



Back to the poorhouse? Social protection and social control of unauthorised immigrants in the shadow of the welfare state Journal of European Social Policy 2016, Vol. 26(2) 140–154 © The Author(s) 2016 Reprints and permissions: sagepub.co.uk/journalsPermissions.nav DOI: 10.1177/0958928716637139 esp.sagepub.com

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## Abstract

In the late 1980s and early 1990s, De Swaan, a historical sociologist, speculated that heightened global interconnectedness, and the resulting increased potential for international migration, would lead to transnational social policies. In this view, states of richer countries would increasingly perceive an interest in financing social policies in poorer countries in an effort to reduce the need for the distant poor to migrate. By and large, such transnational social policies have not materialised. In this article, which focuses on 'the Dutch case', it is argued that international migration, and the desire by states to selectively limit international migration, is nonetheless leading to new forms of poor relief and poverty control, not in countries of origin but in countries of destination. In the shadow of the Western welfare states, we now find elementary and, in many cases, rather archaic practices of poor relief and anti-pauperism measures for certain categories of unauthorised immigrants. Scholarship on migration and citizenship indicates that the rights of immigrants increasingly resemble the rights of citizens, especially in comprehensive welfare states. This trend seems to be complemented, however, by a growing differentiation of social citizenship between those formally admitted (both citizens and residence permit holders) and those officially considered 'illegal' non-members.

## **Keywords**

Citizenship, globalisation, illegal immigrants, international migration, poor relief, welfare regimes

# Introduction

Some strands of sociological theorising maintain that poor relief is, at least in part, driven by the pragmatic interests of elites to control the poor and mitigate social unrest (Piven and Cloward, 1972). In line with this perspective, De Swaan (1988, 1989, 1994),

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Arjen Leerkes, Department of Public Administration and Sociology, Erasmus University Rotterdam, 3000 DR Rotterdam, The Netherlands. Email: leerkes@fsw.eur.nl a historical sociologist who studied the genesis of the welfare state in Europe and the United States, speculated that heightened global interconnectedness, and the resulting increased potential for international migration, would lead to 'transnational social policies'. In this view, the socially established in richer countries would increasingly perceive an interest in financing certain social policies in poorer countries in order to reduce the need for the distant poor to migrate. There have been some relevant policy initiatives since then (see Notes for details), but such transnational social policies have, by and large, not materialised.<sup>1</sup> Rather than decreasing the need to migrate, states selectively decreased the opportunities for international mobility by increasing the costs of migration for most of the world's inhabitants (Aas and Bosworth, 2013; Andreas and Snyder, 2000; Düvell, 2005). Indeed, supplying elementary social benefits to the distant poor would probably be an ineffective instrument to reduce international migration. Such benefits may even act like migration subsidies, given that it is not the poorest inhabitants of the poorest countries who are able to migrate to richer countries (De Haas, 2010; Martin and Taylor, 1996). De Swaan (1997), too, eventually recognised that the prospects for transnational social policy were, in his own words, 'receding'.

In this article, I nonetheless return to this prognosis as I believe that it was only partially wrong: although there has not been a rise in transnational social policies in countries of origin, there has been a relevant emergence of new poor relief and anti-pauperism measures in destination countries. In the Netherlands, at the very least, a motley collection of non-governmental organisations (NGOs), municipalities and, more recently, the national government is providing elementary shelter to certain categories of rejected asylum seekers, especially families. Additionally, there has been a rise of relatively punitive arrangements 'of last resort' to control pauperism among certain categories of unauthorised migrants who commit minor crimes and/or are believed to frustrate their departure from the Netherlands; both immigration detention and criminal imprisonment are partially oriented to keeping marginal 'non-deportable deportable immigrants' away from the streets and out of sight. These practices are characterised by an interesting paradox: they represent recent developments in social policy in advanced welfare states, yet are reminiscent of the poorhouses of the past.

The next section provides some contextual information about illegal residence in the Netherlands. The third section then elaborates on De Swaan's writings on the genesis of the welfare state, which formed the background to his speculations about the genesis of a transnational welfare state and which, I contend, do help us understand the practices of poor relief and control that have been sketched in the above. The next section describes the main non-governmental and governmental arrangements to relief and control poverty among certain categories of unauthorised migrants. The final section interprets the main findings and discusses some implications for the scholarly debate on migration and citizenship (Joppke, 2010; Morris, 2002; Ruhs, 2013; Ruhs and Martin, 2008; Sainsbury, 2006).

