelijke huisvesting, het aanbieden van taallessen en dergelijke.

Lokale overheden blijken eveneens bij te dragen aan de opvang van bepaalde categorieën illegale migranten. Zij subsidiëren die opvang of zijn die soms zelf gaan organiseren. Volgens een inventarisatie van de Vereniging van Nederlandse Gemeenten bleken in de tweede helft van 2002 170 van de ruim vierhonderd Nederlandse gemeenten direct of indirect opvang te bieden. Daarvan maakten ruim tweeduizend personen gebruik (Van der Leun, 2004). De gemeentelijke steun is alleen gericht op uitgeprocedeerde asielzoekers.

Van der Leun benadrukt dat de genoemde lokale netwerken vrij los en georganiseerd zijn. De personen en organisaties vangen elk een klein deel van de vraag op. Bovendien kan niet elke hulpvragende migrant worden geholpen, vanwege de beperkte middelen. De organisaties moeten selectief hulp bieden en hanteren noodgedwongen criteria over wie er wel en niet hulp krijgt. Daarin is het aloude

onderscheid te herkennen tussen de *deserving poor* en de *undeserving poor*. Zo hebben uitgeprocedeerde asielzoekers ('vluchtelingen') een grotere kans op hulp dan andere groepen illegale migranten ('gelukszoekers'). Dit geldt zowel voor de hulp vanuit als vanuit de meeste kerken. Vrouwen en kinderen hebben meer kans op opvang dan alleenstaande mannen.¹⁸

In andere westerse landen, zoals België (Van Meeteren, Van San and Engbersen, 2007) en Duitsland (Alt, 1999), lijken zich soortgelijke ontwikkelingen te hebben voorgedaan.

Het harde gezicht van 'illegalenzorg': detentie voor the undeserving poor

Er ontstaat in Nederland, en vermoedelijk ook in andere landen, een groeiende groep illegalen die geen of onvoldoende betaald werk vindt, geen ondersteunende familie of partner heeft *en* voor een belangrijk deel is uitgesloten van de genoemde informele sociale vangnetten. Zij worden in toenemende mate ongewenst vreemdeling verklaard vanwege herhaald illegaal verblijf, meer of minder ernstige criminele activiteiten of een combinatie daarvan. Er kan sprake zijn van problematisch druggebruik (hoofdstuk 6, zie ook Molenaar, 2007). De omvang van deze groep is nog onbekend, maar vermoedelijk gaat het in Nederland om enkele honderden tot enkele duizenden personen. Het betreft voornamelijk, maar niet uitsluitend, volwassen mannen.

Een aanzienlijk deel van deze groep kan niet worden uitgezet, mede doordat herkomstlanden juist dergelijke migranten liever niet terug lijken te willen nemen.²⁰ Voor deze groep lijkt detentie de dominante vorm van 'illegalenzorg' te worden (zie ook Wacquant, 2006). Het betreft enerzijds detentie in reguliere gevangenissen. Zo is in de periode 1994-2006 het aantal gevangenen dat buiten Nederland is geboren, bijna verdubbeld: op 30 september 1994 betrof het 4.370 personen, op 30 september 2006 9.045.²¹ Die toename heeft meerdere oorzaken en houdt deels verband met de hardere aanpak van drugs-smokkel. Het aantal personen in de Vreemdelingenbewaring is echter ruim verzesvoudigd: op 30 september 1994 verbleven 425 personen in de Vreemdelingenbewaring, op 30 september 2006 2.555.²² In West-Europa zijn inmiddels meer dan tweehonderd detentiecentra voor illegale migranten (Broeders en Engbersen, 2007).

Van Kalmthout en Van Leeuwen (2004) hebben onderzoek gedaan in twee grote Nederlandse instellingen voor Vreemdelingenbewaring: de PI Tilburg en de PI Ter Apel. Daaruit blijkt dat de gemiddelde verblijfsduur er de afgelopen jaren bijna is verdubbeld, van 44 dagen in 1995 tot 80 dagen in 2003.²³ Van Kalmthout en Van Leeuwen vinden verder dat het percentage geslaagde uitzettingen, ondanks de toegenomen inspanningen om illegale vreemdelingen uit te zetten, vrijwel ongewijzigd is gebleven op een krappe vijftig procent.²⁴ Daarnaast rapporteren ze dat minimaal 29% van de gedetineerden voor het moment van inbewaringstelling al eens gepresenteerd was bij een ambassade of consulaat ten behoeve van de uitzetting.²⁵

Formeel is detentie in de Vreemdelingenbewaring vooral een hulpmiddel voor uitzetting (ACVZ, 2002). De staat kan een vreemdeling in bewaring stellen totdat het land van herkomst een zogeheten *laissez passer* afgeeft. Dit mag voor de duur dat daarop een reëel perspectief is. In die tijd kan de vreemdeling niet ‘verdwijnen’ in de illegaliteit. Als de uitzetting voorspoedig verloopt, duurt het verblijf doorgaans maar enkele dagen of weken. Is uitzetting problematischer of uiteindelijk onmogelijk, dan kan de verblijfsduur oplopen tot meer dan een jaar aaneen.

De cijfers van Van Kalmthout en Van Leeuwen zijn in overeenstemming met de idee dat de Vreemdelingenbewaring in toenemende mate een rol vervult als een soort laatste opvang voor sterk gemarginaliseerde illegale migranten. Daarvoor heb ik zelf ook aanwijzingen gevonden tijdens mijn veldwerk in de PI Tilburg. Diverse mannen die ik sprak bleken meerdere keren in Vreemdelingenbewaring te hebben gezeten. De geestelijken en psychologen die in de instelling werken, bleken sommige gedetineerden vrij goed te kennen van eerdere verblijven. Instellingsmedewerkers vertelden dat de politie uit de grote steden soms ongewenst vreemdelingen in bewaring laat stellen als er bijzondere festiviteiten plaatsvinden, zoals Koninginnedag.

Ook illegale migranten lijken soms bij te dragen aan deze informele opvangfunctie. Zo vertelden inrichtingsmedewerkers dat gedetineerden (men sprak onderling van ‘vreemdelingen’) soms de voorkeur geven aan een verblijf in de Vreemdelingenbewaring boven een verblijf op straat. Het zou zelfs zijn voorgekomen dat een gedetineerde die werd heengezonden omdat er geen *laissez passer* kon worden verkregen, in de bossages direct buiten de inrichting een provisorisch kampement inrichtte. Hoewel de meeste illegale mannen die ik interviewde het verblijf in de Vreemdelingenbewaring een moeilijke en – vooral als ze niet waren aangehouden voor misdrijven – vernederende ervaring vonden, oordeelden sommige respondenten er minder negatief over. Een Iraanse ongewenst vreemdeling, die al jarenlang deel uitmaakte van de groep straatgebruikers in de Amsterdamse Bijlmer, beweerde dat hij soms delicten bekende die hij niet had gepleegd om tijdens detentie bij te komen van het leven op straat.

Deze meer onbedoelde functies van detentie vertonen veel gelijkenis met de vroegere armenhuizen, vooral met de vroegste varianten daarvan, de zogeheten tuchthuizen of werkhuisen. Die kenmerkten zich eveneens door een sterke mate van sociale controle en repressie (Poederbach, 1932; Katz, 1986; Wagner, 2005; Van Leeuwen, 2000). En ook in die “instellingen van armenpolitie” (Poederbach, 1932: 20) werden werkloze armen opgesloten die geen of lichte vergrijpen pleegden. Een Amsterdamse verordening uit 1613 omschrijft de doelgroep van de tuchthuizen als volgt:

Groote menigte der voorsz. Bedelaars ende vagebonden, sterke luye Lediggangangers, soo mannen als vrouwen alhier ter Stede bevonden worden, die den rechten nooddruftigen de aelmoessen ontstelen, tot groten last van de Gemeente ende Burgerye, ende hen gemeenlick tot lediggaan, ruyschen, spelen, dronkenschap, hoerdom ende andere godloosheid begeven,

daer onder Verspieders Nachtrovers ende Dieven (soo dickwils bevonden is) mogen schuylen.²⁶

In de latere werkhuisen was het verblijf in sterkere mate ‘vrijwillig’. Armen konden zelf een opnameverzoek indienen. Ook kwam er een recht op verlof onder de voorwaarde dat men zich goed gedroeg. Later kregen de geïnterneerden bovendien een elementair arbeidsloon, terwijl de opbrengsten eerst volledig ten goede kwamen aan de instelling. Dergelijke armenhuizen, die een Hollandse vinding waren, hebben in veel westerse landen bestaan vanaf het eind van de 16^{de} eeuw tot in de tweede helft van de 20^{ste} eeuw (Wagner, 2005). De overgang tussen de vroege en latere armenhuizen ligt eind achttiende, begin negentiende eeuw.

Er zijn tevens verschillen tussen de huidige detentiepraktijk en de vroegere tucht- en werkhuisen. Maar het voornaamste verschil is een verschil in ideologie. Waar illegale migranten officieel niet worden voorbereid op terugkeer in de samenleving terwijl dit vaak wel gebeurt, diende het verblijf in de werkhuisen dat doel nadrukkelijk wel ook al verliep die terugkeer vaak niet zoals de gevestigden het zich hadden voorgesteld. Immers, in de armenhuizen was arbeid verplicht vanuit de gedachte dat de armen zo gecorrigeerd konden worden in hun gedrag en op een nette manier voor zichzelf leerden zorgen (Foucault, 1977). Maar mede doordat dit laatste vaak niet lukte, ontwikkelde het armenhuis zich steeds meer van een op hervorming gerichte institutie om pauperisme te bestrijden tot een opvanghuis voor de armen (Wagner, 2005).²⁷ In de Vreemdelingenbewaring is arbeid niet verplicht. De gedetineerden hebben een wettelijk recht op arbeid; het arbeidsloon bedraagt €2,56 per uur (Van Kalmthout en Van Leeuwen, 2004: 80).

Tot besluit

Samenvatting

Ik heb betoogd dat er enkele maatschappelijke ontwikkelingen plaatsvinden in de door De Swaan gesuggereerde richting; rijkere landen zijn zich gezamenlijk meer gaan inspannen om ‘ongewilde migratiestromen’ te weren op manieren die ten goede komen aan de politieke stabiliteit en economische ontwikkeling in arme landen. Ik heb vervolgens beargumenteerd waarom er niet meer gebeurt in deze richting: diverse sociale, economische en politieke selectieprocessen verkleinen de opportuniteit en effectiviteit van een transnationale armenzorg sterk. Daardoor lijkt de dominante trend veeleer te wijzen op een differentiatie van de armenzorg in de *bestemmingslanden* onder invloed van een renaissance van oude arrangementen. (Die oude nieuwe arrangementen hebben uiteraard wel betrekking op migranten die uit veel verder gelegen gebieden komen dan voorheen; er is als het ware sprake van een ‘progressieve regressie’ in het collectiviseringsproces.)

De differentiatie van de armenzorg is tweërlei. Ten eerste vinden de genoemde vormen van armenzorg plaats in de schaduw van een nationale verzorgingsstaat met zijn

versoerde maar nog altijd superieure stelsel van sociale zekerheid. Ten tweede zijn deze 'nieuwe' arrangementen zelf veelvormig. Ze omvatten zachtere en hardere varianten, die bovendien zowel variëren in de mate van formalisering als het schaalniveau waarop ze zijn georganiseerd (lokaal en nationaal).

Naar een recht op opvang en een verdere differentiatie van burgerschap?

Internationale migratie vanuit armere naar rijkere landen zal zich blijven voordoen, misschien zelfs in versterkte mate (zie hoofdstuk 3). Als het aantal migranten dat zich met toestemming van de staat mag vestigen achter zal blijven bij de maatschappelijke behoefte, terwijl de effectiviteit van het uitzettingsbeleid niet toeneemt, zal illegaal verblijf een substantiële omvang behouden. De sociale figuur van de illegaal zal dan van structurele aard zijn. De meeste illegale migranten zullen zich goed weten te redden. Toch zal zich binnen de illegale bevolking een subgroep blijven aftekenen die sterk is aangewezen op zorg, terwijl de meeste instituties van de verzorgingsstaat voor hen zijn afgesloten.

