Reverse effects of restrictive immigration policy
Ukrainian migrants in the Netherlands

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On the eve of the enlargement of the European Union (EU) with ten Central and Eastern European countries (CEEC), in the Netherlands arose much discussion on the possible effect of free movement of workers from the new EU member states. Because of the fear of a huge influx of immigrants, especially from Poland, the Netherlands decided to impose transitional measures for eight of the ten new member states, which delays opening the borders for free movement of workers from those countries for some more years. In this way the Netherlands – as many other EU countries – try to control the migration from the eastern European countries.

Often countries try to regulate migration by introducing restrictive rules. Countries have different instruments to control migration; first the right to entry and stay, as well as expulsion of persons, secondly the access to the labour market and facilities of the welfare state.¹ Thirdly a state can make departure of immigrants more attractive (Minderhoud 1998: 7, 11). For third country nationals² often restrictive visa procedures are used to restrict immigration. But what is the effect of such restrictive immigration regime? Do restrictive rules and closed borders prevent people from entering the country, or will migrants look for alternative routes to reach their objective?

At the time of the enlargement, persons from the Eastern European countries were already living and working in EU countries like the Netherlands, as were citizens from countries further east, like Ukrainians. Whilst free access to the labour market is restricted for citizens from the new member states during the transitional period, for persons from further east it became much more difficult to get access at all. How do the restrictive immigration law and its implementation affect the position of Ukrainian workers in the Netherlands and how do Ukrainian migrants deal with this situation?

To answer these questions, we present in this article the findings of a small-scale empirical research, conducted between March and July 2004. In total fifty Ukrainian migrant workers were interviewed, of which ten were prospective migrants, planning to migrate to the Netherlands, twenty were currently in the Netherlands, and twenty migrants had returned to Ukraine after migrating to the Netherlands. The distinction of these three categories is based on the moment of interviewing. In practice migrants can move from one category to another. The reason to interview persons in different ‘stages of migration’ is to get a picture of migration process as a whole. Although this small-scale research is probably not representative for all Ukrainian migrants in the Netherlands, it gives some insight in their position.

¹ For third country nationals, for entering an European Union (EU) country for a short visit a tourist visa is required or in case a person comes for work or residing with a partner, a permit to stay. For access to the labour market a work permit is required, unless a person has access due to a partner who has legal access.
² A person from outside the EU (except those 8 new Member States for which the transitional measures are imposed) or the European Economic Area (EEA)-countries (EU plus Norway, Iceland, Switzerland).
Ukrainian migrants in the Netherlands

In the Netherlands, Ukrainians are not one of the largest migrant communities. The number of Ukrainians living in the Netherlands is (relative) small. Often these persons work hard, temporarily and illegally. According to the embassy of Ukraine in the Netherlands, for April 2004 the approximate number of Ukrainian migrants, regular and irregular, in the Netherlands is about 5,000 persons. The official number of persons with Ukrainian nationality, registered by a Dutch municipality as inhabitant, is considerably lower: 2,158 for 2003 (see figure 1). The number of Ukrainians in the Netherlands, born in Ukraine is yet far lower. Figure 2 shows the size of the official migration flow between Ukraine and the Netherlands.

**Figure 1: Ukrainians residing in the Netherlands**

<table>
<thead>
<tr>
<th>Year</th>
<th>Persons with Ukrainian nationality</th>
<th>Persons born in Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>701</td>
<td>21</td>
</tr>
<tr>
<td>1997</td>
<td>945</td>
<td>35</td>
</tr>
<tr>
<td>1998</td>
<td>1,189</td>
<td>42</td>
</tr>
<tr>
<td>1999</td>
<td>1,378</td>
<td>62</td>
</tr>
<tr>
<td>2000</td>
<td>1,431</td>
<td>94</td>
</tr>
<tr>
<td>2001</td>
<td>1,595</td>
<td>158</td>
</tr>
<tr>
<td>2002</td>
<td>1,837</td>
<td>238</td>
</tr>
<tr>
<td>2003</td>
<td>2,158</td>
<td>301</td>
</tr>
</tbody>
</table>

Source: [http://www.migrationinformation.org/GlobalData/countrydata/data.cfm](http://www.migrationinformation.org/GlobalData/countrydata/data.cfm)

**Figure 2: Migration flow between Ukraine and the Netherlands**

<table>
<thead>
<tr>
<th>Year</th>
<th>Immigration from Ukraine to the Netherlands</th>
<th>Immigration of persons born in Ukraine*</th>
<th>Emigration from the Netherlands to Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>416</td>
<td>44</td>
<td>64</td>
</tr>
<tr>
<td>1997</td>
<td>440</td>
<td>22</td>
<td>64</td>
</tr>
<tr>
<td>1998</td>
<td>458</td>
<td>28</td>
<td>66</td>
</tr>
<tr>
<td>1999</td>
<td>459</td>
<td>33</td>
<td>40</td>
</tr>
<tr>
<td>2000</td>
<td>745</td>
<td>70</td>
<td>59</td>
</tr>
<tr>
<td>2001</td>
<td>761</td>
<td>91</td>
<td>72</td>
</tr>
<tr>
<td>2002</td>
<td>667</td>
<td>99</td>
<td>72</td>
</tr>
<tr>
<td>2003</td>
<td>599</td>
<td>--</td>
<td>84</td>
</tr>
</tbody>
</table>