The analysis is based on personal fieldwork in Dutch immigration detention centres, interviews with key informants with a direct or indirect involvement in relevant practices of poor relief and control, and academic publications and policy reports regarding illegal residence in different destination countries, with a focus on the Netherlands.<sup>2</sup>

# Illegal residence in the Netherlands

It is useful to divide the unauthorised population in the Netherlands into three main groups (also see Leerkes et al., 2007). First, there are former asylum seekers, both rejected asylum seekers and asylum seekers who obtained temporary residence permits that were withdrawn or not renewed. They are mostly from Asia, Africa and Eastern Europe. Because of the national government's policy to spatially spread asylum seekers, many municipalities are eventually confronted with these groups. Second, there are *family migrants* who do not, or not yet, meet the admission requirements for legal family migration. They tend to live in cities and bigger towns and mostly originate from countries that have been source countries of immigration for some time, including the former colony Surinam and the former 'guest worker' countries Morocco and Turkey. Third,

there are *labour migrants* performing relatively unattractive, low-paid labour in sectors like horticulture, construction, domestic work and ethnic businesses, such as restaurants or massage parlours. Such workers, who predominantly reside in cities, mostly originate from North Africa and Eastern Europe, but are also from sub-Saharan Africa, Asia and Latin America. Some have migrated in the footsteps of family members; others are pioneers with weaker social networks in Europe.

A notable and increasing part of governmental control of migration takes place after 'undesirable' migrants reach the territory (see, for example, Lahav and Guiraudon, 2000), and the Netherlands certainly has developed a far-reaching policy of internal border control (also see Leerkes, 2009; Van der Leun, 2003). Unauthorised migrants are systematically excluded from regular social provisions - with the exception of what is called 'medically required health care' and education for minors – as well as from the formal labour market. Since 1991, for example, immigration status is checked each time a worker is hired on the formal labour market, and employer fines are now €13,000 per unauthorised worker employed. Since 1998, unauthorised immigrants' access to unemployment benefits and social housing has been closed off by checking each applicant's immigration status. Since the 2000s, in particular, the state also increasingly tries to actively remove deportable migrants. Apprehension and detention risks were increased, and additional financial incentives were introduced to encourage rejected asylum seekers and other unauthorised migrants to leave 'voluntarily'. The government still faces difficulties, however, to make unwanted migrants return to their country of citizenship (see, for example, Noll, 1999). For example, among all asylum seekers whose asylum claims were rejected in 2008, only 38 percent had demonstrably left the country by 2013 (Leerkes et al., 2014). Being unauthorised is certainly valued negatively among asylum seekers, but most still prefer to stay over returning to the country of origin. An estimated 100,000 unauthorised migrants are now living in the Netherlands (Van der Heijden et al., 2011).

Although not all unauthorised migrants are deterred by the state-led practices of social exclusion,

those who remain were pushed farther into marginality, both into the informal economy (Van der Leun and Kloosterman, 2006) and into forms of crime (Leerkes et al., 2012). Many still manage to support themselves by working informally or are supported by their direct social networks in case of (temporary) unemployment, either from their networks in the country of immigration or transnationally (Boccagni, 2013; Faist, 2013). Yet, De Swaan's contention that 'there will also be migrants who are unable to support themselves and who do not return' (see next section) has certainly proven to be true.

# The sociogenesis of care arrangements

Poor relief has been organised in different ways during human history. In the early agricultural societies, local systems of charity existed where farmers arranged poor relief informally in their own circles. By the 13th century, somewhat more formalised arrangements had developed in cities with the emergence of guest houses for the ill and elderly. From the 16th century onwards, the poorhouse (also called workhouse or house of correction) spread: here, the poor were taken care of, and set to work, which decreased the costs of relief and supposedly inculcated the work ethic. In the course of the 20th century, the poorhouse gave way to collective unemployment insurance. In In Care of the State, De Swaan (1988) aims to explain the rise and fall of these arrangements, synthesising insights from welfare economics (e.g. Olson, 1965), history (e.g. Geremek, 1974, Hufton, 1974, Weber, 1976) and figurational sociology (Elias, 1978, 1982). The analysis is quite rich, and I will limit myself to three central theoretical concepts that I take to be particularly useful here.

The first concept is *interdependence*, which is an important concept in sociology more generally. Here, a central assumption is that the socially weaker always depend on the socially stronger, and vice versa, although the power balance tips, per definition, towards the latter: '[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 their survival, the richer on the

poorer to maintain their advantage' (De Swaan, 1988: 13). In order to retain their wealth, the socially stronger have to use the opportunities that the poor offer *and* they must control their potential threat. In this view, poor relief is not only produced by altruism or religious doctrines but also functions to control the external effects of poverty, especially problems of public health, nuisance and public safety.

The second concept is the *classification of the poor*, that is, the tendency by the socially stronger to divide the poor into subcategories and to base decisions regarding poor relief on them. Three main dimensions are assumed to underlie such classifications: disability, docility and proximity. Throughout history, poor relief is primarily directed at those who are believed to be unable to support themselves (the disability criterion), who comply with the law and social mores (the docility criterion) and who are considered in-group members (the proximity criterion). Other categories are typically excluded: while ablebodied and docile members of the in-group are normally incorporated in the labour market, lawbreakers among the in-group are either sent away or – when this became increasingly problematic due to the formation of nation states - detained. The socially stronger are also unlikely to provide poor relief to the 'alien' poor, like vagabonds and hawkers. If they cannot support themselves, they are the first to be sent away.