Er is in Nederland al in verschillende opzichten sprake van gedifferentieerd burgerschap. Zo hebben vreemdelingen met een verblijfsvergunning niet alle politieke rechten die Nederlanders tegenwoordig hebben. Burgers van andere EU-lidstaten zijn vrij om zich in Nederland te vestigen, maar als zij een bijstandsuitkering aanvragen vervalt het verblijfsrecht. Ook illegalen hebben enkele elementaire rechten. In Nederland is er sprake van een recht op elementaire medische zorg en juridische bijstand, al mag de zaak alleen in Nederland worden afgewacht in het geval van mensenhandel. Kinderen zonder rechtmatig verblijf hebben recht op onderwijs.

Misschien zal straks blijken dat de heropleving van oude vormen van armenzorg een opmaat is geweest tot een verdere formele differentiatie van burgerschap. De gevoelde behoefte aan opvang voor illegale migranten zou op termijn kunnen leiden tot de invoering van een recht op elementaire opvang voor bepaalde illegale migranten, bijvoorbeeld voor mensen waarvan vast is komen te staan dat uitzetting onmogelijk is. Daarvoor is ook wel iets te zeggen; er zou in elk geval een maatschappelijke discussie over moeten worden gevoerd. Zo zouden de huidige detentiepraktijken wegens het overtreden van de Vreemdelingenwet, het verblijven in Nederland als 'ongewenst vreemdeling' en/of het plegen van (andere) lichte delicten, misschien in humanere banen geleid kunnen worden. Misschien kunnen de latere armenhuizen daartoe tot voorbeeld strekken.

Er kleven uiteraard diverse bezwaren aan een dergelijk recht op opvang en de geïmpliceerde verdere differentiatie van burgerschap. Een daarvan is dat we daarmee niet ver verwijderd zijn van de pre-industriële standenmaatschappij waarin geboorte en niet zozeer prestatie de maatschappelijke positie bepaalde. Dit bezwaar zou wellicht verminderd kunnen worden door bepaalde groepen illegale migranten de mogelijkheid te geven om rechtmatig verblijf te verdienen, net zoals reguliere migranten uiteindelijk het staatsburgerschap kunnen verwerven (vgl. Entzinger en Van der Meer, 2004). Een ander bezwaar is dat eventuele armenhuizen ten behoeve van illegale migranten zeer

elementaire zorg zouden moeten bieden en bij voorkeur ingevoerd zouden moeten worden op Europese schaal, willen zij niet gaan fungeren als magneet voor onuitzetbare illegalen uit andere EU-landen. Want zover is de internationale integratie toch wel voortgeschreden, daarin heeft De Swaan zonder meer gelijk.

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Noten

1. Restrictief immigratiebeleid, illegaal verblijf en openbare veiligheid

¹ Terwijl het aantal niet-Europese illegalen constant blijft, lijkt recent het aantal Europese illegalen wat te zijn gedaald doordat een groeiend aantal Oost-Europeanen verblijfsrecht heeft gekregen als burger van een jonge lidstaat van de Europese Unie (zie voor de meest recente schattingen Van der Heijden et al., 2006).

² Volgens Castles en Miller wonen er in Italië ongeveer 1,5 miljoen (eerste generatie) legale migranten met een verblijfsvergunning en daarnaast ongeveer 300.000 illegale vreemdelingen. In Nederland wonen ongeveer evenveel reguliere eerste generatie migranten (circa 1,6 miljoen), maar waren er tijdens de onderzoeksperiode, zoals gezegd, naar schatting 150.000 illegale vreemdelingen.

³ Zie Van Heek (1936) voor een prachtige pioniersstudie over Chinese immigranten in Nederland. Het naoorlogse taboe betrof overigens vooral onderzoek waarin niet louter sociaaleconomische verklaringen werden gezocht van etnische criminaliteitspatronen (zie ook Van Gemert, 1998).

⁴ Dit zijn overigens niet per definitie de groepen waarvan we in wetenschappelijk opzicht het meest te leren hebben. Er zou meer onderzoek gedaan moeten worden in migrantengroepen met een lage verdenkingsgraad.

⁵ Ik vermoed dat de achterstand van het buitenlandse onderzoek te maken heeft met de grotere terughoudendheid om onderzoek te doen naar criminaliteit bij migranten en etnische minderheden. Een andere reden is dat de registratiepraktijken in het georganiseerde Nederland zich vrij goed lenen voor wetenschappelijk onderzoek (al moest er op dat gebied ook veel werk worden gedaan door eerdere onderzoek(st)ers, vooral door Van der Leun). In het buitenland wordt de verblijfsstatus vaak niet goed wordt geregistreerd in politiebesteden (Mc Donald, 1997).

⁶ Er zijn enkele uitzonderingen. Zo ontving Nederland in de jaren dertig van de twintigste eeuw joodse vluchtelingen uit Duitsland, hoewel ook toen de neiging bestond om vooral de bemiddelde vluchtelingen toe te laten.

⁷ Twee andere redenen die wel worden genoemd zijn de dalende transportkosten, die verre reizen ook in ontwikkelingslanden voor bredere lagen van de bevolking bereikbaar maakten, en de dekolonisatie. Zo is Suriname – een voormalige Hollandse kolonie – onafhankelijk geworden in 1975.

⁸ Het recht op vertrek uit een land behoort tegenwoordig tot de mensenrechten, al staat daar merkwaardig genoeg geen recht op inreizen in een ander land tegenover.

⁹ Een asielverzoek wordt momenteel alleen ingewilligd indien er een aantoonbare politieke bedreiging is voor de aanvrager. Een algemene bedreiging voor een groep is niet langer voldoende (Lucassen en Penninx, 1997).

¹⁰ Bron: CBS Statline. Bezocht mei 2007.

¹¹ Medici die illegale vreemdelingen geneeskundige zorg geven stellen soms medische idealen boven de idealen van de wetgever. Onderwijzers die getalenteerde illegale jongeren toelaten tot het onderwijs stellen soms pedagogische en humanitaire idealen boven het immigratiebeleid.

¹² Vreemdelingen die drie maanden of korter in Nederland zijn, hoeven zich niet in te schrijven in het bevolkingsregister. De registraties in het VAS, waarop dit onderzoek voor een deel is gebaseerd, zijn niet van het bevolkingsregister afhankelijk.

¹³ Een kleine minderheid van de ‘illegale vreemdelingen’ wordt ‘illegaal’ geboren en heeft geen invloed gehad op de vestiging. Veel illegale vreemdelingen komen aanvankelijk op een toeristenvisum naar Nederland of een ander Schengenland en/of verbleven eerst om een andere reden rechtmatig in Nederland, bijvoorbeeld vanwege een asielverzoek.

¹⁴ Lang niet alle illegale vreemdelingen zijn namelijk ongedocumenteerd - hetzij doordat ze het land van vestiging aanvankelijk rechtmatig zijn binnengereisd, hetzij doordat ze tijdens het illegale verblijf politiecontacten hebben gekregen. En ook de beschrijvende waarde van de term irregulier is betwistbaar. Het aantal illegale vreemdelingen is op een aantal plaatsen aanzienlijk, en net als ‘reguliere’ migratie verloopt illegale migratie via tal van regelmatigheden en patronen.

¹⁵ Ongewenste vreemdelingen kunnen, als zij binnen de gestelde periode (5 of 10 jaar) opnieuw in Nederland worden aangetroffen, steeds strafrechtelijk worden vervolgd en gedetineerd voor maximaal zes maanden.

¹⁶ Juridisch gesproken betreft het overigens staandehoudingen. Er is sprake van een staandehouding wanneer de politie iemand tot staan brengt. Dit hoeft niet noodzakelijkerwijs te leiden tot een aanhouding, waar er sprake is van vrijheidsbeneming. Bij illegale vreemdelingen zullen geregistreerde staandehoudingen echter vaak uitmonden in een aanhouding. Bovendien is het onderscheid tussen staandehouding en aanhouding in het alledaagse taalgebruik niet echt ingeburgerd. Daarom wordt in deze studie verder het begrip aanhouding gebruikt.

¹⁷ Zie bijvoorbeeld de uitspraken van Dhr. J. Blokker (directeur van de winkelketen ‘Blokker’): ‘Illegalen roven winkels leeg’, Volkskrant 26-07-2003.

2. Centrale bevindingen: Differentiële effecten van het statelijke streven naar sociale uitsluiting en de modererende werking van sociale bindingen.

¹ Ik heb me vooral laten inspireren door de benadering van Griffith en Weyers (2005), die voor een belangrijk deel teruggaat op een artikel van Moore (1973). Daarnaast ben ik schatplichtig aan de ideeën van Hannerz (1992) over culturele complexiteit en glocalisering. Volgens Hannerz heeft globalisering van plaats tot plaats verschillende uitkomsten omdat mondiale trends (hier vertaald als het statelijke migratieregime) steeds in wisselwerking staan met de lokaal aanwezige omstandigheden (hier: sociale bindingen).

² Vermoedelijk hebben jonge mannen, gemiddeld, meer ambities om zich in Nederland te vestigen dan vrouwen en mannen uit andere leeftijdsgroepen. Ook reguliere migranten, vooral de pioniers zonder gevestigde familie in het land van vestiging, zijn vaak jonge mannen. Daarbij komt dat jonge mannen vaak meer mogelijkheden tot het succesvol uitvoeren van delicten. Zij zijn bijvoorbeeld sterker dan ouderen. We kunnen criminaliteit dus nooit voldoende verklaren uit marginaliteit per se, het gaat altijd om de mogelijke en geprefereerde reacties daarop. Het aandeel van vrouwelijke daders in politiecijfers is vanaf de jaren zeventig bijvoorbeeld toegenomen onder invloed van de vrouwenemancipatie. Vrouwen kregen een minder marginale positie, maar hun aspiraties namen toe evenals het aantal uitvoerbare misdrijftypen, zoals diefstal op het werk.

³ Bij instrumentele misdrijven verloopt de relatie tussen het delict en het uiteindelijke doel bovendien vaak via een aantal tussenstappen, zodat het begrip ‘instrument’ naar mijn idee in sterkere mate gerechtvaardigd is. Zo kan bestaanscriminaliteit in de vorm van diefstal gericht zijn op het verwerven van een goed dat verkocht wordt om vervolgens met de opbrengst ervan te voldoen aan een bepaalde

gedragsstandaard. Bij expressief geweld dat gericht is op prestige in de groep, volstaat in sterkere mate het directe resultaat van het misdrijf. De geweldenaar kan met een paar goede klappen laten zien dat er niet met hem te spotten valt. De mishandeling zelf of het directe resultaat hiervan (een bloedneus) volstaat als middel om het beoogde doel te bereiken.

⁴ Bron: Statline, geraadpleegd april 2007.

⁵ De omvang van deze groep is om een aantal redenen moeilijk te schatten. Armere alleenstaanden zullen vanwege hun lagere inkomen wellicht minder internationale contacten hebben dan rijkere alleenstaanden. Anderzijds zijn armere alleenstaanden waarschijnlijk relatief vaak van allochtone afkomst, wat juist samengaat met een grotere kans op een buitenlandse partner. Voor de recent getrouwde stellen – stellen in 2004 korter dan drie jaar getrouwd waren – was in 48.671 van de 228.721 gevallen (21%) tenminste een partner niet in Nederland geboren (CBS Statline, mei 2007). In circa een kwart van de huwelijken waarvan minimaal een van de partners in een niet-westers land is geboren, is de andere partner een autochtone Nederlander. Als we er van uitgaan dat partners die in het buitenland zijn geboren naar Nederland zijn gekomen vanwege gezinsvormende migratie en dat onvermogene alleenstaanden ongeveer net zo vaak een niet-westerse partner uit het buitenland hebben als de groep rijkere alleenstaanden, dan kan het aantal onvermogene alleenstaanden met een vaste niet-westerse importvriend of vriendin wellicht worden geschat op ruim 9.000. Immers, de 48.671 relaties met een buitenlandse partner hebben dan betrekking op 84% van de alleenstaanden (degenen met een inkomen van minimaal 120% van het minimumloon). Dan zouden 9.270 (~9.000) relaties betrekking op de overige 16% van de alleenstaanden.

