

## **The making of the illegal migrant: How twenty years of Dutch immigration policy have created Fortress Netherlands.**

*By Rosalie Stephan and Leonie Verschuuren (Amsterdam)*

Exploring Amsterdam by bike, passing by the red light district, coffee shops where one can freely smoke marijuana at every second street corner, nice and picturesque canals throughout the city, and people from all over the world; As a tourist one experiences the Netherlands as a progressive and tolerant country. But for irregular migrants the Netherlands has not much of its progressiveness and tolerance left. And while many other countries in the EU such as Italy, Belgium and Spain have seen waves of empowerment of irregular migrants fighting for the recognition of their rights as workers and citizens, the Netherlands has remained astonishingly quiet in this respect for years now. It is as if those whose situation has in recent years been increasingly illegalized by the Dutch government have become invisible on Dutch streets. What is going on in the country of the tulips and coffee shops that has for decades figured as the *anything goes* example par excellence?

Maybe there are no irregular migrants, one may think. Well, that is not the case. Although it is difficult to estimate the number of people living and working in the Netherlands without a valid permit - as no practice similar to the Spanish Padrón exists - it is generally agreed that about ten per cent of the immigrant population, and one per cent of the total population, is in an irregular situation: that makes about 150.000 people. Seemingly, twenty years of “discouragement” policy have not at all diminished the number of people without a residence permit, but instead tripled from 50.000 at the beginning of the 1990s.<sup>1</sup>

### **From “spontaneous” to “illegal” migrants**

The Netherlands have always been a site of coming and going, indeed for many decades more going than coming. The 1950s and 1960s changed this with the economic boom and a successively increased labour demand that was satisfied, as in many other European countries, through the well-known guest worker program. Hundreds of thousands of labourers from Mediterranean countries, particularly Morocco and Turkey, were hired on a temporary basis. Many of the immigrants living today in the Netherlands are children and grandchildren of these former “guest workers”. Others originate from the former colonies Surinam and Indonesia, and finally many people came as refugees from all over the globe seeking asylum in the Netherlands.

While until the end of the 1980s the Dutch government practiced a *laissez-faire* policy that silently approved of the then termed “spontaneous” migrants because of the economic need for cheap labour in the extensive greenhouse production, the 1990s have been characterized by a tightening of immigration and asylum policies under the common impression that the “country” was “full”. The evolving “discouragement” policy was designed to reduce asylum applications in the Netherlands on the one hand, and on the other hand, to make surviving for those who are already in the Netherlands a tougher job. Measures like the Linking Act in 1998 and the Aliens Act 2000 had a serious impact on the living situation of irregular migrants. Since then they are being excluded from almost all public services. Also asylum procedures, often taking years, have been cut to 48 hours. Rejections of the asylum application have become more common.

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<sup>1</sup> Van de Griend, Robert (2008, 16 February): Veel Angst, Weinig Effect. Twintig Jaar Illegalenbeleid, *Vrij Nederland*.

The assassination of populist right-wing politician Pim Fortuyn in 2002 and film maker Theo van Gogh two years later, both in public, were experienced as extremely shocking in Dutch society and led to a profound political crisis. As a result, the social climate towards immigrants became more hostile. They were increasingly connected to violence, criminality and terrorism. This has not changed until today, which makes intents of political and social participation of immigrants, particularly the undocumented ones, more delicate.

### **Hide and Seek – deportation practices today**

The symbol of repressive immigration and asylum policy in current Dutch politics is the infamous Minister of immigration Rita Verdonk (2003-2006). During her term the detention of aliens increased significantly and even turned into a competition. Dutch police departments were to detect 40.000 irregular immigrants in ID controls and detain 11.883 irregular immigrants before the end of the year 2007. A bonus of € 240.000 awaited the department that would succeed in achieving its quota. Unsurprisingly, raids of places where many undocumented people were expected to be found became more common. Some irregular immigrants had to pay for this macabre game with their lives, such as 34-year old Michael Osey from Ghana. Osey had just been released from a ten-months detention when in October 2007 police officers raided a house in Amsterdam where he was visiting friends. Under unclear circumstances Michael Osey fell from the balcony and died from his wounds.<sup>2</sup> The aim of this extreme policy, namely increasing the expulsion rate, was not achieved. About 65 per cent of the irregular migrants in detention are released on the streets. Simultaneously, 15 per cent of the detention space in the Netherlands is reserved for the confinement of irregular immigrants. The Netherlands, together with the UK and Malta, is the only EU country in which there are no time limits posed to the detainment of irregulars. That is, until the Dutch ratification of the European Pact on Immigration and Asylum will limit the detention to a maximum of 18 months. Currently, the mean time of confinement in the Netherlands is six months, but many people have to stay in prison for more than a year. Release implies to be left on the streets with empty hands and having to hide from the police in order not to be detained again.

The so-called “General Pardon” of the year 2006 that would regularise the situation of about 30.000 refugees who had asked for asylum before 2001 and had been rejected, did not lead to a further discussion about the remaining 120.000 immigrants whose situation would not be legalised. The declared aim of the current State Secretary of Justice, responsible for immigration issues, Nebahat Albayrak, herself born in Turkey, is it to expel all those who do not fall under the General Pardon. That simple!

### **Silent Protest**

It is dangerous to be visible as a migrant without residence permit in the Netherlands. There is not much public support for the case of illegalised migrants either. For years, all kinds of popular fears have been fed, which led to an increased hostility towards irregular migrants. Hiding and surviving with the help of near friends and family seems to be the only viable option for many people. The Dutch media are rarely covering actions of protest, such as when in the spring 2008 a group of so-called “white illegals” - people who had come to the Netherlands before 1992 and thus had obtained a social security number with which they worked “white” paying taxes for

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<sup>2</sup> [http://www.allincluded.nl/index.php?option=com\\_content&task=view&id=119&Itemid=](http://www.allincluded.nl/index.php?option=com_content&task=view&id=119&Itemid=), [16/11/08]

years until they got illegalised through the Linking Act in 1998 – claimed their regularisation, without success. Media coverage was again insufficient when at the end of October activists managed to enter a detention centre situated on a boat, wheremore than 350 people are being detained. To the imprisoned migrants, these actions show they are not alone. The Dutch public however, almost never receives any notice of these actions.



Poster of the 'outrageous return flight' campaign by Autonom Centrum, Amsterdam

### "Outrageous return flight!"

Every year thousands of refugees and migrants are deported from the Netherlands. In a proportion of these deportations methods of constraint are used that range from handcuffs to sedative drugs and straitjackets. Some people resist being deported because they are afraid of what will happen to them in the country that they are being deported to. In a large proportion of these deportations the deportees are flown on aircrafts belonging to the airline KLM.

Source: <http://www.xs4all.nl/~ac/klm/eng/bustour/eng/flyer.html>

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