For the present analysis, it is crucial to point out that the distinction between poor relief and repression is not always clear-cut. This is well illustrated by the poorhouses, especially the early poorhouses, which existed until the end of the 18th and early 19th centuries. For example, a local ordinance characterised those whom were locked up in the Amsterdam poorhouses as follows:

Great crowds of beggars and vagabonds, very lazy idlers, men as well as women who are found here in the City, who steal the alms from the truly deserving, to the burden of the Municipality and its Citizenry, and who usually set out for idleness, noise, gaming, drunkenness, prostitution and other godlessness, for (as has often been found) Spies, Night Robbers and Thieves may hide among them. (Cited in Poederbach, 1932: 22; author's translation) The third concept is *collectivisation*. Initially, poor relief was exclusively arranged informally in families and small-scale communities, but such arrangements increasingly gave way to formal arrangements in wider circles, eventually involving nations. Two main mechanisms drive that process. First, a certain degree of social integration at a higher level tends to be a by-effect of the need to overcome collective action problems that are raised by the organisation of poor relief.<sup>3</sup> Second, changes in arrangements have always been connected to what historical sociologists call the 'extension and intensification of the chains of interdependence' (see, for example, Elias, 1982): when state and market formation progressed, people became increasingly dependent on a larger number of others, including those living far away. Towns, for example, became mutually interconnected in what eventually became nations. As a result, local poor relief arrangements increasingly experienced the effects of care arrangements, or the lack thereof, in neighbouring towns. Where poor relief lagged behind, poor people were turned into drifters, reinforcing the ranks of the beggars and bandits who undermined the general interest of public health and public safety. National welfare systems required the formation of relatively closed states: national governments could solve collective action problems at national level by their ability to make collective unemployment benefits mandatory, while excluding 'aliens' (which then gained the current meaning of 'non-nationals') from these arrangements.

In times of heightened globalisation, a significant number of people migrate from the world's periphery to the cities in the core territories. In De Swaan's view, that centripetal stream of (in part unauthorised) migrants creates an interest in richer countries to improve the living conditions in poorer countries. Although the flows do not, for the greater part, cause substantial social problems, De Swaan (1989) expected that there would also be newcomers who are unable to support themselves and who do not return:

Their number and burden increases. The pressure on the Western care systems grows. And maybe the rich countries will gradually develop an interest in creating provisions in the poor countries to guarantee a minimal existence over there. That might be the very first beginning of a supranational care system. (p. 49)

# New arrangements to relief and control poverty

## Relatively inclusionary arrangements

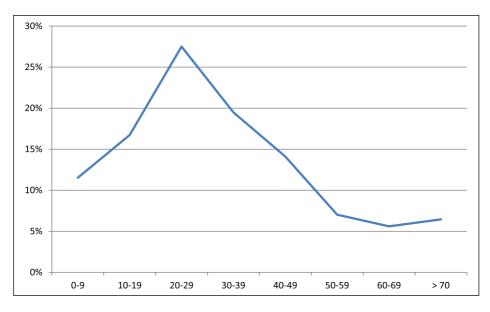
In a period when the welfare states in the West were slimmed down, additional social safety nets developed for certain categories of unauthorised immigrants. A 2002 case study examining two Dutch cities (The Hague and Leiden) was the first to document how churches, civil initiatives, migrant organisations and left-wing activists were providing forms of poor relief to unauthorised immigrants, for example, by donating meals and arranging (temporary) accommodation (Rusinovic et al., 2002). Interestingly, local governments had also developed a significant involvement in such arrangements; an inventory by the Dutch Association of Municipalities indicated that about 1000 persons, spread over 170 of the approximately 400 municipalities, were receiving what the municipalities call gemeentelijke noodopvang ('municipal emergency shelter') (see, for example, Van der Leun, 2004). The municipalities either organise it themselves or have a more indirect involvement by subsidising NGOs. The municipalities became involved in the second half of the 1990s as a result of requests by NGOs, which argued that they were no longer able to fully bear the costs of the relief.<sup>4</sup>

Those obtaining emergency shelter receive simple accommodation and basic financial allowances. In some cases, cheap accommodation, such as student housing, is rented wherever it is locally available. It is also not uncommon, however, for different individuals and families to be accommodated together (NGOs also use empty churches or squatted buildings for that purpose). The allowances are about three times lower than what Dutch citizens receive in case of welfare.<sup>5</sup> Such shelter, which is largely oriented to rejected asylum seekers, especially families, tends to be framed as temporary by municipalities and NGOs alike: in order to receive shelter, clients must be believed to be willing to return to their country of citizenship or still have some perspective on a residence permit, for example, by submitting a new asylum application or via a residence permit for family reunification.

Officially, the national government has always opposed these arrangements, arguing that they undermine its efforts to make deportable migrants leave the territory. The municipalities have turned this argument on its head, arguing that emergency relief is not a cause but a consequence of limited return rates: in their view, they are mostly solving problems that are created by the national government's inability to realise an effective return policy in a context where the unauthorised are excluded from the labour market and (most) regular social provisions.