⁶ Soms lijkt er tussen de partners namelijk een soort ruil plaats te vinden waarbij illegale vreemdelingen hun lagere maatschappelijke status compenseren met een grotere fysieke aantrekkelijkheid. In sommige relaties is er bijvoorbeeld een groot leeftijdsverschil.

⁷ We hebben gezien dat mensen met een niet-westerse achtergrond numeriek (nog) een minderheid vormen in Nederland. Bovendien hebben alleen degenen onder hen met een Nederlandse nationaliteit stemrecht bij nationale verkiezingen (en illegalen al helemaal niet). En hoewel er in Nederland veel alleenstaanden zijn, hebben die uiteraard lang niet allemaal (belangstelling voor) een buitenlandse partner - een aanzienlijk deel is 65+ - terwijl ze ook nog eens minder verdienen dan het minimumloon voor volwassenen. Zoals gezegd verdient 16% van de alleenstaande huishoudens onder de 65 jaar minder dan het minimumloon. De vraag waarom werkgevers geen sterkere druk politieke uitoefenen om de mogelijkheden tot arbeidsmigratie te vergroten, is moeilijker te beantwoorden. Ik vermoed dat er meerdere redenen zijn. Ten eerste is veel laaggeschoolde industriële arbeid in de loop der jaren verplaatst naar zogeheten lage lonen landen waar het arbeidsloon lager ligt en arbeiders minder rechten hebben. Ten tweede zijn er in toenemende mate mogelijkheden om arbeid in te huren vanuit nieuwe, Oost-Europese lidstaten van de Europese Unie (de druk vanuit werkgevers kan wel aan uitbreiding van de Europese Unie hebben bijgedragen). Ten derde vindt veel goedkope, dienstverlenende arbeid, zoals de schoonmaak, in Nederland van oudsher plaats in de informele economie. Werkgevers die een buitenlandse poetsvrouw zwart betalen ondervinden sowieso weinig hinder van een overheid die deze werkster geen arbeidsvergunning verstrekt.

⁸ Het is overigens niet zo dat alle illegale vreemdelingen een geïntegreerde positie ambiëren; een deel van hen gaat op voorhand uit van een kortdurend verblijf (zie hoofdstuk 4). Bovendien kunnen ook illegale vreemdelingen zonder sociale bindingen sterk hechten aan het verblijf in Nederland. De

binding is in dat geval meer van psychologische dan van sociologische aard. De bindingentheorie van Hirschi heeft betrekking op beide type bindingen.

⁹ Omgekeerd geldt dus dat sociale uitsluiting het aantal uitvoerbare misdrijven beperkt en wat dat betreft criminele gelegenheid vermindert; dit aspect zouden we de derde tendentie van sociale uitsluiting kunnen noemen.

¹⁰ (1) Blijkbaar levert de binding met gevestigden meestal niet alleen sterkere statusverwachtingen, maar ook de conventionele middelen om aan deze verwachtingen te voldoen. Immers, als dat niet zo zou zijn, zouden we niet goed kunnen verklaren waarom de criminaliteitsgraad onder Turkse en Chinese illegalen zo laag is. (2) In sommige migrantengroepen komt criminaliteit vrij veel voor, vooral onder jonge mannen (zie Van San en Leerkes, 2001), maar onder volwassenen is een vrij kleine minderheid met enige regelmaat betrokken bij misdrijven. Ongeveer twee procent van de totale reguliere bevolking wordt jaarlijks verdacht van een misdrijf (hoofdstuk 7). Opgebrachte illegale vreemdelingen zijn gemiddeld dertig jaar oud (Engbersen e.a., 2002). (3) Een illegale verblijfsstatus vormt een sterke handicap voor criminele samenwerking. Ook in de criminaliteit tenderen gemarginaliseerde illegale vreemdelingen naar een marginale positie; de eerste politiecontacten kunnen immers leiden tot inbewaringstelling, uitzetting op grond van illegaal verblijf of ongewenstverklaring, zelfs als het misdrijf niet kan worden bewezen. Illegale vreemdelingen kunnen bovendien geen bedrijf starten dat als front kan dienen voor criminele activiteiten zoals groothandel in drugs (Zaitch, 2002).

¹¹ Een deel van de illegale vreemdelingen die nu 'onder regie' naar Nederland komen, zouden op eigen initiatief proberen te migreren, een ander deel zou afzien van migratie. Daarnaast is het mogelijk dat illegale vreemdelingen tijdens het illegale verblijf hun bindingen verliezen, die dan blijkbaar niet zo sterk zijn, bijvoorbeeld wanneer een relatie uitgaat. Over de omvang van deze effecten is niets bekend.

¹² Een simpel rekenvoorbeeld kan dit verduidelijken. Stel dat ongeveer acht procent van de 150.000 illegale vreemdelingen misdrijven pleegt (het aantal geregistreerde verdachten is waarschijnlijk een onderschatting van het werkelijke aantal). Het aantal delinquente illegalen zal gelijk blijven als door een versoepeling van het illegalenbeleid het aantal illegalen zou verdubbelen tot 300.000, terwijl de criminaliteitsgraad halveert tot vier procent. Het aantal delinquente illegalen *stijgt* ondanks de versoepeling van het illegalenbeleid als de criminaliteitsgraad met minder dan de helft vermindert, bijvoorbeeld doordat de conventionele bestaanskansen voor illegale migranten afnemen onder invloed van hun stijgende aantal.

¹³ Zie hoofdstuk zeven. Daar schatten we dat de kans dat een illegale vreemdeling misdrijven pleegt in reactie op een marginale positie als gevolg van de illegale verblijfsstatus, tussen 1997 en 2003 met minimaal 40% is gestegen.

¹⁴ Door internationale historische vergelijking kan bijvoorbeeld duidelijker worden of en in welke mate de aanscherping van het Nederlandse illegalenbeleid een toename van illegaal verblijf heeft voorkomen en of de effecten op de korte termijn hetzelfde zijn als de effecten op de langere termijn (het kan zijn een aanscherping van het beleid op korte termijn geen toename van het aantal illegale vreemdelingen heeft voorkomen, maar op langere termijn wel). Ook kan door dergelijk onderzoek een beter inzicht worden verkregen in de gevolgen van restrictief immigratiebeleid voor de omvang en aard van de totale immigratie, regulier en irregulier.

3. Shadow places: Patterns of spatial concentration and incorporation of irregular immigrants in the Netherlands

¹ Of all apprehensions, 52 per cent lack a registered residential address. In approximately 20 000 of these cases it is likely that the apprehended immigrants concerned did not yet have residential addresses in the Netherlands because these apprehensions took place at (air)ports, state highways and train stations, were carried out by the military police, or happened on the (registered) day of arrival in the Netherlands. If these apprehensions are left out of consideration, the percentage of missing values decreased from 53 to 42. Police stations have been identified with the help of the Internet. In order to check whether the registered home addresses described the place of apprehension rather than the place of residence, a sample was taken from the data (N=1500). In 381 cases, the residential address was equal to the place of apprehension. However, these are not necessarily invalid registrations because at least 74 of the 381 cases pertain to centres for asylum-seekers, brothels, companies and market-gardens. It may well be that the arrested immigrants actually resided where they were apprehended. The analyses in the first part of the chapter (at the level of municipalities) are based on 28 857 apprehensions. The analyses at the neighbourhood level are based on 23 775 apprehensions.

² Cruyff and van der Heijden (2004) reported separate estimates for provinces and police districts of the four biggest cities. These estimates are based on the place of apprehension (and not, as is the case in this chapter, on the registered residential addresses). For the year 2002, we compared their estimates with the number of apprehensions in our database. For nearly all provinces, the number of apprehensions equals between 9 and 11 per cent of the estimated total number of irregular immigrants. Only the province of Utrecht deviates (5 per cent). This suggests that there are no big geographical differences in risk of arrest between urban and rural areas. When we compare the police regions in the big cities, we find that the risk of arrest appears to be elevated somewhat in Amsterdam (15 per cent).

³ The measure for the relative concentration of illegal residence shows a rather skewed distribution; therefore, 10 'outliers'—neighbourhoods where the relative concentration is more than three standard deviations higher than the average—have been excluded from the analyses. This did not affect the statistical significance of the analyses, as the total number of urban neighbourhoods is more than 1200 (see Table 2).

⁴ Next to the share of single persons, two additional neighbourhood characteristics had a significant effect on the concentration of irregular immigrants—i.e. the average size of families and the percentage of families with children. Both variables are, however, strongly correlated with the other independent variables (particularly with the percentage of non-Western immigrants). For statistical reasons ('collinearity') these variables could not be included in the model. The 'effect' of both variables is probably merely due to the effect of the percentage of non-Western immigrants.

⁵ It is difficult, however, to isolate the effects of the presence of legal, non-Western immigrants from the effects of the socioeconomic status of the neighbourhoods, for ethnic segregation is, in part, due to ethnic group differences in income (see Farley, 1991, p. 288). The standardised effect of the socioeconomic status of the neighbourhoods diminished from -0.34 , when the concentration of irregular immigrants is only predicted with the value of the housing stock and the average income of

the residents (not shown in Table 2), to -0.07 when the share of non-Western immigrants was controlled for (see the second model). Still, it is possible that a small number of irregular immigrants live in upmarket areas—for instance, irregular domestic workers (see Mahler, 1995 on this topic for the US). We did not, however, find indications for it in the Dutch police data. In the Netherlands, with its cultural taboos on sharp class divisions, domestic workers usually do not live with their employers. In the Netherlands, it is also easier to find more suitable accommodation in cheaper areas at acceptable travel distance from the workplace, for neighbourhoods are smaller than in the US, and the rate of income segregation is substantially lower in the Netherlands than in the US; in Dutch neighbourhoods, cheap and expensive blocks are located much closer to each other than in the US.

⁶ The standardised effect drops from 0.29, when the concentration of irregular immigrants is only predicted on the basis of the percentage of single residents, to 0.24 when the percentage of legal, non-Western immigrants is added to the model, to 0.20 in the fifth regression model.

⁷ We obtained additional information on 12 neighbourhoods for which the model does not accurately predict the number of registered illegal aliens (these neighbourhoods are highlighted in Figure 7). It turns out that such anomalies can be quite well explained and do not contradict our theoretical approach. Neighbourhoods with more illegal aliens than predicted are either being used as prostitution areas, or house (or have in their vicinity) asylum-seekers' centres or market gardens. No suitable statistical data could be found on these aspects of the first and third dimensions of the spatial opportunity structure for illegal aliens—i.e. the presence of compatriots in asylum-seekers' centres and the opportunities for illegal labour in prostitution areas. Neighbourhoods with fewer registered illegal aliens than predicted were mainly found in Amsterdam and Rotterdam (where the home addresses of illegal aliens are not very accurately recorded), or were affluent districts with many single people and much private homeownership. If we had had data on the concentration of single people with low incomes and private ownership of inexpensive houses, we would probably have predicted the concentration of illegal aliens for these neighbourhoods more adequately. If the 12 highlighted neighbourhoods are left out of consideration, the model's explanatory power increases from 50 to 60 per cent. The remaining unexplained variance, which is never zero in cases of empirical research, probably points to similar measurement errors, or to unmeasured variables such as the presence of churches, psychiatric clinics and institutions for the homeless. These institutions sometimes house illegal aliens, particularly those who are unemployed and have no supportive network of family and friends (the 'floating population').