The Ukrainians interviewed lived in different parts of the Netherlands, most of them in agricultural regions. The fast majority, 44 respondents, come from Western part of Ukraine, and 6 from East Ukraine. This partly will be influenced by the way the respondents were contacted, namely through social networks. However this corresponds with the more general picture of Ukrainian migration to the EU, of which the majority comes from the Western Ukraine. The main reason is the regional differences in Ukraine, with in Western Ukraine a higher level of unemployment, lower salaries and closer links with European countries.

The majority of interviewees were men: 34 out of 50 persons interviewed. The age of interviewees ranged from 20 to 51, with an average of 33 years. Concerning the family status

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3 The terms illegal-irregular: we use 'irregular' in case it deals with persons, as human beings cannot be 'illegal' (irregular Ukrainians, irregular workers, irregular migrants); but as their status can be illegal (=against the law), in the context of status etc the term 'illegal' is used.
4 These numbers are including asylum seekers (except those in detention centres) and excluding foreign military personnel and diplomats.
5 This possibly has something to do with the fact that Ukraine formerly was part of the Soviet Union, and persons can be registered as born there.
6 According to the Ministry of Foreign Affairs of Ukraine, www.mfa.gov.ua
of the respondents, 35 were married or had a partner, and 31 did have children. However, only a minority of 16 persons lived together with their partner or children in the Netherlands, or have plans to do so. Almost all respondents (48 out of 50) had friends or family living outside Ukraine.

Migration

In the European Union the idea exists that it is the dream of all eastern Europeans to come to Western Europe. As a result of fear for mass migration, the Netherlands imposed transitional measures for citizens from the new EU member states at the eve of the 2004 enlargement. However, the findings of our research do not confirm this: only seven interviewees want to stay permanently in the Netherlands, while the other 43 interviewees see their stay in the Netherlands as temporarily. As a female return migrant (38 years) formulated it:

“The Netherlands is a very nice and rich country, but I was born in Ukraine and I want to die there as well.”

The seven persons who plan to stay permanently, all work legally in the Netherlands: five are married to a Dutch citizen which gives them access to the labour market, while two have a work permit for scientific work. Only one of the persons with legal access to the Dutch labour market, due to a residence permit after marriage with a Dutch citizen, does not see his stay in the Netherlands as permanent, as he hopes to move with his family to Ukraine one day. None of the prospective migrants plan to migrate permanently; five plan to stay in the Netherlands for only half a year, the other five up to three years. Of the current migrants, 13 do not see their stay in the Netherlands as permanent. They plan to stay in between two and five years, one even seven years, and the last person eight years; this person stays legally due to his Dutch partner. None of the return migrants planned to migrate permanently; a majority (13) of them planned to stay for only a half year, and the other seven persons between one and three years. Half of the return migrants stayed even shorter than they had planned beforehand. Most of the interviewees would prefer to stay in Ukraine in case it was possible to have a job and earn a normal income, or return when they have enough money saved, for instance to buy a house or start their own business.

Many respondents see themselves forced to migrate, mainly because of the bad economic situation in Ukraine, lack of money, unemployment and low salaries. Of the persons interviewed 22 were the only breadwinners in their families. Of the persons interviewed, 24 were unemployed in Ukraine before heading for the Netherlands, of which only eight previously had a job on their level of education. Of the other 26 persons with work before leaving Ukraine, 19 had a job in Ukraine corresponding to their education, but mostly (35 out of 50) with below average salaries. Many interviewees said that they did not want to go to the Netherlands, but simply had no other choice, as they had responsibilities to take care of their families. As a current migrant (male, 47 years) formulated it:

“I did not come here because of my own will, I was forced to come here. I could not look in the future with hungry eyes. Now I will stay here a little bit more make some money and then go home, I want to come back to my native Ukraine and start doing something.”

Due to the bad financial and economic situation at home, persons feel forced to look for opportunities elsewhere. If they had a chance to earn money in Ukraine, they would prefer to stay there:
“I’d rather stay at home and earn 150 dollar instead of working here” (current migrant, male, 33 years).

But also other factors make persons to look for opportunities elsewhere. A return migrant (male, 39 year), who is planning to migrate again to the Netherlands or Italy:

“I like Ukraine but there are things that are pushing me out. They are unbearable: tax administration, criminals... What I like the most about the EU is security. And that's what matters the most for me and my family.”

Visa

Often the visa procedure for third country nationals is used to restrict migration. Especially persons with specific characteristics (nationality, sex, age) or with ‘weak ties’ to their country of origin (unemployment, family situation), are expected to have an intention to stay in the country of destination when the visa is expired, or to take up employment (see Puntervold Bø 1998).