In 2007, after years of heated political discussion, about 30,000 rejected asylum seekers were amnestied who had applied for asylum before 2001 (Wijkhuijs et al., 2012). The amnesty was also presented as a final solution to the problem of the rejected asylum seekers who - despite the dogma of temporariness - had been receiving municipal relief for years, and the national government and the municipalities agreed that all emergency shelters would be ended. Already in 2009, however, a new national inventory - the most recent one to date indicated that the forces promoting municipal emergency shelter are structural: nationwide, 68 of the 306 responding municipalities (22%) were still providing emergency shelter to about 750 unauthorised migrants (Van der Welle and Odé, 2009). The municipalities were also asked why, if applicable, they were involved in emergency relief, and apart from humanitarian reasons the municipalities indeed mentioned several more pragmatic reasons for organising emergency relief: while 44 municipalities mentioned 'pressing humanitarian reasons', 26 indicated that shelter was needed to manage psychiatric or other medical problems and 25 municipalities ticked the response category 'considerations of public order and safety'.

Initially, such arrangements were exclusively organised by local actors, but in 2010 the national government was required to step in. In that year, a Dutch judge followed a decision of the European Committee of Social Rights – which had recognised a complaint by the Dutch NGO *Defence for Children* 



**Figure 1.** Rejection rates by age category during the 2007 Amnesty. Source: Wijkhuijs et al. (2012).

in 2009 – and ruled that the government should provide basic accommodation to unauthorised families with minor children.<sup>6</sup> This led to the establishment to what are called *Gezinslocaties* ('family locations') where families receive 'bed, bath and bread arrangements'. The families are still supposed to leave the country, cannot leave the municipalities where the centres are located and have to report regularly to the aliens police, which has an office in the centres. They are at some risk of being deported, but if return does not ensue, they can stay there until the family's youngest child has become 18 years old. Most residents are rejected asylum seekers, but the centres are also open to other unauthorised families. On 31 December 2013, the country's seven 'family locations' accommodated 2050 persons (Ministry of Security and Justice, 2014). There are no data on how many persons still receive relief from the municipalities or NGOs.

#### Repressive arrangements

There is a significant group of unauthorised immigrants in the Netherlands who cannot support themselves through labour, who obtain no or limited support from their direct social networks, who can be deported with great difficulty only, if at all, *and* who are to a great extent excluded from the care arrangements that have been described so far. This category largely consists of single adult males. This is well illustrated by figures from the 2007 Amnesty, showing that male candidates to be amnestied eventually had a 57 percent higher chance of being rejected than female candidates, while rejection rates also peeked in the age categories where single male migrants will have been over-represented (see Figure 1).<sup>7</sup>

Among this group of marginalised unauthorised males, there is a significant involvement in petty crime, such as shoplifting, street-level drug dealing and – in more serious cases – burglary (Leerkes, 2009; Leerkes et al., 2012). Such offending is frequently a behavioural response to cumulative social exclusion in the country of destination: having illegal status in the context of a strict policy of internal border control, having weak personal social networks, *and* being faced with a more limited willingness by NGOs, municipalities and the national government to provide support and cushion the consequences of being unauthorised. Such adult males are likely to come to the attention of the police, and

a significant number are deported. Yet, the government also faces significant difficulties to realise their departure as well. In 2010, for example, only 49 percent of all immigration detainees were forcefully expelled (Kox, 2011). If expulsion procedures fail, detainees are released with an order to leave the territory, and those who fail to do so are at risk of being re-detained after a year has passed since the last release or when new circumstances have supposedly occurred that could result in expulsion (Van Dokkum, 2010).

Immigration detention centres – the first became operational in 1995 - are a relatively recent phenomenon in the Netherlands. During the late 1980s, there were only about 200 places available in a few jails spread across the country (Van Kalmthout, 2005). By 2007, the total detention capacity - now in specialised immigration detention centres - had peaked at nearly 4000 beds, which then dropped to around 2000 beds in 2013 (Van Schijndel and Van Gemmert, 2014).8 Formally, immigration detention centres are places to retain non-citizens with a view to deportation, but the centres also fulfil more informal or latent functions (Leerkes and Broeders, 2010, 2013), including an incapacitation function for marginalised migrants whom are difficult to expel. This is indicated, for example, by changes in the average length of stay in immigration detention, which increased from 44 to 80 days between 1995 and 2003 (Van Kalmthout and Van Leeuwen, 2004), to 111 in 2012 (Van Schijndel and Van Gemmert, 2013). Furthermore, of all persons detained in 2009, 28 percent had been in immigration detention before (Inspectie voor de Sanctietoepassing, 2010), and such 'recidivists' fill an even larger share of the total detention capacity as they are detained for relatively long periods of time: according to a 2011 government survey conducted among 460 immigration detainees (the response rate was 39%), only 60 percent were experiencing their first detention period, 18 percent mentioned that it was their second time and 18 percent had been in immigration detention at least twice before (5% did not answer the question) (Van Alphen et al., 2013). Thus, in 2011, on a given day, there were about 400 recidivists  $(0.36 \times 460/0.39 = 424)$  in the immigration detention centres.