4. Against state rules against street rules? Illegal immigrants and public safety in urban neighbourhoods

¹ Secondary analyses based on estimates by Cruijff and Van der Heijden in Leerkes et al. (2004) show that the annual risk of arrest for delinquent illegal immigrants is 13 percent, against 6 percent for non-delinquent illegal immigrants. Because the probability that an address is recorded in the VAS is lower for delinquent (20 percent) than for non-delinquent (33 percent) immigrants, delinquent illegal immigrants are on average 30 percent more likely to enter our neighbourhood measure of illegal residence. This will not greatly bias the estimates, because the majority of the irregular immigrant population is not involved in crime (in about half the cases illegal residence is the sole reason for arrest). In addition, delinquent and non-delinquent illegal immigrants tend to live in the same neighbourhoods.

² The eigenvalue of the factor is 1.53. Both variables have factor loadings of .87 on the factor; the correlation between the variables is .53.

³ These six factors have the following eigenvalues (item factor loadings in parentheses) of 2.18 (factor loadings .66, .73, .57, .54, .77), 2.05 (factor loadings .68, .79, .75, .62), 1.71 (factor loadings .71, .60, .60, .72), 2.54 (factor loadings .62, .74, .73, .76, .70), 1.51 (factor loadings .72, .64, .76) and 1.81 (factor loadings .74, .61, .68, .60).

5. Embedded Crimes? – Similarities and dissimilarities in delinquency among legal and illegal immigrants in the Netherlands

¹ Source: CBS Statline (www.statline.cbs.nl). The figures are for 2004. The '19 per cent' includes first generation immigrants (born outside the Netherlands of non-Dutch parents) and second generation immigrants (at least one parent born outside the Netherlands), and involves 'westerse allochtonen' (immigrants from industrialized countries (N=1 419 855)) as well as 'niet-westerse allochtonen' (immigrants from non-industrialized countries (N=1 668 297)).

² In the Netherlands, a housing permit is required for almost all (cheap) accommodation, except for rooms. But even when an illegal immigrant rents a room or a bed, he cannot register at the municipality. Legal immigrants are not as systematically and thoroughly excluded from formal institutions as illegal immigrants. Nevertheless, different categories of legal immigrants have different rights.

³ Asylum seekers, for instance, are, as a rule, not allowed to work and cannot apply for unemployment benefits, but do receive board, lodgings, and some 'pocket-money'. Labour migrants may, of course, work and as a consequence receive the social arrangements that are linked with it. Foreigners admitted to the Netherlands because of family formation or family reunification usually have the right to work, and have a right to concomitant social arrangements when they lose their jobs or become ill. However, they cannot (as a rule) apply for unemployment benefits that are not related to work ('Bijstand').

⁴ Kehla (in Engbersen, 1999) and Zaitch (2002) have already done some work in this direction.

⁵ I selected countries from which the total number of legal immigrants aged 18 to 25, was greater than 1000.

⁶ A hypothetical example can illustrate the adjustments made. Suppose Kromhout and Van San had counted a hundred suspects from a particular country of origin, and eighty suspects are legal immigrants and twenty illegal. However, Kromhout and Van San could not distinguish between them with certainty using HKS. Suppose that out of these twenty illegal immigrants, ten told the police they resided in the Netherlands but concealed their precise residential addresses, five told the police they resided in the Netherlands and disclosed their addresses, and the remaining five told the police they did not reside in the Netherlands. In this case, Kromhout and Van San would report ninety-five 'legal' suspects (100-5), data adjustment A would lead to seventy-five 'legal' suspects (twenty illegal immigrants would be subtracted from the number of 'legal' immigrants reported by Kromhout and Van San), and adjustment B would lead to ninety 'legal suspects' (only the five illegal immigrants that disclosed their residential addresses would be subtracted from the ninety-five 'legal' suspects reported by Kromhout and Van San). In this example, the actual number of legal immigrants (80) lies between data adjustment A (75) and data adjustment B (90).

⁷ Crime involvement varies with age. It tends to rise from 12 up to 18 or 19 years, and then slowly declines (cf. Gottfredson and Hirschi, 1990). To control for this correlation, age should be held constant (particularly because the share of minors may vary between ethnic groups and between legal and illegal immigrants). The alternative would be to present separate figures for legal and illegal immigrants aged 12 to 18. However, this would not make sense because few illegal immigrants are minors.

⁸ This is not the same as the average number of suspects in 1999 and 2000 divided by the average size of the population, multiplied by a hundred.

⁹ The data presented by Kromhout and Van San do not allow a specification according to sex and age at the same time. In the relevant age category (18 to 25 years of age), they do not present separate data on police registrations of male and female youngsters.

¹⁰ Ethnic patterns of delinquency tend to be fairly constant within a time span of a few years (cf. Van San and Leerkes, 2001).

¹¹ This may constitute an underestimation of the actual number of illegal immigrants from Morocco. Some illegal immigrants from Morocco tell the police they were born in Algeria, because this obstructs their deportation from the Netherlands. Note, however, that this does not necessarily mean that the prevalence of delinquency among illegal Moroccans was underestimated, for it is a relative measure. It was only underestimated in as far as delinquent illegal Moroccans lie about their country of birth more often than non-delinquent illegal Moroccans did.

¹² By crimes I mean apprehensions in three categories usually distinguished by Engbersen et al. as 'minor offences', 'serious offences', and 'drugs'.

¹³ The self-reporting of offences has many drawbacks as well (cf. Junger 1990) and it would be nearly impossible to obtain access to delinquent illegal immigrants without police assistance. Judicial data on convicted offenders may also be biased. For instance, the percentage of suspects who are summoned to court may differ per ethnic group because of group differences in the willingness and/or ability to pay financial settlements (De Leng and Hille, 1991).

¹⁴ Type of crime committed correlates with age (with more vandalism and less violence among minors). See also note 7 and 19.

¹⁵ This calculation was made for the total number of offences committed by offenders from the eight ethnic groups for which the 'quality' of delinquency is specified. Hence Cramer's V was derived from a 2x9 cross-tabulation, i.e. residence status by type of offence.

¹⁶ Note that Cramer's V, calculated per ethnic group, correlates negatively with the respective crime rates among legal immigrants which were depicted in Table 1: from $r=-0.67$ / $p<0.07$ with adjusted crime rate A to $r=-0.81$ / $p<0.02$ with the unadjusted crime rate. Hence, the chance of illegal immigrants' crime involvement being limited to the use of false documents, and not extending to other offences, appears to rise as the crime involvement in the ethnic group as a whole decreases.

¹⁷ Without 'False Documents', the unweighted correlation coefficients in Figure 1 are 0.53 ($p<0.09$), 0.58 ($p<0.06$), and 0.55 ($p<0.08$) for the initial data, and data adjustment A and B. Similarly, without 'False Documents' and without Surinam, the unweighted correlation coefficients are 0.79 ($p<0.01$), 0.77 ($p<0.01$), and 0.78 ($p<0.01$). Without 'False Documents', the weighted correlation coefficients are 0.41 ($p<0.21$), 0.40 ($p<0.22$), and 0.43 ($p<0.19$). Without 'False Documents' and without Surinam the weighted correlation coefficients are 0.92 ($p<0.00$), 0.88 ($p<0.00$), and 0.93 ($p<0.00$).

¹⁸ For similar findings about the market for stolen communication in Australia see Grabosky and Smith (2001: 30).

¹⁹ As can be seen in Table 5, the diminished share of violence cannot be due to the deviant age composition of the illegal population with fewer adolescents, since similar patterns prevail among illegal offenders aged 12 to 18 and 18 to 25.

²⁰ In the Netherlands, approximately half of the apprehensions of illegal immigrants do not result in deportation. Non-deported illegal immigrants either manage to conceal their identity, or their countries of origin did not co-operate (Engbersen et al. 2002).

²¹ Most foreigners from non-Western countries need such an invitation if they want to reside in the Netherlands for more than three months (this is called an MVV). The Dutch authorities link several (financial) responsibilities to such an invitation.

6. *“I am just trying to live my life.” Status dilemmas and delinquency among irregular immigrants with an asylum background*

¹ The actual situation is somewhat more complex. Rejected asylum seekers only become illegal aliens within this term of four weeks if an appeal to the decision is impossible, or if the asylum seeker may appeal but does not have the right to await the decision while residing in the Netherlands.

² The state sometimes does not yet effectuate the possibility for repatriation. It may also be that the asylum seeker cannot leave because he is stateless or because the country of origin does not furnish a laissez passer, or because he does not want to leave (because of a lack of perspective in the country of origin, fear for prosecution in so far as the asylum request has been rejected undeservedly, migration debts, etc.). The migrant can also hinder expulsion by keeping silent about his true identity.

³ The heightened involvement of North Africans in this street trade can partially be explained from the increasing unemployment rate among former guest workers, chain migrants and their offspring. Unemployed Moroccans will have become well informed about Dutch street life. The wholesale business is more often conducted by Turks, Latin Americans and Dutch nationals (Bovenkerk, 2001). North Africans have limited access to hard drugs in their region of origin.

⁴ The clergymen estimate that 80% of the detainees attend the services. Religion supports many detainees during detention. Others attend the services as an ‘outing’. The services were probably a good place to recruit respondents because they are a space that the men can ‘appropriate’ to a certain degree. They can express a shared cultural/spiritual identity which helps to put the earthly detention regime into perspective, and experience a certain collective power vis-à-vis the institution. The guards kept a certain distance; some detainees read out loud from the Bible.

⁵ The interpreters were: a female, Russian interpreter for Russian, a male Moroccan-Dutch interpreter for French-Arabic, and a female Dutch interpreter for Serbo-Croatian. Two times a telephone interpreter was used via the Ministry of Justice. One respondent’s Dutch language skills were less than expected. With the other respondent the interpreter was ill during one interview. The Serbo-Croatian interpreter was found through the Internet, the remaining interpreters via my personal network.

⁶ Applicants for asylum are allowed to remain in the Netherlands, but may not travel freely between countries. In addition, they do not have a right to a Dutch driver’s license for scooters or automobiles. Unlike irregular immigrants, asylum seekers receive housing and allowances for food

and clothing (for some rejected asylum seekers this was also true in some cases). However, these allowances amount to no more than €40 per week. Asylum seekers are allowed to work, but no more than twelve weeks a year. In addition, it is probable that differences in deprivation according to residence status are partly cancelled out by differences in punishment. Illegal aliens risk detention in Alien's Custody (sometimes more than a year at a time) and expulsion, whereas delinquent asylum seekers tend to get a fine, alternative sentences, or a prison sentence.

⁷ In addition, a visa application requires time and contact with government bodies. These requirements may be particularly problematic for refugees – and almost all the men (23 out of 26) considered themselves as such.

⁸ For this reason I used the term 'bestaanscriminaliteit' in the Dutch version of this text. It translates as 'existence crime'. Livelihood crime might also be an appropriate term here.

⁹ Staring (2001: 184), for instance, reported that the Turkish irregular immigrants he interviewed had mostly been detained for violence (the interviews were not about crime). Violence is also relatively common among regular Turkish migrants, for instance in connection to 'honour vengeance'.

¹⁰ Two men destroyed property during fits of anger as a result of taking the law into their own hands (K and M). The other case in which goods were destroyed (X) was a failed car burglary (drug related crime).

¹¹ The Afghan respondent stated that he used to distil liquor, which was punishable under the Taliban administration. He claimed he was detained for it, but escaped when he was sentenced to an Islamic re-education camp.

¹² The hysteresis effect (Bourdieu, 1977), in which systems – in this case the habitus – do not immediately react to forces that are exerted on them, may help us understand why serious crime problems usually do not occur among poor migrants, but among their children (Tonry, 1997).

¹³ Apparently, relational embeddedness does not necessarily imply social capital.