As far Ukraine is concerned, the restrictive visa policy of the Netherlands and other Schengen countries did not mean changes in the rules or requirements for obtaining a visa. However, in practice it became more difficult to obtain a visa: the EU consulates see Ukrainian citizens as potential irregular migrants, unless proven otherwise. So are Ukrainians applying for a visa required to provide documents that prove that they will not stay in the Netherlands for work such as letter from employer stating current salary, bank account statement and information about having a spouse and children in Ukraine, according to the Dutch Embassy official list of documents required for obtaining a Dutch visa.8 Figure 3 shows the official statistics on visas that have been issued to Ukrainian citizens by the Dutch Embassy in Ukraine for the past six years. The number of visas applied for as well as visa issued fell down after 1999, and although it thereafter steadily have risen again, in 2004 it was still lower than it was in 1999. However the percentage of visas issued compared to visa applications have risen since 2001.

Figure 3: Visa statistics by the Dutch Embassy in Ukraine, 1999 – 2004

<table>
<thead>
<tr>
<th></th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of visa applications</td>
<td>16,929</td>
<td>13,526</td>
<td>11,806</td>
<td>12,244</td>
<td>13,398</td>
<td>15,443</td>
</tr>
<tr>
<td>Total number of visas issued</td>
<td>14,083</td>
<td>10,933</td>
<td>10,869</td>
<td>10,960</td>
<td>11,993</td>
<td>13,982</td>
</tr>
<tr>
<td>Percentage visas issued</td>
<td>83%</td>
<td>81%</td>
<td>92%</td>
<td>89%</td>
<td>89%</td>
<td>90%</td>
</tr>
<tr>
<td>- Transit visa (A/B visas)</td>
<td>2,378</td>
<td>2,439</td>
<td>2,418</td>
<td>2,335</td>
<td>1,645</td>
<td>1,262</td>
</tr>
<tr>
<td>- Tourist visa (C visas)</td>
<td>11,306</td>
<td>7,970</td>
<td>7,904</td>
<td>8,057</td>
<td>9,780</td>
<td>12,266</td>
</tr>
<tr>
<td>- Temporary permit to stay (D visas)</td>
<td>306</td>
<td>524</td>
<td>547</td>
<td>568</td>
<td>568</td>
<td>454</td>
</tr>
</tbody>
</table>

Source: Figures supplied by the Dutch embassy in Kyiv

8 All Schengen embassies have almost the same list of documents needed for visa application.
9 Since 1999 a temporary permit to stay (Machtiging Voorlopig Verblijf (MVV)) is required in case a migrant applies for a more permanent permit to stay (for work, marriage etc) in the Netherlands.

As figure 3 shows, the number of transit visas has gradually declined since 1999 and the number of temporary permit to stay (Machtiging Voorlopig verblijf) has been more or less constant since its introduction in 1999. However the number of tourist visas issued has declined rapidly as of 2000, although it thereafter has risen again.

While a refusal of a visa application makes it difficult to get a Schengen visa also in the future, many people do not apply for a visa by themselves but make use of mediators like tour agencies. As the Dutch embassy in 2002 has stopped cooperating with tour agencies, they turned to other EU embassies. In our research, the majority of the interviewees came to the Netherlands on visas of other Schengen countries, 33 out of 50 on German visas. Figure 4 shows the numbers of visa issued to Ukrainian citizens by the German embassy.

Figure 4: Visa statistics for the Embassy of Germany in Ukraine

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of visas issued to Ukrainian citizens</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>210,957</td>
</tr>
<tr>
<td>2001</td>
<td>297,254</td>
</tr>
<tr>
<td>2002</td>
<td>234,180</td>
</tr>
<tr>
<td>2003 Jan-July</td>
<td>146,767</td>
</tr>
<tr>
<td>2004</td>
<td>76,171</td>
</tr>
</tbody>
</table>

Source: Figures supplied by Auswaertiges Amt (Ministry of foreign affairs of Germany)

As figure 4 shows, there has been a steep decline in numbers since 2003: in 2003 German Embassy issued almost twice less visas than in 2001. According to the visa section of Dutch Embassy in Ukraine, German Embassy in Ukraine in 2003 implemented restrictions against Ukrainian citizens, which contributed to increased number of applications for visas to the Dutch embassy in 2003 and 2004.

The restrictive visa policy affects irregular migrants in three different ways. Firstly, while it became more difficult to get a visa on their own, the price to organize a visa has risen dramatically. Secondly, because they had to pay more, they stay longer than planned beforehand. And thirdly because their passports will possibly be stamped on their way back, they will prolong their stay, in case they manage it to come to the Netherlands. We will have a closer look at these three effects of restrictive immigration policy by presenting the findings of the research.

First effect: the more restrictive visa regime results in increasing prices persons have to pay for organizing the visa. Due to the restrictive visa policy it becomes more difficult to arrange a visa for an individual without help of mediators, and as a result an increasing number of persons make use of tour agencies.