The fieldwork that I conducted in the detention centres in 2005, 2011 and 2012 confirmed the impression that immigration detention indeed also functions as an instrument to control pauperism and to repress poverty-related nuisance and petty crime. In 2005, several respondents turned out to have been in immigration detention before, and the clergymen and psychologists working in the centres knew some of them quite well from previous stays. Staff members also told me that the police in the cities sometimes place practically undeportable unauthorised migrants in immigration detention when there are special festivities in town, such as *Koninginnedag* (the Queen's Birthday).

To some extent, some of the detainees seemed to 'appreciate' this incapacity function, where relief is intermingled with social control and repression. Most detainees whom I interviewed found immigration detention a difficult and unjustifiable experience, especially if they had not committed crimes. However, some respondents were relatively ambivalent about it (also see Khosravi (2009) on the 'hostile hospitality' of immigration detention in Sweden). For example, in 2013, a North African man, who had been detained several times, remarked that he lived in the centres ('*Ik woon hier'* (I live here)), and in 2011, a Sudanese man, who was in his 40s, explained,

Outside I have nothing. Here I have nothing either, but outside is even worse. When I am outside I have no place to sleep. I am not allowed to work, I am not allowed to do anything. Nobody thinks of you outside. Nobody helps you. In immigration detention I can at least exercise a bit and play some soccer ... I don't know what to do. The prison [the immigration detention centre] is not good and outside is not good, but I have no choice.

In practice, immigration detention may be regularly used when there is only a limited view to expulsion, but that flexibility is not unlimited. Dutch immigration judges eventually check the legality of each detention, and the detention has to be ended after 18 months under the European Return Directive (in some countries, including the United Kingdom and the United States, there is no pre-set maximum detention duration). Repeated detention may only be possible after some time. This is where criminal imprisonment sets in.

Several Dutch cabinets, including the present Rutte II cabinet, have proposed to criminalise illegal residence, but at the time of writing there is only a more indirect criminalisation of continued stay, which nonetheless provides the authorities with additional flexibility to control pauperism. Under European Union (EU) law, unauthorised migrants may receive an 'entry ban' because of continued illegal residence, certain criminal activities or a combination thereof. They are then forbidden to re-enter the European territory while the ban is in force. Furthermore, not leaving the Netherlands while an entry ban (issued by the Netherlands) is in force is punishable as a misdemeanour or felony depending on the type of entry ban imposed. In 2013, 3945 non-EU citizens received a Dutch entry ban, and 450 non-EU citizens were sentenced to prison at least partly because of continued stay (Leerkes and Boersema, 2014).9

# Conclusion

## Back to the poorhouse?

In the late 1980s and 1990s, there were speculations that states in richer countries would develop an interest in creating social provisions in poorer countries in order to reduce the need for the distant poor to migrate. Such transnational social policies have, by and large, not materialised, but De Swaan's contention that 'there will also be migrants who are unable to support themselves and who do not return' has certainly proven to be true. Taking the Netherlands as an example, this article describes how various forms of poor relief and pauperism control have emerged in response to the presence of these groups.

Three central theoretical concepts in De Swaan's study on the genesis of the welfare state are useful for understanding these recent developments in social policy. First, the arrangements discussed are clearly the result of citizens in richer countries and citizens of poorer countries having become increasingly *interdependent*. While the former could, to a much larger extent, ignore poverty among the latter in the past, they are now confronted with the external

effects of poverty among certain categories of illegalised non-citizens who have managed to migrate to the Global North, yet do not have (sufficient) income from work, do not receive (sufficient) support by their direct social networks and cannot or will not return to their country of citizenship. Poverty among these groups not only raises humanitarian concerns but also generates a pragmatic interest among the socially established to moderate its external effects through both relatively inclusionary and more repressive arrangements.

Second, the three 'universal' dimensions in the social classification of the poor co-determine the genesis and structure of these arrangements. The proximity criterion primarily reveals itself in the arrangements largely being oriented to unauthorised migrants who, despite officially being considered prototypical non-members, are de facto members of the community – especially local communities – because they can be removed with great difficulty, if at all. The disability criterion is relevant as well, as the arrangements only emerged after practices of internal border control had turned a lack of legal status into a serious handicap on the labour market. The relevance of the docility criterion is apparent from the finding that those who are believed to represent a stronger threat to public safety – even if that perceived threat mostly pertains to nuisance and petty crimes – are typically excluded from the more inclusive care arrangements and are detained instead. Apparently, providing accommodation and elementary allowances without full incapacitation is only considered a sufficient solution to control the perceived negative external effects of poverty among the 'docile' poor, that is, when there are only potential public health issues and minor types of nuisance. Additionally, the type of arrangement allocated also depends on the extent to which individuals manage to create a credible impression that they are prepared to 'work on return'. Those who are believed to be frustrating their departure are much more likely to be excluded from the more inclusionary arrangements.