¹⁴ In 2003 12% of the apprehensions because of crime concerned a 'serious' offence, i.e. an offence with a maximum punishment of at least four years in prison (undesirable aliens are not counted in this figure, see Leerkes et al. 2004: 27). The latter offences are usually violent crimes. Furthermore, a significant share of the irregular immigrants who are recorded as having committed violence are legal migrants who were declared illegal aliens because of criminal activities (as undesirable aliens or because of the application of the 'Sliding Scale', see chapter 7).

7. The rise in crime among irregular immigrants: The marginalization thesis in question.

¹ The figure for 2003 pertains to the first nine months of that year. The figure for 2004 actually pertains to the period April 2003 to April 2004.

² With the implementation of the Aliens Act 2000, in April 2001 a 'reasonable presumption of illegal residence' became sufficient ground to demand identification. However, this constitutes a gradual rather than a principal change compared to 1994. A general identification obligation was introduced in 2005.

³ For irregular immigrants it is sufficient if the person resides illegally in the Netherlands and has repeatedly violated a stipulation in the Aliens Act which is punishable as a misdemeanour (for instance not leaving the Netherlands at once after admission to the Netherlands has been refused) or

if the person is believed to be a threat to public order or national security (in this case no conviction for a crime is necessary).

⁴ The person is then still entitled to make short visits to his or her family. The latter modes of ending residence rights may also be used if the offences are somewhat less serious, because the criteria with regard to the offences are also somewhat stricter for declaring a person an undesirable alien.

⁵ The most important project was the VRIS project, which aimed at improving the coordination between various governmental agencies in order to expel delinquent foreigners. It was started in Rotterdam in 1999; in 2002 it was implemented nationally.

⁶ As has been said, some undesirable aliens are delinquent irregular immigrants who never had a legal status. In theory it is possible that such undesirable aliens leave the country (or are forced to leave the country) more often than comparable delinquent irregular immigrants who have not been declared undesirable aliens (as was more often the case in the past). It is probable, however, that delinquent irregular immigrants constitute a minority of the undesirable aliens (see the section on data sources). Furthermore, residence termination only pertains to regular immigrants. Lastly, there is no evidence that the status of being an undesirable alien actually makes irregular immigrants leave the Netherlands. Admittedly, if they stay, they can be imprisoned for six months in case of re-apprehension. But many irregular immigrants spend long periods in Aliens Custody anyhow, officially with an eye to repatriation (see Van Kalmthout and van Leeuwen, 2004; Leerkes, 2006)

⁷ In previous publications the offence 'undesirable alien' was classified as a serious offence, although it is punishable with a maximum of six months imprisonment. The reason for making that exception was that at that time undesirable aliens had usually committed a relatively large number of offences (the practice of labelling people as undesirable aliens was much less common). In this publication this exception is no longer made.

⁸ In only 145 of the 5 541 cases the IND entries mention that illegal residence was among the reasons for declaring a person an undesirable alien, mostly in addition to convictions for offences. These cases have been counted as cases of status of status reclassification. This may be an underestimation of the actual number of irregular immigrants, as only the most serious reasons for declaring a person an undesirable alien (i.e. criminal offences) may have been registered. The IND system allows for the registration of three reasons. However, it is not likely that former irregular immigrants constitute the majority of the undesirable aliens. In the total population legal immigrants outnumber irregular immigrants.

⁹ First, status reclassification was not very common until 2001 (see Table 2). Second, apprehensions for crime concerning persons who have been reclassified before 1997 are still controlled for to a certain extent, because such cases are included in our measure for status reclassification in so far as such persons have been apprehended at least once in the VAS on the ground of being in the Netherlands as an undesirable alien (the VAS data include a number of apprehensions of undesirable aliens who are not mentioned in the IND data, and hence were probably reclassified before 1997).

¹⁰ If a person is arrested at the border, the date of entry will usually be known to the police. If, on the contrary, an irregular immigrant has lived in the Netherlands for some time before the apprehension, the police will depend more often on what the arrestee wants to tell about the date of entry. In such cases it is more likely that no date of entry will be registered, because the arrestee may not report a date of entry or the information is not deemed reliable enough. Analysis of the cases where no date

of entry is registered reveals that such apprehensions are connected to somewhat different types of crimes than what turns out to be characteristic for criminal migration.

¹¹ Non-Turkish Asians represent 22% of apprehensions for possessing false documents within a month of arrival, though they represent only 10% of all third-country nationals suspected of crime. For Sub-Saharan Africans these figures are 29% and 17%. Illegal Turkish immigrants are often chain migrants with established family in the Netherlands who travel on a tourist visa and overstay. This probably explains why the prevalence of false documents among Turks is low: 4.3% of all arrests for possessing false documents within a month, while Turks represent 2.5% of all crime suspects among third-country nationals. Similar results are found for Moroccans (1.1% and 10.4%) and Surinamese (0.4% and 3.5%).

¹² Between 1999 and 2002 the number of police officers increased from 40 000 to about 47 000. Source: Ministry of Justice, WODC, Criminaliteit en rechtshandhaving (electronic publication).

¹³ It turns out that the rise in crime is much more pronounced for crimes that tend to generate income than other crimes. For instance, the index after control 3a for 2003 is 181 for theft, theft with burglary, embezzlement, fraud (conning), receiving, counterfeiting of money, theft with violence, and extortion. These crimes tend to be instrumental. For drugs the index is 158; drug offences includes drug dealing, which also provides an income. The index for all remaining offences after control 3a (and also excluding false papers) is only 117. These disparities cannot be explained if we assume that the rise in the number of crime suspects with an irregular status is due to increased registration of the residence status of crime suspects.

¹⁴ Source: CBS Statline. These figures include first and second generation immigrants.

¹⁵ The contribution of the four big cities (Amsterdam, Rotterdam, Utrecht, The Hague) to the total number of apprehensions in the VAS dropped from 45% in 1997 to 41% in 2003. After control 3a, the crime index for 2003 for the four cities is 153, for the other regions 169.

¹⁶ The relative increase between 1997 and 2003 is 135 (235-100). Of this, status reclassification explains 10 (235-225), criminal migration 29 (225-196), general developments in crime finding and registration 37 (196-159), and demographic growth 14 (159-145)). The size of these contributions should be taken as approximations because the order of the controls influences these figures to some extent.

¹⁷ The increase is 45% if we assume that all the crimes that remain after control 5b are a reaction to societal marginalization as a result of the illegal residence status. The increase is higher if we assume that part of these remaining crimes has other reasons and is unconnected to state policies, such as 'honour violence'. For instance the increase is 55% if we assume that in every year 500 apprehensions are not connected to state policies $((3466-500)/2384-500)=1.55$.

8. *Nawoord: Naar een mondiale verzorgingsstaat of terug naar het armenhuis?*

¹ De Swaan, 1988, p. 42.

² De Swaan, 1988, p. 222.

³ Daarnaast wijst de Swaan op de opkomst van een sociaal bewustzijn: "een besef van gegeneraliseerde verafhankelijkheid die alle leden van een in een nationale collectiviteit met elkaar verbindt, gekoppeld aan een abstract verantwoordelijkheidsgevoel dat niet aanzet tot persoonlijke

actie, maar verlangd dat er gezorgd wordt voor de behoeftigen in het algemeen door de staat en uit de openbare kas” (p. 20).

⁴ De Swaan, 1988, p. 256.

⁵ De Swaan, 1994, p. 111.

⁶ Partenariat Euro-Med, Maroc: Document de stratégie 2002-2006 et programme indicatif national 2002-2004, 6 dec 2001, p. 25.

⁷ Op 11 oktober 2004 heeft de Europese Unie bijvoorbeeld het wapenembargo tegen Libië opgeheven, na een sterke Italiaanse lobby. Libië is een belangrijk transitland voor Afrikaanse migranten. Officieel was de reden voor het opheffen van het embargo de vernietiging van massavernietigingswapens door het Libische regime. Er wordt echter verondersteld dat er tevens sprake is geweest van een beloning voor het meewerken aan migratiecontrole (Human Rights Watch, 2005). Nog dezelfde dag vertrok er namelijk een team van Europese ambtenaren om te praten over samenwerking op het gebied van (illegale) migratie. In 2000 had Italië bilaterale afspraken met Libië gemaakt. In 2004 hebben beide landen nieuwe afspraken gemaakt over migratiecontrole, waarvan de inhoud niet openbaar is. Volgens officiële cijfers heeft Libië tussen 2003 en 2005 ongeveer 145.000 illegale migranten uitgezet (Human Rights Wacht, 2005: 3). Mensenrechtenorganisatie kritiseren te manier waarop dit gebeurt. Naast Human Rights Watch heeft ook Amnesty haar bezorgdheid uitgesproken over het maken van afspraken over migratiecontrole met Libië (bron: EU Observer, 14 april 2005). Er zou vaak sprake zijn van mishandeling. Daarnaast zou Libië geen enkele moeite doen om politieke vluchtelingen te onderscheiden van economische migranten. Ook immigranten uit de Sub-Sahara die sinds jaar en dag naar Libië trekken om er te werken, zonder de intentie om door te reizen naar Europa, lopen het risico om uitgezet te worden. De laatstgenoemde informatie is gebaseerd op een documentaire over irreguliere migratie vanuit Niger en de rol van Libië daarin. De documentaire, ‘Across the Sahara and back’, is gemaakt door Andrea Serge in samenwerking met de Italiaanse sociale wetenschapper Ferruccio Pastore. Ik zag de documentaire, die de prestigieuze Claudio Accardi Prize heeft gewonnen, tijdens een IMISCOE conferentie in Rome, 2-4 mei 2007.

⁸ In 1990 moesten 1,829 miljard niet-Chinezen rondkomen van minder dan twee dollar per dag, oftewel 56,6% van de totale niet-Chinese bevolking. In 2002 betrof het 2,078 miljard niet-Chinezen, oftewel 52,6% van de totale niet-Chinese bevolking. Binnen landen is de sociaaleconomische ongelijkheid overigens toegenomen, terwijl de verschillen tussen landen wat daalden door de economische opgang van China en andere, voornamelijk Aziatische, landen (Neckerman en Torche, 2007). Er woedt onder economen en sociale wetenschappers een debat in hoeverre de sociale ongelijkheid op mondiaal niveau – dus ongeacht het land van verblijf – is gedaald (zoals de cijfers van de Wereldbank suggereren). Het is moeilijk om dit goed te meten. In een van de meest geavanceerde studies een lichte toename gevonden (Milanovic, 2005)

⁹ In de EU-15 woonden er begin jaren negentig volgens de censusronde van 1990/1991 ongeveer 1,1 miljoen vreemdelingen uit Centraal en Oost-Europa, in 2001 waren dit er ongeveer drie miljoen (3.373.239). Bron: ec.europa.eu/eurostat. Het cijfer voor 1990/1991 betreft een extrapolatie van de cijfers voor de EU-15 zonder Duitsland, Engeland, Ierland en Portugal (Eurostat vermeldt geen cijfers voor deze landen voor de jaren negentig van de vorige eeuw), op basis van de veronderstelling dat die elf landen in 2001 ongeveer een gelijk deel van het totaal aantal Centraal- en Oost-Europese vreemdelingen voor hun rekening namen als in 1990/1991, namelijk 55% (voor 2001 vermeldt

Eurostat wel cijfers voor Duitsland, Ierland en Portugal, voor Engeland is het cijfer voor 2003 gebruikt). In 1990/1991 woonden er 622.903 vreemdelingen uit Centraal en Oost-Europa in de genoemde EU-11.

¹⁰ Deze cijfers komen respectievelijk uit Castles en Miller (2003: 5) en Cornelius et al. (2004: 3).

¹¹ Volgens statline (bezocht augustus 2007) bedroeg de binnenlandse migratie (verhuizingen tussen gemeenten) in 2005 642.089. De (officiële) internationale migratie van en naar niet-westerse landen bedroeg 59.719 (immigratie 36.508 en emigratie 23.211). De verhouding tussen binnenlandse migratie en de laatstgenoemde migratiestromen is dus ongeveer 11:1.