“Just a few years ago [for organizing] a three month visa cost only 160 Euro. Since then the price has risen rather fast: by now a visa for a week costs 2.000 – 2.500 Euro in a tour agency” (return migrant, male, 32 year).

Out of 50 interviewees 15 organized their trip to Holland by themselves, 14 got help from friends or acquaintances and 21 made use of tour agencies. The cost of migrating to the Netherlands – which means visa, travel insurance, ticket to the embassy in Kyiv and to the Netherlands – varied largely, from as little as 200 Euro up to 5.000 Euro

10 The costs for migration to the Netherlands: formal costs for a travel visa to the Netherlands is currently 35 Euro. Next to that a travel insurance is required, and the travel to the Embassy in Kyiv, plus cost of ticket to the Netherlands.

11 Out of 50 interviewees 13 persons’ cost of coming to the Netherlands was between 200-300 Euro, for 12 persons it was 301-500 Euro, 10 persons paid 501-700 Euro, 1 person paid 800 Euro, 7 persons paid
As figure 5 shows, the average costs the respondents had to pay for arranging migration with the help of a tour agency or with the help of friends\(^\text{12}\) is higher than when they arrange it all by themselves. Current and prospective migrants had to pay almost twice the price the return migrants paid for organising the visa and trip. Because of recent rising prices for organizing a visa and increasing difficulties in obtaining a visa on ones own, there is according to the interviewees a tendency of increasing number of illegal entries without any visa, who are vulnerable to criminal networks.

The majority (33) of the Ukrainian migrants interviewed entered the Netherlands legally on short-term German tourist visas, as Germany is the first country of entry and the majority of tour agencies organize tours and visas for Germany. The duration of the visas issued to the respondents varies from one week up to permanent permit to stay (in case of residing with the partner), with an average duration of the tourist visa issued to the respondents of 60 days.

The most popular transport is by bus, as 34 interviews travelled this way to the Netherlands. This is because of the low costs, as one of the interviewees explained:

"I travelled to the Netherlands and back by bus, because it went to the very place I needed and it is much cheaper than plane" (return migrant, male, 51).

The second effect of more restrictive visa regime is the prolonged stay due to the risen costs. As the increased cost decreases the possible net earnings from the trip to Europe, the average time of stay has prolonged. The higher the price a migrant has to pay for organising a visa, the more time it takes to pay back the debt. So as a result of higher costs, the duration of stay of migrants increases. Of the interviewees 34 out of 50 stated that they see themselves forced to stay much longer than planned beforehand.

The third effect that also prolongs the period of stay, is the control at the external Schengen borders on the way back home. For irregular migrants it is not only difficult to enter the Schengen area, but also to leave it, in case the receiving country practices visa controls on departure. As a result of the fear for a deportation stamp in their passports and being put into the Schengen Information System (SIS) or equivalent, even in case of voluntary return, many irregular migrants decide to prolong their stay.

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1000-1200 Euro, 2 persons paid 1400-1500 Euro, 1 person paid 1700 Euro, 2 persons paid 2000-2200 Euro, 2 persons paid 3000 Euro and 1 person paid even 5000 Euro.

\(^{12}\) By friends it is meant also acquaintances and persons willing to organize a visa for a certain amount of money.
"Stricter regulations make part of this migration process invisible and lead to a certain number of 'undocumented' migrants" (van Amersfoort 1998: 132).

So although a restrictive visa regime possibly diminishes the number of visas issued, as well as the number of persons crossing the border, this does not necessarily mean a decrease of the actual number of migrants residing in the country. As Ukrainians see themselves forced to look for opportunities across their border, an increasing number of persons stay illegally and for a longer period, eventually changing circular migrants in permanent ones.

**Education, work and work permits**

The vast majority (42) of the persons we interviewed worked illegally in the Netherlands. This affirms the picture of Ukrainian workers in the Netherlands, portrayed by the embassy officials. The different numbers of the embassy and official number of Ukrainians in the Netherlands suggests that a relatively large proportion of Ukrainians in the Netherlands is working illegally.

The legal opportunities for Ukrainians in the Netherlands are limited. Although the number of work permits issued for Ukrainians in the Netherlands rose from 102 in 1997 to 483 in 2002, these are still not big figures. Only eight of the 50 Ukrainians interviewed were legally employed in the Netherlands. Next to that one of the prospective migrants had a brother working as a manager in a restaurant, who promised him to apply for a work permit. The eight persons with legal access to the Dutch labour market all were current migrants. Six of them were married to a Dutch citizen, and got the right to work in the Netherlands without work permit due to this marriage. The two other persons had a work permit for work as scientists at a university.

The majority (35) of Ukrainians in the Netherlands work or worked in the agriculture. In the southern part of the Netherlands they mainly work in green houses on tomatoes and cucumbers or asparagus fields, and in the west and north with bulbs and flowers. Next to that Ukrainians interviewed are employed in sectors such as industry (4), construction (4) and service (5), and in science (2). In the Netherlands Ukrainians mostly settle in the places with high demand for manual labour.