The third concept is *collectivisation*. In the course of history, poor relief has come to be organised in wider and wider circles, eventually involving nations, and a next step could be the genesis of a transnational or global welfare state. That this is not happening does not mean that the collectivisation process has somehow come to an end: in fact, the circles in which relief and poverty control are organised are still widening in the sense that institutions have emerged that bind citizens in richer countries to 'unsolicited' citizens from poorer and geographically distant countries from all over the world. Groups that were previously unconnected to each other in these ways have become interconnected, which is a result, and an element, of the extension of the chains of interdependency. Admittedly, these arrangements are organised by a multitude of actors, including local actors - which defined the care arrangements during earlier stages in the collectivisation process (see, for example, Van der Leun, 2004) - but that fragmented nature may well be temporary. The Dutch national government was eventually forced to contribute to the more inclusionary arrangements, as its policies to end all accommodation violate international human right standards when minors are involved. In the near future, it may be required to also provide elementary accommodation to those without children.<sup>10</sup>

These arrangements to relief and control poverty show a lot of similarities to the poorhouses of the past: there is often a question of forced joint accommodation and a reduction in liberty, varying from requirements to regularly report to the aliens police to full incapacitation. Detention and imprisonment on the basis of immigration status are particularly reminiscent of the *early* poorhouse, where the poor were detained in an effort to repress nuisance and petty forms of crime (Katz, 1986; Wagner, 2005). Local 'emergency relief' and national 'family locations' show more similarities with the *late* poorhouses of the 19th and early 20th century, which were less repressive and marked by a greater degree of voluntary residence.

Evidently, there are also differences with the poorhouses of the past. The main difference is that the arrangements are, in complex ways, related to immigration control. The poverty issues being addressed are not inherent to migration, if only because the planet's poorest people are unable to migrate internationally (also see De Haas, 2010). In fact, poverty is partly produced by immigration control: the Dutch policies of internal border control contribute to a situation where those who are not deterred by the state-led practices of social exclusion, and whom the state cannot remove by force, become at risk of experiencing poverty, while regular care arrangements have largely become inaccessible. The arrangements that have emerged in their place are, in other words, partly the result of immigration control (post-entry marginalisation by the state) interacting in unforeseen ways with a *lack* of effective immigration control (limited return rates). They are partly produced by immigration control and are at the same time testament to its limits. Moreover, once instituted, the arrangements may diminish effective immigration control - the Dutch government certainly worries that the more inclusionary arrangements, in particular, reduce migrants' incentives to comply with departure requirements. And yet they never completely cease to be an element of immigration control: they do tend to facilitate the locatability of potentially deportable migrants, which, at least in some cases - especially when there is an involvement of the national government - may lead to their eventual departure from the territory. While the poorhouse of the past aimed to reform its residents in order to reintegrate them successfully into the 'surrounding' society (labour was mandatory in the poorhouses because it supposedly taught the poor to support themselves in decent ways - see, for example, Foucault, 1977), poverty among the unauthorised is not assumed to be curable through labour but is meant to end through departure, preferably - but not necessarily - resulting in successful reintegration in the country of origin. This is partly an ideological difference, however. In part because the poorhouse was largely incapable of reintegrating the poor in ways that were imagined by its official ideology, it gradually developed from a reform institution to counteract pauperism into a relief house for the poor (Wagner, 2005). By analogy, while the return ideology is, to various degrees, pervasive in the arrangements that are described here, they certainly also function to keep 'undeportable deportable migrants' from the streets and out of sight.

In the near future, we may observe an additional difference: an increased use of new technologies to

spatially control certain categories among the alien poor. Klein and Williams (2012) have recently described how immigration detainees in the United Kingdom, who could not be deported from the country's immigration detention centres, are eventually relocated to cheap motels where they receive basic allowances and are electronically tagged.

## Secondary poor relief

It has long been recognised that international migrants, especially the unauthorised, depend on the secondary labour market, that is, the less attractive segments of the labour market that cannot or will not be filled by the native-born (Sassen, 1990). The arrangements analysed here are all significantly more austere than the regular arrangements of the welfare state, suggesting that specific categories of international migrants are not only tied to the secondary labour market but may also come to depend on 'secondary poor relief', that is, on relatively unattractive and, in some ways, quite archaic forms of poor relief and pauperism control.

Historically, the rights of immigrants increasingly resemble those of citizens (Joppke, 2010), especially in comprehensive welfare states like Germany, Sweden and the Netherlands (see, for example, Sainsbury, 2006). The present analysis shows that such claims should be qualified: if we include unauthorised migrants in the picture – and we should – we observe an increasing differentiation of social citizenship between those who are officially included in the polity – both citizens and most legal noncitizens – and those who are considered prototypical non-members. That differentiation in social citizenship may well complement the convergence thesis. Paradoxically, relatively equal social rights for authorised immigrants tend to be associated with restrictive admission policies; if fewer immigrants are admitted, it is easier to allocate equal social rights to those who are allowed to come (Ruhs, 2013; Ruhs and Martin, 2008). Granting (more or less) equal social rights to unauthorised migrants, or legally admitting a larger number of immigrants who are then officially given inferior social rights, is at odds with this logic of 'equality through restricted access'.