¹² De laaggeschoolde arbeidsmigratie in de jaren zestig uit landen rondom de Middellandse Zee is wat dat betreft waarschijnlijk tamelijk uitzonderlijk geweest. Dit was mede mogelijk door de actieve werving vanuit landen van bestemming in regio's die daarvoor door de overheden van de landen van vertrek speciaal waren aangewezen. De Marokkaanse overheid stimuleerde werving onder de arme berberbevolking (Van Gemert, 1998). De migratie van onvermogene volgmigranten wordt vaak gesubsidieerd door gevestigde migranten.

¹³ Ook in Nederland is het aantal werkvergunningen ten behoeve van niet-westerse arbeidsmigranten sinds het midden van de jaren negentig sterk gestegen (Klaver en Visser, 1999). Vooral aanvragen voor hoogopgeleiden worden gehonoreerd. Onder meer de ad hoc projecten met betrekking tot Filippijnse en Zuid-Afrikaanse verpleegsters kregen enige in Nederland enige bekendheid (WRR, 2001). Ook de toename van het aantal niet-westerse beroepsvoetballers zal veel mensen zijn opgevallen.

¹⁴ Zie de hoofdstukken een en drie.

¹⁵ Een recent inzicht in de recente migratieliteratuur is dat de leden van het huishouden soms hun middelen poolen om de migratie van een productief familielid mogelijk te maken om zodoende kosten en risico's te spreiden (Stark, 1995; Taylor, 1999).

¹⁶ Ook bij de zogeheten 'pardonregeling', die in 2007 in Nederland tot stand kwam, gold als voorwaarde dat er geen sprake mocht zijn van veroordelingen die samen optellen tot meer dan een maand gevangenisstraf. De pardonregeling stelt geen voorwaarden op het gebied van werk. Dit laatste is internationaal tamelijk uniek.

¹⁷ De Swaan 1997, p. 564. Daarnaast wijst de Swaan in het artikel op de afnemende politieke macht van nationale staten. Voorts heeft er volgens hem een mentaliteitsverandering plaatsgevonden waarin universele solidariteit met sociaal zwakkeren minder hoog in het vaandel is komen te staan.

¹⁸ Ten eerste zal het aanbod van migranten de maatschappelijke vraag ernaar in de bestemmingslanden veel sterker moeten gaan overstijgen. Daartoe zal de economische ontwikkeling nog flink moeten toenemen, in rijkere maar vooral ook in armere landen, zodat meer mensen als het ware de migratiebult kunnen nemen. Het is onzeker of die mate van groei en mobiliteit ooit gerealiseerd kunnen worden, bijvoorbeeld gelet op de milieuproblematiek. Ten tweede en misschien nog belangrijker: de huidige staten zullen in veel sterkere mate opgenomen moeten worden in een of enkele statelijke verbanden. Nu zijn er te veel mogelijkheden om ongewilde 'vreemde armen' op voorhand af te houden of na vestiging uit te zetten. Ook de vooruitzichten daarop zijn volgens mij niet gunstig. In het verleden is territoriale integratie meestal met het zwaard afgedwongen, hetzij door middel van verovering, hetzij doordat politieke eenheden zich aaneensloten om verovering te voorkomen (Elias, 1939; Kapteyn, 1996). Met de proliferatie van kernwapens lijken de kansen daarop

kleiner dan ooit. Zelfs in de Europese Unie, een tamelijk uniek voorbeeld van (relatief beperkte) politieke integratie zonder direct oorlogsgeweld, hebben individuele lidstaten de mogelijkheid om overlastgevende burgers van andere lidstaten ongewenst te verklaren en uit te zetten.

¹⁹ Ik ga hier mede af op de informatie van een sleutelinformant van de stichting Landelijk Ongedocumenteerden Steunpunt.

²⁰ Uit de VAS gegevens over de periode 1997-oktober 2003 blijkt dat van elke vijf aanhoudingen die een 'ongewenst vreemdeling' betreffen er slechts een resulteert in uitzetting. Bij illegale vreemdelingen die voor 'illegaal verblijf' worden aangehouden resulteert volgens de VAS gegevens ongeveer 42% in een effectieve uitzetting. Bij 'ernstige delicten' is dat 33%, bij 'kleine delicten' 39%. Bij 'drugsdelicten' is het percentage juist relatief hoog (47%), waarschijnlijk omdat het vaak gaat om aanhoudingen op Schiphol zodat er minder twijfel bestaat over het herkomstland. Het betreft overigens indicatieve gegevens omdat het VAS in ongeveer een derde van de gevallen geen informatie bevat over eventuele uitzetting. Het kan overigens ook zijn dat delinquente vreemdelingen uitzetting vaker bemoeilijken door het aannemen van aliasen.

²¹ Bron: CBS Statline, bezocht augustus 2007. Het aantal in Nederland geboren gedetineerden (waaronder 2e generatie migranten) is eveneens gestegen in de betreffende periode. Daarom is het aandeel van in het buitenland geboren gedetineerden minder sterk gestegen, namelijk van 50% naar 56%.

²² Bron: Statline, bezocht augustus 2007.

²³ Van Kalmthout en Van Leeuwen 2004, p. 13.

²⁴ Voor 2003 was het percentage uitzetting via Schiphol vanuit de PI Tilburg en de PI Ter Apel samen 33%. Daarnaast werd in dat jaar 2% van de gedetineerden overgedragen aan buitenlandse autoriteiten uit de omliggende landen. In 2002 waren deze cijfers 43% en 3%. In 1995 44% en 2%. Bron: Van Kalmthout en Van Leeuwen, 2004, p. 13 en p. 24.

²⁵ Van Kalmthout en Van Leeuwen, p. 60. De auteurs baseren zich op de zogeheten geleidelijsten (een soort checklist met informatie over de vreemdeling die geplaatst wordt in de inrichting en door de plaatselijke vreemdelingendienst is ingevuld). Van de 329 onderzochte respondenten werden eerder 95 respondenten (29%) gepresenteerd, 13 respondenten (4%) werden niet gepresenteerd en van 221 respondenten (67%) waren geen gegevens bekend.

²⁶ Geciteerd in Poederbach, 1932: p. 22.

²⁷ De minst productieve werkers bleven in hoge mate op het armenhuis aangewezen. Bovendien bleken veel armen de mogelijkheden tot het verblijf in de armenhuizen strategisch te benutten, bijvoorbeeld door het te gebruiken als tijdelijke opvang in de winter.

Samenvatting

Probleemstelling

Westerse landen zoals Nederland voeren een restrictief immigratiebeleid voor mensen uit niet-westerse landen. Beleid om illegaal verblijf onaantrekkelijk te maken maakt daarvan in toenemende mate deel uit. Het Nederlandse 'illegalenbeleid' beoogt illegale vreemdelingen uit te sluiten van maatschappelijke instituties zoals de formele arbeidsmarkt, de woningmarkt, het uitkeringsstelsel en het onderwijs.

Ondanks (en dankzij) dit restrictieve beleid vormen illegale vreemdelingen een substantieel deel van de bevolking, vooral in bepaalde stadsbuurten. In de onderzoeksperiode woonden er naar schatting 150.000 illegale vreemdelingen in Nederland, of circa een procent van de totale bevolking. In sommige stadsbuurten liep dat percentage vermoedelijk op tot zes á acht procent. Illegaal verblijf komt tevens voor in andere westerse landen.

De eerste hoofdvraag van deze studie is in hoeverre en onder welke omstandigheden het verblijf en de migratie van illegale vreemdelingen gevolgen heeft voor de openbare veiligheid in Nederland en in hoeverre de immigratiepolitiek daaraan bijdraagt.

De studie richt zich voornamelijk op illegaal verblijf en in mindere mate op het migratieproces dat er vooraf aan is gegaan. Er is in de eerste plaats nagegaan in hoeverre de eventuele betrokkenheid van illegale vreemdelingen bij misdrijven verklaard kan worden vanuit de onrechtmatigheid van het verblijf en de consequenties daarvan voor de migrant. Daarnaast is er aandacht voor meer subjectieve aspecten van veiligheid en leefbaarheid in de ontvangende samenleving. In dat verband wordt tevens ingegaan op de relatie tussen illegaliteit en overtredingen in het buurtleven, waaronder overtredingen van ongeschreven sociale regels.

Er waren twee hoofdredenen om de relatie tussen illegaal verblijf en de openbare veiligheid te onderzoeken. Ten eerste kan het zijn dat het restrictieve immigratiebeleid de getroffen migranten aanspoort tot betrokkenheid bij alternatieve en illegale middelen van migratie en bestaan. Ten tweede is het aannemelijk dat de precare maatschappelijke positie van illegale vreemdelingen juist een belemmering vormt voor regelovertreding. Dergelijke migranten zullen de kans op politiecontacten en uitzetting wellicht willen minimaliseren.

De eerste hoofdvraag – in hoeverre en onder welke omstandigheden hebben het verblijf en de migratie van illegale vreemdelingen gevolgen voor de openbare veiligheid in Nederland en in hoeverre de immigratiepolitiek daaraan bij? – is deels onderzocht vanuit een ruimtelijk gezichtspunt. Aangezien illegaal verblijf geconcentreerd is in een relatief beperkt aantal stedelijke achterstandswijken kon verwacht worden dat het antwoord erop zou verschillen per woonplaats en daarbinnen per buurt. Veel plegers van criminaliteit zijn vooral actief in de nabijheid van de eigen woning. Ook subjectieve aspecten van veiligheid en leefbaarheid zijn vaak buurtgebonden. Daarbij geeft onderzoek naar de ruimtelijke spreiding van illegaal verblijf zicht op de sociale bindingen tussen illegale vreemdelingen en meer gevestigde groepen in de samenleving (zie hierna over het belang

daarvan). Dit impliceerde een tweede hoofdvraag: In hoeverre en hoe is illegaal verblijf ruimtelijk geconcentreerd in Nederland en hoe kunnen de patronen van ruimtelijke concentratie en incorporatie worden verklaard?

Eerder onderzoek en bijdrage van deze studie

In de studie is voortgebouwd op eerder onderzoek in binnen- en buitenland naar de maatschappelijke positie van illegale vreemdelingen. Zo waren er vooral in Nederland enkele publicaties verschenen over illegaliteit en criminaliteit. Nieuw is dat voor het eerst uitgebreid is gesproken met een groep delinquente illegale vreemdelingen. Daarnaast zijn voor het eerst systematische vergelijkingen gemaakt met de criminaliteitspatronen bij vergelijkbare migrantengroepen met rechtmatig verblijf. Ook is er in sterkere mate gebruik gemaakt van theoretische inzichten uit het onderzoek naar criminaliteit bij reguliere migranten. Zo is er meer aandacht voor culturele aspecten van delinquentie en voor betrokkenheid van illegale vreemdelingen bij criminele migratie, waarbij het plegen van misdrijven over de grens een migratiemotief is.

Er waren nationaal en internationaal diverse studies met aanwijzingen over de ruimtelijke concentratie van illegale vreemdelingen en de determinanten daarvan. Daarnaast is in deze studie echter voor het eerst systematisch onderzoek gedaan. Ten slotte is voor het eerst onderzocht wat de effecten zijn van de geconcentreerde aanwezigheid van illegale vreemdelingen voor de lokale buurtveiligheid en –leefbaarheid.

Gegevensbronnen

Voor de studie is gebruik gemaakt van diverse gegevens, die merendeels verzameld werden bij twee opdrachtonderzoeken. Een onderzoek werd gefinancierd door het Ministerie van VROM. Het andere onderzoek was voor het onafhankelijke onderzoeksprogramma Politie en Wetenschap, dat gesubsidieerd wordt door het Ministerie van Binnenlandse Zaken. De Amsterdamse School voor Sociaal-Wetenschappelijk Onderzoek maakte het schrijven van dit proefschrift mogelijk.