The respondents have done up to 30 different jobs in the Netherlands. This is related to the sector in which the person is working. For example in agriculture workers often have jobs only for a short period. People working in science, service, industry or even construction tend to have smaller job record but for longer terms.

Of the 50 Ukrainian migrants interviewed, 44 took part in the higher education, of which three have PhD, 17 Master degrees, 4 Bachelor diplomas. Only 6 finished just secondary school. Despite the rather high level of education, only 8 had jobs corresponding to their education in the Netherlands. Of them, 2 persons did scientific work with a work permit, and the other 6 had not so high education (secondary school or some years of college). A lady (return migrant, 44 years) with Master degree explained: ‘It is not possible to get a better class job without papers.’

Most of the Ukrainian migrants do speak other languages next to Ukrainian. But in the beginning it is difficult:

13 Source: different year rapports CWI (*Centrum Werk en Inkomen*), the Netherlands. The total number of work permits issued in the Netherlands was for 1997 11 065 and for 2002 34 558.
“At first it was very difficult as I could not say anything or understand. But they were rather patient and showed us many times, but the fact that I worked according my education helped a lot, because I knew everything myself” (current migrant, male, 40 years).

The situation of Ukrainians who have legal access to the Dutch labour market is very different from the situation of the irregular workers. Persons who may work legally are working according to Dutch labour law and also have the necessary work insurance, and can have some choice of what kind of work they want to do. Irregular workers do not have any rights or insurance – except a (short term) travel insurance, which is needed to apply for a visa, but is not valid for work – and must even often be happy if they have any job at all, regardless the kind of work or working conditions.

Because the control on illegal employment in the Netherlands has been intensified during the last few years, it became more difficult for irregular workers to find jobs, and nowadays they often have jobs for a shorter period than they used to have before.

“It is difficult with work here, as the farmers don’t want to employ irregular workers as they are afraid of being fined” (current migrant, male, 32 years).

Especially work on open fields in the agriculture is often controlled. As one interviewee said: “Working on the asparagus fields is one of the most dangerous [jobs], as you have to work on the open field where the police can see you. When we work in the fields and hear the helicopter we all have to run and hide in the forest in order not to be seen by the immigration police” (current migrant, male, 45 years).

Ukrainians working in agriculture live in rather poor conditions: on the camping sites in caravans or share an apartment often with 2 Ukrainians in each room, which brings down the costs of living.

To find work is harder than the respondents thought beforehand: 34 out of the 40 current and return migrants, both legal and illegal, stated that it was more difficult for them to find work in the Netherlands than they expected. One current migrant (male, 40) told:

“I thought you come, get a job and housing straight away. It did not come true it was much harder in reality”.

Only 9 (two of them legally employed and the others working illegal) out of these 40 interviewees found their work in the Netherlands better than they expected, the rest found it just as expected or worse. A return migrant (male, 39 years):

“[Work in the Netherlands] was worse, much more difficult and dangerous than I expected. Some people even lost parts of their body”.

According to the interviewees they always get the worst jobs possible, the Dutch do easier jobs and get much higher salaries. The average salary for Ukrainian irregular workers is 5 Euro per hour; sometimes they get 6 or only 4 Euro. When they have work they work 10-12 hours per day 6 days per week. Their illegal status makes them subjects to mistreatment by some employers. Many of the respondents tell that irregular Ukrainians are treated as second-class people, earning less than other workers. They (both legal and illegal) have had different experiences with their employers:

"I had very different experiences: some good and some bad, some pay you badly and treat you like second class people and some are nice and treat you as human beings" (current migrant, man, 29 years).
It is however very difficult to complain about the work circumstances, as they will easily lose their job.
"We work hard and do not complain as we have no other choice" (return migrant, female, 28).

For obvious reasons irregular migrants are more likely to have negative experiences than the legal ones. Because of the lack of legal possibilities, irregular migrants can easily be victims of maltreatment. Some tell about fake job-offers, for which they had to pay a lot of money.
“I was promised a work on a Dutch plant, doing concrete construction. But it was all lie. Nothing of the things that were promised took place. I had debts so I had to stay to look for a way out of this situation” (current migrant, man, 47 years).

“I knew it was going to be difficult, I paid $ 500 for a job offer, but got nothing. For two years I have been working here for somebody, and have not earned anything for myself, because of debts and absence of work” (current migrant, man, 33 years).

The illegal status and absence of legal possibilities is the most important aspect, which directly influences the lives of the migrants.
“Why are we paid less than Dutch persons or even Poles, despite the fact that Dutch employers are very pleased with our work, and admit that Ukrainians are always one of the best workers? Because of absence of official documents we have to hide, always look back and stay much longer than we would like to” (return migrant, male, 38 years).