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A direction for future research is to systematically compare secondary poor relief systems in different national contexts. The Dutch case will be especially representative for other comprehensive welfare states, which have a relatively strong interest in excluding the unauthorised from labour markets and regular social provisions (see, for example, Engbersen, 2003). These include both the social-democratic welfare states in Scandinavia and the more developed corporate welfare states in countries like Germany and France. Indeed, since 1993, Germany has had what is called the Duldung ('toleration') system (Böcker and Vogel, 1997; Bosswick, 2000; Sainsbury, 2006). Under this system, certain categories of unauthorised immigrants, whose departure cannot be effectuated, receive elementary allowances on the condition that the person stays within a stipulated administrative unit (usually a *Bundesland* or *Landkreise*). A significant number of tolerated individuals are placed in what are called Ausreiseeinrichtungen ('leaving centres'). In 2006, Norway opened what are called 'waiting camps', where rejected asylum seekers are jointly housed and given elementary allowances, hoping that they will eventually decide to leave the country (Johansen, 2013). In France, a significant and increasing number of unauthorised families rely on what are called 'social motels' (Alpes, 2015; Le Méner and Oppenchaim, 2012).

In more rudimentary welfare states, such as the liberal Anglo-Saxon welfare states and the familialist welfare states in Southern Europe, the distinction between legal and illegal immigrants will generally be 'thinner' than in comprehensive welfare states, and immigration status may matter less for how poverty is dealt with. Indeed, while unauthorised migrants in the United States are excluded from most Federal means-tested benefits - as are various categories of legal immigrants – they still have access to governmentally financed soup kitchens and shelters, both of which are also open to citizens and legal denizens (Wasem, 2014). In countries like Italy, where unemployment benefits are only available to those who have been employed in the formal economy for some time, a relatively large share of secondary relief will also be organised and financed by non-governmental actors.<sup>11</sup> Indeed, Ambrosini (2012) reports that religious organisations and trade

unions represent significant resources for unauthorised immigrants in Italy. For example, in a sample of regularised workers amnestied in 2002, 54.9 percent had received some kind of help from Italian civil society before being regularised, and 22.4 percent of the latter (12.3% of the total sample) had received hospitality in homeless shelters. (The shelters seem to be non-governmental, as Ambrosini presents them as a form of 'help from civil society'.)

International differences in how punitive secondary poor relief arrangements are can also be expected. In contexts with a strong penal orientation, such as the (south of the) United States and, less so, the United Kingdom, prevailing poverty issues are less likely to lead to relatively inclusionary arrangements and have a greater potential to result in forms of imprisonment on the basis of immigration status. Finally, there may be international differences in the duration with which migrants depend on secondary relief systems. In Southern European countries, for example, significant numbers of unauthorised immigrants eventually obtain legal status through regularisation programmes, leading Ambrosini (2012) to describe unauthorised stay as a 'transient condition'. In the more comprehensive welfare states, however, where granting formal membership brings more social rights and is 'costlier', regularisations have been less common (see Levinson, 2005).

Regardless of such international specificities, the Netherlands may well represent a strategic case with a broad relevance. In hopes of controlling 'unwanted' immigration, governments at both sides of the Atlantic have been introducing measures in recent years that resemble the Dutch policies to exclude the unauthorised from labour markets and regular social provisions (Amuedo-Dorantes and Pozo, 2014; Düvell, 2005; Ellis et al., 2014; Leerkes et al., 2013; Triandafyllidou and Gropas, 2014). As difficulties in realising the departure of unauthorised migrants are not specific to the Netherlands (see, for example, Ambrosini, 2012; Ellermann, 2008; Johansen, 2013; Noll, 1999), it can be expected that these policies increasingly put unauthorised immigrants at risk of experiencing poverty issues that cannot, because of the way in which illegal residence is being constructed, be addressed by regular institutions of the welfare state, yet also cannot be fully 'solved'

through deportation. The rise of secondary poor relief may well be a feature, if not of a global welfare state, then of national welfare states in global times.

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#### Notes

- 1. As part of the European Union's (EU) external dimension of immigration policy, member states have proposed to reduce the pressure to migrate by intervening in conflict areas, financing relief for refugees 'in the region', and by contributing to local economic development, which included proposals to use existing development aid funds for migration reduction. Some proposals were carried out. For instance, a High Level Working Group was set up in 1999 as a result of a Dutch initiative (Boswell, 2003). It used its budget, among other things, for two projects in Morocco. As part of the first project, potential emigrants were encouraged to set up companies. The other project stimulated a bank for remittances by Moroccans living in Europe. In 2003, Boswell reached the conclusion that more resources will have to be spent on such projects if the second strategy is to have more than symbolic significance. However, the developments since then predominantly suggest an intensification of migration control. In 2015, the EU agreed to provide more than €3 billion to Turkey in return for assistance by the Turkish government to reduce the level of unsolicited migration to the EU via Turkey. It remains to be seen whether these funds will be used to finance the kind of poor relief arrangements that De Swaan had in mind.
- 2. In 2005, I conducted life-course interviews with 26 male immigration detainees who had police contacts because of crimes (Leerkes, 2009) and conducted qualitative observations and informal interviews with staff members. In 2010, a research assistant conducted 12 semi-structured interviews at a Rotterdam church that relieves unauthorised immigrants (Van Alphen, 2011). In 2011, I acted as an advisor for a project where 81 semi-structured qualitative interviews were

conducted with immigration detainees (Kox, 2011; Leerkes and Kox, 2016). In 2013, under my supervision, 24 interviews (12 with detainees and 12 with staff) were conducted at an immigration detention centre (Van Alphen et al., 2013). In 2007 and 2014, I interviewed five informants with a direct or indirect involvement in the more inclusionary care arrangements for unauthorised immigrants ('emergency relief' and 'family locations'): two NGO representatives, two local civil servants and one national civil servant.