De kwantitatieve gegevens betreffen politiegegevens over alle illegale vreemdelingen die in Nederland zijn aangehouden tussen januari 1997 en oktober 2003. Voorts zijn databestanden verzameld met gegevens over sociaaleconomische buurtkenmerken en aspecten van (buurt)veiligheid en leefbaarheid. De Immigratie en Naturalisatiedienst (IND) stelde gegevens beschikbaar over alle vreemdelingen die vanaf 1997 tot en met 2003 ongewenst zijn verklaard of een verblijfsvergunning hebben verloren vanwege criminele activiteiten.

De kwalitatieve bronnen zijn tweërlei. Ten eerste heeft er tussen 2003 en 2006 veldwerk plaatsgevonden in een Rotterdamse en Haagse buurt waar illegaal verblijf vrij veel voorkomt. Er werden in totaal 20 professionals, 70 illegale vreemdelingen, 45 huisbazen en 101 buurtbewoners geïnterviewd. Ten tweede is in 2005 uitgebreid gesproken met 26 (mannelijke) illegale vreemdelingen met een asielachtergrond en een

strafblad. De laatstgenoemde interviews hebben plaatsgevonden in de Vreemdelingenbewaring van de PI Tilburg.

Deelstudies & nawoord

Met de gegevens zijn vijf deelstudies verricht. De onderzoeksverslagen zijn in dit boek gebundeld en vormen de hoofdstukken drie tot en met zeven. De hoofdstukken bouwen op elkaar voort, maar zijn zelfstandig leesbaar.

- In de eerste deelstudie zijn de patronen van ruimtelijke concentratie en incorporatie van illegale vreemdelingen in Nederland beschreven en verklaard door kwantitatieve gegevens te combineren met kwalitatieve gegevens uit de twee onderzoeksbuurten.
- In de tweede deelstudie zijn de relaties tussen illegaal verblijf en buurtveiligheid en –leefbaarheid geanalyseerd. Dit is eveneens gebeurd door methodologische triangulatie waarin kwantitatieve gegevensbronnen werden vergeleken met de bevindingen uit het veldwerk in Rotterdam en Den Haag.
- In de derde deelstudie is op basis van politiegegevens de aard en omvang van de criminaliteit onder illegale vreemdelingen vergeleken met de patronen van criminaliteit onder vergelijkbare migranten met rechtmatig verblijf. Het betreft migranten uit elf herkomstlanden in de leeftijd van 12 tot en met 24 jaar
- In de vierde deelstudie is op basis van de interviews in de Vreemdelingenbewaring onderzocht welke keuzes delinquente illegale mannen maakten in de maatschappelijke omstandigheden waarmee ze (mede) door de illegale verblijfsstatus werden geconfronteerd. Voorts wordt een aanzet gegeven voor een typologie van misdaad bij illegale vreemdelingen.
- In de vijfde deelstudie zijn op basis van diverse kwantitatieve gegevensbronnen zes mogelijke verklaringen getoetst voor de sterke toename van het aantal criminaliteitsverdachten met een illegale verblijfsstatus sinds het midden van de jaren negentig.

Deze vijf stukken worden voorafgegaan door een inleidend hoofdstuk en een hoofdstuk dat de centrale bevindingen beschrijft, steeds onder verwijzing naar de latere hoofdstukken. De inleiding geeft een nadere omschrijving van de probleemstelling van de studie in het licht van het eerdere onderzoek op dit terrein. Daarnaast wordt het Nederlandse immigratiebeleid besproken, evenals enkele overige kenmerken van de Nederlandse samenleving die voor een goed begrip van deze studie vereist zijn. Het tweede hoofdstuk kan worden gelezen als een conclusie voor de studie als geheel.

De studie wordt afgesloten met een nawoord. Mede op basis van de onderzoeksresultaten wordt ingegaan op de vraag in hoeverre migratiestromen vanuit niet-westerse landen aanleiding geven tot nieuwe arrangementen voor armoedezorg en –beheersing in de landen van vertrek of juist tot een heropleving van oude vormen in de landen van bestemming.

Belangrijkste bevindingen

De studie laat zien dat de patronen van regelovertreding en -naleving onder illegale vreemdelingen die relevant zijn voor de openbare veiligheid, voor een substantieel deel begrepen moeten worden als een reactie op omstandigheden waarin de Nederlandse restrictieve immigratiepolitiek een aandeel heeft. Dit geldt voor de eventuele betrokkenheid bij misdrijven en overtredingen evenals voor de patronen van naleving en overtreding van meer informele sociale regels.

Het restrictieve immigratiebeleid blijkt geen eenduidige gevolgen te hebben voor de openbare veiligheid. Sommige aspecten ervan kunnen onder invloed van deze politiek onder druk komen te staan, terwijl andere aspecten er juist door worden begunstigd in vergelijking met rechtmatig verblijf.

Enerzijds stimuleert het statelijke streven naar sociale uitsluiting regelovertreding via het zogenoemde strainmechanisme. Mensen zijn sterker geneigd om illegale paden te betreden naarmate de reguliere wegen tot de doelen die zij voor ogen hebben, zijn afgesloten. Dit geldt eveneens voor illegale vreemdelingen. Zo is er onder hen vaak sprake van *verblijfscriminaliteit*. Dit zijn misdrijven die erop zijn gericht om in een rechtsgebied te verblijven ondanks het restrictieve beleid. Voorbeelden daarvan zijn Nederland in- of uitreizen met een vervalst reisdocument of het zich legitimeren met een document van een ander. Daarnaast proberen illegale vreemdelingen soms met *bestaanscriminaliteit* te voldoen aan sociale standaarden die door henzelf en/of de milieus waaraan ze deel (willen) hebben of hadden als elementair worden beschouwd. De voornaamste varianten van bestaanscriminaliteit zijn werken met valse papieren, diefstal en straathandel in drugs. Voorts komt het voor dat *strain* onder invloed van een illegale verblijfsstatus problematisch druggebruik stimuleert en zodoende *verslavingsgerelateerde criminaliteit* in de hand werkt.

Anderzijds versterkt de restrictieve immigratiepolitiek externe sociale controle. Zolang de vreemdeling geen verblijfsrecht heeft, bestaat immers het risico dat de verworven maatschappelijke positie in het vestigingsland, ook al is die soms zeer marginaal, moet worden prijsgegeven. Zoals op grond van de sociale controle theorie te verwachten is, stimuleert de tweede tendentie van het statelijke streven naar sociale uitsluiting doorgaans regelnaleving. Die tendentie komt vooral tot uitdrukking in de relatief lage betrokkenheid van illegale vreemdelingen bij zogeheten expressieve misdrijven, waarin de dader zichzelf als het ware uit. Dit in tegenstelling tot meer instrumentele misdrijven waarin het delict in sterkere mate een middel is tot een doel dat buiten het misdrijf zelf is gelegen. Voorbeelden van misdrijftypen die onder illegale vreemdelingen beperkt voorkomen zijn geweld tegen personen en goederen. Daarnaast zijn er aanwijzingen dat delinquente illegale vreemdelingen relatief vaak betrokken zijn bij misdrijftypen die heimelijk uitgevoerd kunnen worden en geen contact met het slachtoffer vereisen.

Het restrictieve immigratiebeleid blijkt soortgelijke differentiële effecten te sorteren in het buurleven. Enerzijds spreken illegale vreemdelingen op straat soms

ongevraagd onbekenden aan om een partner te vinden voor een verblijfsvergunning. Anderzijds dringt de illegale verblijfsstatus meestal tot een sterke mate van naleving van formele en informele buurtregels, bijvoorbeeld op het gebied van geluidsoverlast.

Westerse samenlevingen kenmerken zich in toenemende mate door etnische, economische en culturele diversiteit. De studie maakt aannemelijk dat er in Nederland diverse groepen zijn die de legitimiteit van het restrictieve immigratiebeleid betwisten, door deze politiek in hun belangen worden getroffen en/of baat hebben bij een zwakke maatschappelijke positie van illegale vreemdelingen. Het betreft (1) gevestigde niet-westerse migrantengemeenschappen, (2) werkgevers, vooral als zij aangewezen zijn op de secundaire arbeidsmarkt en (3) singles met een buitenlandse partner of belangstelling daarvoor. Deze drie sociale actoren, waarmee veel illegale vreemdelingen in meer of mindere mate sociale bindingen hebben of verwerven, verminderen de mate waarin de overheidsregulering van migratiestromen succesvol is. Tegelijkertijd bepalen ze mede in hoeverre en hoe die politiek gevolgen heeft voor de openbare veiligheid.

Als regel verzwakken de genoemde sociale bindingen de potentiële criminogene effecten van het statelijke streven naar sociale uitsluiting, terwijl ze de tendentie tot regelnaleving die ervan uitgaat, juist versterken. Dergelijke bindingen geven vaak indirect toegang tot reguliere middelen van migratie (zoals reizen met een toeristenvisum) en bestaan (zoals werken in de informele economie, inwonen bij familie, het via via vinden van een huwelijkspartner in plaats van op straat). Zo verminderen ze doorgaans de *strain* tussen legale gedragsmogelijkheden en gedragsdoelen. Het risico van uitzetting lijkt door deze bindingen juist van grotere betekenis te zijn, aangezien een illegale vreemdeling riskeert om naast het verblijf ook deze sociale bindingen te verliezen.

Sociale bindingen met gevestigden blijken niet per definitie een gunstig effect te hebben voor de openbare veiligheid. Soms is er tussen illegale vreemdelingen en gevestigde inwoners sprake van criminele samenwerking. Bovendien blijken sociale bindingen de druk tot regelovertreding te kunnen vergroten, althans indien ze geen toegang geven tot conventionele bestaansmiddelen. Het komt voor dat illegale vreemdelingen met misdrijven proberen te voldoen aan de verwachtingen die verbonden zijn met hun 'nevenstatussen', zoals de status van vader, zoon of verloofde.

De genoemde sociale bindingen beïnvloeden tevens de vorm die eventuele regelovertreding aanneemt. Door hun inbedding in gevestigde migrantengemeenschappen hebben delinquente illegale vreemdelingen bijvoorbeeld een verhoogde kans op betrokkenheid bij een misdrijfsoort die relatief gangbaar is onder gevestigde landgenoten. Daarbij komt dat migranten in reactie op *strain* juist die vormen van delinquent gedrag lijken te ontwikkelen die zij moreel beperkt afwijzen in vergelijking met overige waargenomen gedragsalternatieven. De weging van gedragsalternatieven lijkt tussen en binnen herkomstgroepen deels te verschillen. Zo bepalen illegale vreemdelingen zelf mede welke sociale bindingen zij aangaan, en welke liever niet.

De restrictieve immigratiepolitiek heeft niet *altijd* een aandeel in de patronen van regelovertreding en –naleving onder illegale vreemdelingen. De studie laat tegelijkertijd zien dat bepaalde misdrijven, zoals seksuele misdrijven of vormen van criminele migratie, waarin een dader migreert om misdrijven te plegen, niet of nauwelijks verband houden met het restrictieve immigratiebeleid. Bepaalde vormen van criminele migratie blijken juist relatief open grenzen te veronderstellen. Evenzo houden illegale vreemdelingen zich niet primair vanwege het risico op uitzetting aan sociale regels die openbare veiligheid helpen waarborgen. Ze hebben deze regels door eerdere socialisatie veelal verinnerlijkt en onderschrijven vaak de legitimiteit ervan. Zo werken ook de (oude) bindingen in het herkomstland door in het gedrag in Nederland.

Summary

Research problem

Western countries like the Netherlands pursue restrictive immigration policies for people from non-Western countries. Policy to make illegal residence unattractive is increasingly part of this. The Dutch *illegalenbeleid* ('illegals policy') aims to exclude illegal aliens from social institutions such as the formal labour market, the housing market, social securities, and education.