The Ukrainian migrants describe their situation in the Netherlands as very difficult, even more difficult then couple of years ago, in the sense of work, income and living conditions.
“The most important things are connections and valid documentation. Then you feel as a human not as a slave. (…) I stayed for a year with my month visa. I had to be extremely cautious especially while going shopping in day time not to be caught red-handed with no valid documentation. I also worked night hours mainly, because I had to commute to my work place, that is why I was exposed to native police bodies” (return migrant, female, 38 years).

“Usually everything boils down to official documentation. After my month visa expired it was very complicated to cross the border without deportation stamp in your passport. [I did not visit Ukraine in between] because I did not want to run extra risk. The second reason was a financial one” (return migrant, female, 38 years).

Due to the absence of legal status, the strict visa- and work permit regime Ukrainians do not have many possibilities. Out of 50 interviewees 46 found Dutch work permit system not working effectively for Ukrainians. Many of the respondents stressed that the Dutch system has to be changed, to offer a possibility for Ukrainians to work legally in the Netherlands, at least temporarily in the seasonal work.
“I think that the Netherlands should allow Ukrainians to work there legally at least in some sectors and for seasons. Dutch labour market has big shortages of specifically seasonal labour” (return migrant, female, 28 years).
“We come [to the Netherlands] not to steal or sit on the welfare. We come to earn some money with our hard work and go back home. We should have a right to work normally without having to hide or something like that. (….) I think Dutch government should follow the example of Italy, Greece, Spain, Portugal and even Britain, and give us an opportunity to work here legally” (current migrant, male, 40 years).

Even though in the South of EU there are better opportunities for legalization of the residence and work status, some Ukrainians go to the Netherlands because of higher salaries. Also for many migrants the matter of having close relatives or friends in a certain country is decisive for choosing which country to go to. Many interviewees chose to come to the Netherlands because they had friends or relatives there.

The situation for Ukrainian irregular migrants would also improve if the Netherlands and other Schengen countries would abolish the visa requirement. If they were able to work legally in the Netherlands, they would be less vulnerable to maltreatment; they would not have to pay such high prices for visas and travelling up and down to Ukraine.

“The most important thing is that people should be given a right to work, so that they are not treated as dogs. That is the basics that should be given; they will do the rest themselves. Open borders between EU and Ukraine, and to let people go back and forth, and not to stay [in the EU] for ages” (current migrant, male, 29 years).

“Exploitation could be ended by establishing effective seasonal workers schemes, that would allow people to work here during the season and then to come back home, without having to stay here for years. (…) Make a bilateral agreement, thus create normal conditions for us. I didn’t go here by my own will, circumstances made me do it” (current migrant, male, 26).

Although it is not difficult to understand why the respondents think that way, it must be questioned if also the Dutch government believe they need Ukrainians, especially in a time they have shown to be afraid of even Polish migrants, who often do the same kind of jobs as Ukrainians. For these new EU citizens transitional measures are imposed which restricts the access to the labour market for some more years. The two suggestions, first to create the possibility to work legally, and liberalise the visa regime or even regularise irregular migrant workers, will be given some more attention in the following part.

**Work permits**

In the Netherlands, a work permit is issued to an employer, which gives him the possibility to employ a specific person for a specific work. Work permits are issued for a maximum period of three years. After three years of legal employment in the Netherlands, a work permit is not required anymore, and the person gets free access to the Dutch labour market. Work permits are only issued for a third country national in case the employer can prove that there is nobody else able to do this work inside the EU/EEA countries. For unskilled work, the work most Ukrainians are doing in the Netherlands, it is hard to get a work permit, especially in times of rising unemployment in the Netherlands.

Concerning the suggestion that there has to be made a scheme for seasonal work in agriculture for Ukrainians, it has to be said that in the Netherlands already exists such possibility, however not specifically for Ukrainians. The ‘project seasonal labour’
Seizoenarbeid), which started in 2002, enables employers to get a work permit in case there is no priority labour. This is open to all nationalities, including Ukrainians. As in the Netherlands work permits are issued to employers, a person needs to get in contact to a possible employer in this sector. But as the majority of the work permits for seasonal labour are issued for Polish workers the last few years\(^\text{14}\), it is obvious that many employers already have contacts to Poles, sometimes lasting for years already. This can make it difficult for Ukrainians to get in contact with an employer in the Netherlands, willing to go through the hassle of getting a work permit. Out of 50 interviewees not a single person had a work permit to work in the agriculture, and often they did not even know anybody from Ukraine that has one.

One respondent told that he found an employer willing to apply for a work permit for him, but it ended out to be impossible due to his expired visa:

“My boss have offered me help with getting a work permit, but what can be done now that my visa is expired, I wish I knew earlier about such opportunity. I can certainly come back to Ukraine for opening a working visa, but now on my way back to Ukraine I will be stamped a deportation stamp and put into computer and will never get a visa.” (return migrant, female, 42 years).