- Poor relief can be conceptualised as a public good, for certain positive effects, such as an improved public safety and public health, also accrue to those who do not contribute to it.
- 4. The number of (rejected) asylum requests increased substantially in the second half of the 1990s, and the non-governmental organisations (NGOs) became overburdened. The local governments were primarily asked to contribute to the assistance to rejected asylum seekers who – more in theory than in practice – still had some chances of obtaining a residence permit and/or still possessed a precarious form of legal stay. Dutch law creates certain statuses that border on illegal stay. For example, article 64 Vreemdelingenwet 2000 ('Aliens Law') stipulates that foreigners who cannot travel, or have direct family members who cannot travel, are exempted from deportation. Those successfully making use of the regulation do not have a right to work and are not entitled to accommodation or unemployment benefits. The law also creates statuses that suggest some form of legal stay. For example, appeals to a higher court (hoger beroep) and appeals to a rejection of a repeated asylum application may generally not be awaited in the Netherlands. However, such rejected asylum seekers are still 'in the procedure', which has been used by NGOs and municipalities to suggest some form of legality. It is quite unlikely that such migrants eventually obtain a residence permit. For example, rejected asylum seekers appealing to a higher court (hoger beroep) obtain residence permits in no more than a few percent of the cases (see Wilkinson et al., 2006).
- 5. Allowances vary, but tend to be somewhat lower than what asylum seekers receive during the asylum procedure (about €50 a week for adults and €15–€20 for accompanied minors). Hence, two adults with two children receiving emergency relief would typically receive less than €400 a month for day-to-day expenses. An unemployed four-person Dutch household receiving welfare with child benefits would,

after expenses for housing, have between  $\notin 1000$  and  $\notin 1500$  for daily expenses, depending on housing costs.

- For the court ruling, see Gerechtshof Den Haag, 27 July 2010, LJN BN2164.
- Among 21,977 male candidates, 4630 were rejected (21%). Out of the 12,640 female candidates, 1683 were rejected (13%).
- 8. The decrease in capacity after 2007 was mostly related to a decrease in unauthorised migration as a result of the 2004 and 2007 EU enlargements (which gave unauthorised immigrants from the new member states legal stay as EU citizens), as well as a relatively low number of (rejected) asylum applications in this period (see Leerkes and Broeders, 2013). In 2013, a decision was made to reduce the capacity further to about 1000 places in 2016. That intended decrease - there are no data on the actual use of immigration detention yet - is motivated by both financial and human rights considerations and is assumed to be made possible by an increased use of alternatives to detention programmes, including a larger number of rejected asylum seekers being placed in what are called Vrijheidsbeperkende locaties ('liberty reducing locations'). These locations are similar to the 'family locations' with two differences: they are also open to adults without children, and the maximum period of stay is officially limited to 3 months. In other words, relatively inclusionary arrangements seem to be substituted for repressive arrangements to some extent. Also see Note 10.
- So far, this mostly happens when migrants have committed regular crimes (such as theft of violence) in addition to the 'status crime' of continued illegal stay.
- 10. In November 2014, the European Committee of Social Rights (ECSR) decided that the Dutch policies to end all reception facilities violate the European Social Charter, regardless of whether it concerns minors or adults. The Dutch government has announced that it is prepared to respect the ECSR's decision (which is not binding) and will open bed, bath and bread centres in five cities spread across the country. Unauthorised migrants without children will be allowed to use the centres on the condition that they are believed to cooperate with their departure from the Netherlands (compare De Swaan's 'docility' criterion). In contrast to the 'family locations', only night shelter will be provided. These recent developments indicate that soft law seems to have had the effect of (partly) counterbalancing the informal discriminatory practices that contribute to the distinction

between relatively inclusionary and more repressive arrangements. Also see Note 8.

11. Italy, especially Southern Italy, is regularly classified as a relatively rudimentary welfare state (see Arts and Gelissen, 2002), even if it is quite comprehensive in a number of respects (e.g. social expenditure on pensions is quite high (Greve, 2015)). Unemployment benefits are income-related, and expenditure on social housing is limited (Greve, 2015). By implication, the poor depend more strongly on their families and/or on charity than in more comprehensive welfare states. If there are few governmental care arrangements to relieve poor citizens, governmental involvement in secondary poor relief for unauthorised immigrants may also be unlikely (especially when it pertains to the more inclusionary forms of secondary poor relief). In more rudimentary welfare states, there may also have been a relatively well-developed nongovernmental institutional 'infrastructure' to deal with poverty issues, which was gradually applied to poverty issues among the unauthorised.

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