In spite of (and owing to) this restrictive policy, illegal aliens represent a substantial segment of the population, particularly in certain urban neighbourhoods. It is estimated that 150,000 illegal aliens, or approximately one per cent of the total population, live in the Netherlands. In some urban neighbourhoods, illegal immigrants probably constitute six to eight per cent of the residents. Illegal residence is prevalent in other Western countries as well.

The primary central question of this study asks to what extent, and under which conditions, the residence and migration of illegal aliens impact public safety in the Netherlands, and to what extent the immigration policy contributes to that.

The study focuses on illegal residence but also pays attention to the migration processes that precede it. It examines the extent to which the possible involvement of illegal aliens in crimes can be explained by the illegality of their residence and its consequences. Attention is also paid to the more subjective aspects of safety and liveability. With an eye to that, the study also examines the connection between illegal residence and rule observance and trespassing in neighbourhood life, including the trespassing on unwritten social rules.

There are two main reasons for researching the relationship between illegal residence and public safety. First, restrictive immigration policy may press the affected migrants to involvement in alternative and illegal means of migration and existence. Second, the precarious social position of illegal aliens is likely to impede rule trespassing, for such migrants may try to minimize their chances of police contacts and expulsion.

The primary central question – To what extent, and under which conditions, do the residence and migration of illegal aliens impact public safety in the Netherlands, and to what extent does the immigration policy contribute to that? – is partly researched from a spatial angle. As illegal residence is concentrated in a relatively limited number of deprived urban neighbourhoods, it could be expected that the answer to the primary research question would differ according to the particular place or neighbourhood. Many perpetrators of crimes are particularly active in the vicinity of where they live. Subjective aspects of safety and liveability are also connected to the neighbourhood to a considerable extent. In addition, research on the spatial spreading of illegal residence could illuminate the social ties between illegal aliens and more established groups in society (see hereafter why such ties are important). This implies a second central question: To what extent, and in what way, is illegal residence spatially concentrated within the Netherlands, and how can patterns of spatial concentration and incorporation be explained?

Previous research and the contribution of this study

This study builds on previous research on the social position of illegal aliens, both in the Netherlands and in other Western countries. In the Netherlands in particular, a number of publications have focused on the relationship between illegality and criminality. A new element in this study is that a sizeable group of delinquent illegal aliens were interviewed. An additional innovative aspect is that systematic comparisons were made with the crime patterns among comparable migrant groups that have legal residence. Theoretical insights from the research on crime among regular immigrants were also employed in a greater measure: more attention is paid to cultural aspects in offending, and to the involvement of illegal aliens in criminal migration, where offending is a migration motive.

Nationally and internationally there have been several studies that provided indications about the crucial factors of the spatial settlement pattern of illegal migrants. These settlement patterns were researched systematically for the first time in this study. Finally, the effects of the concentrated presence of illegal aliens in certain residential areas for neighbourhood safety and liveability were also examined for the first time.

Data sources

Various types of data were used, which were mostly collected during two contract studies. One research was financed by the Dutch Ministry of Housing. The other research was by order of the independent research programme *Politie en Wetenschap* ('Police and Science'), which is subsidized by the Ministry of Home Affairs. The Amsterdam School for Social Science Research made the writing of this PhD thesis possible.

The quantitative data consisted of police data on all illegal aliens who were apprehended in the Netherlands between January 1997 and October 2003. Besides this, data files were collected with figures on social economic neighbourhood characteristics and aspects of (neighbourhood) safety and liveability. The Immigration and Naturalization Service (IND) provided data on all foreigners who were declared undesirable aliens or who lost their residence permit between 1997 and 2003, because of criminal activities.

The qualitative data were twofold. First, fieldwork was carried out between 2003 and 2006 in two neighbourhoods where illegal residence is not uncommon; one in Rotterdam and one in The Hague. In total, 20 professionals, 70 illegal aliens, 45 landlords, and 101 residents were interviewed. Second, in 2005, 26 (male) illegal aliens with an asylum history and a record of offences were interviewed extensively. The latter interviews took place in the Aliens Custody of the Tilburg Prison.

Five sub-studies & epilogue

Five sub-studies were conducted with the data. The reports are collected in this book and constitute chapters three to seven. The chapters build on each other, but can also be read separately.

- In the first sub-study, the patterns of spatial concentration and incorporation of illegal aliens in the Netherlands were described and explained by combining quantitative data with qualitative data from the two selected neighbourhoods.
- In the second sub-study, the connections between illegal residence and neighbourhood safety and liveability were analyzed. This was also done by methodological triangulation: quantitative results were compared with the findings of the fieldwork in Rotterdam and The Hague.
- Using police data, the involvement in crime among illegal aliens (ages twelve up to and including twenty-four) from eleven countries of origin was compared to the patterns of delinquency among legal migrants of comparable age and country of origin.
- The fourth sub-study examined the choices of delinquent illegal aliens in interaction with the social conditions they were confronted with, partly as a result of their illegal residence status. Also, a typology of crime among illegal aliens is given.
- The number of crime suspects with an illegal residence status rose substantially in the Netherlands since the middle of the nineteen-nineties. In the fifth sub-study, six possible explanations for this rise are examined, using various quantitative data.

The chapters mentioned are preceded by an introductory chapter and a chapter that describes the main results. The introduction describes the study's research problem in the light of the previous research in this field. The Dutch immigration policy is also discussed, as well as a number of other characteristics of Dutch society that are required for a good understanding of this study. The second chapter can be read as a conclusion of the study as a whole.

The study ends with an epilogue. Partly on the basis of the research results, it is asked to what extent migration flows from non-Western countries occasion new arrangements of poor relief in the countries of departure or, on the contrary, a renaissance of old arrangements in the countries of destination.

Central findings

The study shows that part of the patterns of rule trespassing and observation among illegal aliens, that are relevant for public safety, must be understood as a response to social conditions to which the Dutch restrictive immigration policy contributes. This is true for the possible involvement in crimes, as well as for misdemeanours and trespasses of more informal social rules.

It turns out that the restrictive immigration policy does not have unambiguous consequences for public safety. Some aspects of public safety can be harmed under the influence of this policy, while other aspects are favoured in comparison to legal residence.

On the one hand, the state's endeavour towards social exclusion promotes rule trespassing via the social mechanism of 'strain'. People are more inclined to opt for illegal paths accordingly as the conventional means for fulfilling their aspirations are closed off. This is also true for illegal aliens. For instance, there is often a question of *residence crime* among these migrants. The aim of residence crime is to reside in the Netherlands or another Western country, in spite of the restrictive policy. Examples include travelling to or leaving the Netherlands with a false document, or proving one's identity with someone else's ID. Besides this, illegal aliens sometimes become involved in subsistence crime to satisfy social standards that are regarded as elementary by themselves and/or the social milieus they are, were, or want to be, a part of. The principal variants of *subsistence crime* are: working with false documents, theft, and dealing drugs in the streets. Strain that occurs under the influence of the illegal residence status may also promote problematic drug use and incite forms of *addiction related crime*.

On the other hand, the restrictive immigration policy strengthens social control. For as long as the foreigner does not have legal residence status, there is the constant risk that the social position in their country of settlement, even if this position is sometimes very marginal, must be given up. In line with social control theory, this second tendency of the state's endeavour towards the social exclusion of particular categories of immigrants favours rule observance.

The latter tendency predominantly expresses itself in the relatively low involvement of illegal aliens in expressive or symbolic crimes. In comparison to instrumental offences, in which the offence is primarily a means to a particular end (such as identity fraud), expressive crimes are more often an end in themselves. In the latter crimes the perpetrators express themselves, so to speak. Examples of crimes that are relatively rare among illegal aliens are violence against persons and goods. Besides this, there are indications that delinquent illegal aliens tend to commit instrumental crimes that can be carried out surreptitiously, and do not require contact with the victim.

It turns out that the illegality of the residence has comparable differential effects in neighbourhood life. On the one hand, illegal aliens sometimes approach strangers in the street in the hope of finding a partner for a residence permit. On the other hand, the illegal residence status usually presses them to observe formal and informal neighbourhood rules, for instance with regards to noise nuisance.

Western societies are increasingly characterized by ethnic, economic, and cultural diversity. This study makes it plausible that there are several groups in the Netherlands that contest the legitimacy of the restrictive immigration policy, are negatively affected by it, and/or have an interest in the weak social position of illegal aliens: (1) established non-Western migrant communities, (2) employers that depend on the secondary labour market, and (3) singles with a foreign partner or an interest in such a partner. These three social actors, with whom many illegal aliens have or obtain social ties, decrease the extent to which the strict regulation of migration flows is successful. Simultaneously, they influence the degree to which, and the way in which, it affects public safety.

As a rule, social ties weaken the first tendency of the state's endeavour towards social exclusion, while they strengthen the second, that of social control. For it turns out that such ties often increase the degree of access to regular means of migration (such as travelling with a tourist visa) and existence (such as working in the informal economy, living with family, finding a marriage partner via social networks instead of on the street). Therefore, they often decrease the degree of strain between migrant's aspirations and conventional opportunities. The risk of expulsion, on the other hand, appears to be of greater importance in the case of strong social ties, as an illegal alien risks losing these ties, and the resources they give access to, in addition to residence in the Netherlands, in the case of expulsion.

Yet, the social ties mentioned do not necessarily have a favourable effect on public safety. It turns out that illegal aliens and established inhabitants sometimes cooperate in crime. In addition, social ties that do not lend access to conventional means of existence sometimes increase the pressure to trespass on rules. With the help of crimes, illegal aliens sometimes try to satisfy expectations that are connected to their 'parallel statuses', such as the status of father, son, or fiancé.

Social ties also influence the form that possible rule trespassing takes. Because of their embeddedness in established migrant communities, delinquent illegal aliens have an elevated chance of involvement in types of crime that are relatively common among established countrymen. Moreover, migrants appear to develop forms of delinquency that they do not morally reject to a large extent, in comparison to other behavioural options. The weighing of behavioural alternatives appears to differ between and within groups of origin to some degree. Illegal aliens partly decide themselves which social ties they enter into, and which ties they would rather not develop.

Restrictive immigration policy does not *always* contribute to rule trespassing and / or rule observance among illegal aliens. At the same time, this study shows that some crimes, such as sexual crimes or forms of criminal migration, are barely connected to the restrictive immigration policy, if at all. Some types of criminal migration turn out to presuppose relatively open borders. Similarly, illegal aliens do not only observe social rules because of the risk of expulsion, but also because they have internalized these rules as a result of previous socialization, and thus acknowledge their legitimacy. Apparently, (former) social ties in the country of origin also have an effect on behaviour in the Netherlands.

Westerse landen zoals Nederland voeren een restrictief immigratiebeleid voor niet-westerse landen. Beleid om illegaal verblijf onaantrekkelijk te maken, maakt daarvan in toenemende mate deel uit. Deze sociologische studie onderzoekt de gevolgen van dit beleid voor de objectieve en subjectieve veiligheid (criminaliteit en veiligheidsbeleving), met bijzondere aandacht voor de stadsbuurten waar illegaal verblijf ruimtelijk is geconcentreerd. In hoeverre en hoe hebben het verblijf en de migratie van 'illegale vreemdelingen' gevolgen voor de openbare veiligheid? Wat is daarin het aandeel van de illegale verblijfsstatus? Spoort die status aan tot regelovertreding of juist tot regelnaleving? Is dat in de loop van de tijd veranderd? Wat is de invloed van de sociale bindingen die deze – op het eerste gezicht – ongewilde migranten vaak hebben met meer gevestigde groepen in de samenleving, waaronder migrantengemeenschappen, werkgevers en *singles*? Op deze en gerelateerde vragen wordt ingegaan met een rijke combinatie van kwantitatieve (politiecijfers, enquêtes over slachtofferschap en veiligheid) en kwalitatieve gegevens (buurtonderzoek, diepte-interviews in de vreemdelingenbewaring).