To get a work permit, a third country national must get a temporary permit to stay for work (Machtiging Voorlopig Verblijf) before leaving their country. Once in the Netherlands, this will be changed in a permit to stay for the time of the labour contract. The majority of the Ukrainians interviewed come to the Netherlands with short-term tourist visas, which are not valid for work. In case an employer will apply for a work permit, they first have to return to their home country until the permits are issued.

None of the prospective migrants interviewed knew anything about the project for seasonal labour and none of the current or return migrants interviewed had a work permit, obtained through this project. Most respondents do not know about the possibilities to get a work permit, as they found no information on this topic in Ukraine or in the Netherlands. May be this is the result of not only the lack of information on work permits in the Netherlands, but also lack of right social contacts and networks, as the majority of the work permits issued for seasonal labour are issued for Polish migrants.\(^\text{15}\)

**Options for regularization**

The suggestion to liberalise the visa regime or regularise irregular workers has little chance in the Netherlands with the current government. The last few years the Dutch policy has become aimed against irregular migrants and irregular workers. Irregular workers, who worked in the Netherlands for many years have been expelled, even those who worked legally\(^\text{16}\). The control on irregular workers has been intensified, and the penalty on illegal employment will be almost quadrupled as of 2005.

\(^{14}\) For 2003 13,727 work permits were issued for the agricultural sector, of which 7,356 for Polish citizens. In 2002 11,154 work permits were issued in this sector, of which 4,751 for Poles. Source: Centrum Werk en Inkomen.

\(^{15}\) This project enables employers to get work permits for seasonal labour in the agricultural sector, regardless their nationality, in case they can prove there is no priority labour available (persons form inside the EEA (EU-15, Malta, Norway, Iceland and Liechtenstein).

\(^{16}\) Illegal stay and legal work has become impossible since the Koppelingswet (Linking act) came into force in 1998.
In the Netherlands there is no possibility to become legal after some years staying and working, as is the case in some Southern European countries. Some interviewees suggest that Ukrainian migrants should be legalised in the Netherlands as well:

“Nobody would stay there for years without seeing there own family. I think that Dutch Government should make a legalisation for Ukrainians as we had in Italy, Portugal, and Spain” (return migrant, female, 28 years).

But this suggestion to legalise Ukrainians will possible fall to deaf ears in the Netherlands, as the current Dutch Government is even afraid of Poles, EU citizens by now. However despite the fact that the possibility to legalise in the Netherlands is absent and in the southern EU such possibility exists, for migrants going to work illegally for just a short period of time it may be more attractive to go to the Netherlands than to the southern European countries as salaries in the Netherlands are undisputedly higher. But also other EU countries do have more opportunities for legal employment for Ukrainians. For instance in the UK. Here the British government in 2002 expanded the opportunities for legal employment of the third country nationals by introducing new schemes such as the Sectors Based Schemes and Highly Skilled Migrants Program and expanding the already existing Seasonal Agricultural Workers Scheme (see Shakhno 2004).

In the Netherlands, the only way for Ukrainian irregular migrant to regularize himself is to get married to a Dutch or EU citizen, although since November 2004 this possibility has become more difficult.17 Six of the Ukrainians interviewed were working legally because of a relationship with a Dutch citizen. And even then, a person first has to return to Ukraine to apply for a permit to stay with the partner.

Due to the restrictive visa regime many people believe that it becomes more and more difficult to get a visa and the prices that persons have to pay to organise a visa have risen dramatically. As a result, persons who made it to come to the EU, see themselves forced to stay much longer than they planned. They have to work for a longer period, to pay back their debt and save money. Next to this, persons who overstayed their visa stay also longer, because they know it could be their last chance to work in the EU. It is almost impossible to get a visa, after getting a deportation stamp in the passport. By crossing the border, irregular migrants who overstayed their visas (even in case of voluntary return) are usually being fined and put in the Schengen Information System (SIS), exceptions can be made in case of sickness or other emergency. Once a person's name is registered into the SIS, he/she becomes a persona non grata for the Schengen countries, with little chance to get a Schengen visa on the same name ever again. However according to the visa section of the Dutch Embassy in Kyiv, Ukrainians who overstayed their visa and are leaving the Netherlands by airplane are not fined, and are not being put in the SIS, while if they go by car or bus to Germany and then leave the Schengen Area through the Germany will definitely be flagged in the SIS. However, most migrants do not know about that; of our respondents only one out of 50 interviewees knew about it. This particular migrant visits Ukraine far more often than the others and has no intention to stay permanently in the Netherlands. Abolishing the visa controls on departure and not punishing visa overstays in case of voluntary return, could improve the situation, while more Ukrainians could return home more easily.

By now, the restrictive visa regime makes the irregular workers from Ukraine, who used to commute between the Netherlands and Ukraine, feel forced to stay much longer than planned. As it becomes more difficult to find a job, it can take years until a person has paid

17 The Dutch partner needs to have at least a monthly income of 120 percent the minimum wage and both partners need to be at least 21 year. Those requirements do not apply for EU citizens living in the Netherlands.
back their debts and saved enough for their lives in Ukraine. The Ukrainian migrants stay in the Netherlands from three months up to three, four or even five years, whereas just a couple of years ago Ukrainian migration to the Netherlands was mainly consisting of circular migration – coming to work for a season and going back.

“I have been here for 6 years (...) I planned to work and come back. But now it is difficult to go back to Ukraine as I am afraid that it will be very difficult to come to the EU again” (current migrant, male, 32 years).

Illegality is a social status, which is all overruling, influencing the chances for work and stay in the Netherlands (see also Engbersen 1999: 239). Due to their illegal status and absence of chances to work legally, Ukrainian migrants have a difficult time in the Netherlands. They do not have a lot of choices, have to accept whatever kind of work they can get and accept the working conditions without possibility to complain. The persons, who stay legally and have legal access to the Dutch labour market, have in many respects a better position. Many respondents state that the most important aspect of Ukrainians in the Netherlands has to do with their illegal status and absence of chances to improve their situation. However, the suggestions made will probably find no response in the Netherlands at the moment, as the last few years a dominant fear for foreigners, and especially irregular workers, has become more and more evident.

Conclusion

As our research findings show the restrictive immigration law and its implementation do affect the position of Ukrainian workers in the Netherlands. As there are just a few legal possibilities, the majority work and stay in the Netherlands on an illegal basis. However, the Ukrainian migrants find themselves ways to survive, although it is often difficult. The restrictive visa regime forces irregular Ukrainians who made it to the Netherlands to stay much longer. This because of different reasons: while the price of a visa has risen, they have to work longer in order to pay back their debts; next to that do they fear to get a deportation stamp on departure, in case they overstayed their visa. So restrictive rules en closed borders do not prevent people from entering the country, although they do make it more difficult to stay and return. Our findings show that as a result of the restrictive visa and border regime Ukrainian migrants stay longer in the Netherlands as a result of the higher prices and fear for deportation stamps of the more restrictive regime.

Many migrants hope that Ukraine ones will be able to join the EU. According to surveys conducted by the Fund "Democratic Initiatives", the majority (54 percent) of Ukrainians would like Ukraine to join the EU. As one of our respondents formulated it:

"Ukraine is Europe, but the EU does not treat us this way. They think we are inferior to them. We are a normal nation and deserve an equal treatment and at least a no-visa regime; Europe is not Europe without Ukraine” (prospective migrant, male, 20 years).

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18 According to the EU Reporter Poll 87 percent of Europeans would like Ukraine to be allowed to join the EU, while 62% of Germans support Ukraine’s joining the EU, according to the survey done for the magazine "IP – Internationale Politik” http://www.internationalepolitik.de by Meinungsforschungsinstitut Forsa
19 Fund "Democratic Initiatives", www.dif.org.ua
The recent democratic changes in Ukraine can be seen as a first step in the direction of Europe. But for this moment, the 2004 enlargement of the EU with ten Eastern European countries has a negative effect on Ukraine and on Ukrainian migrants in particular, according to our respondents. The Ukrainian migrants perceive the new Eastern border of the EU as a new Iron wall in Europe. The last couple of years it became more and more difficult for Ukrainians to travel to the EU countries, and even Poland and Hungary were forced by the EU to impose visas on Ukrainian citizens.

"[With] no clear prospect of accession [to the EU], residents of Eastern Europe might have migrated immediately for fear of a more restrictive border regime in the future" (Kraus & Schwager 2003: 177).

So, although the restrictive visa regime does affect the situation of Ukrainian migrants in the Netherlands, as it diminish their legal chances and makes their situation much more difficult than it was before, it does not stop the migration flow, as persons see themselves forced to look for opportunities across the border. In a sense, the current restriction of movement possibly even accelerates migration from Ukraine while it stops people, who already are in Europe, from returning home. They eventually even change their plans from temporary to a permanent stay, as they think that situation with moving back and forth will get worse and they will not get a chance to come to the EU never again.

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Stepan Shakhno holds a Bachelors degree in Applied Mathematics from Ivan Franko National University of Lviv. In summer 2003, he carried out research on Ukrainian migrant workers’ in the UK. The Trade Unions Congress (TUC) funded this research, which concluded in writing a book called “Gone West” that was published by the TUC in London in March 2004. This publication subsequently received a lot of public attention in the UK, including press attention from The Guardian, BBC, Channel 4 and others. He has been granted scholarships to attend and present papers at a number of international conferences throughout Europe on the subject of migration. As a President of Lviv Regional Branch of the European Youth Parliament - Ukraine he is coordinating a free hotline for Ukrainians migrants where they can get free legal advice and learn about their rights abroad. The hotline now runs successfully in Lviv, Ukraine.

Cathelijn Pool received her Masters degree in cultural anthropology at the University of Amsterdam. She did a research on immigrant entreprenuers at the Institute of Migration and Ethnic Studies of that University. As of December 2001 she is connected to the Centre for Migration Law of the Radboud University of Nijmegen, the Netherlands. She is conducting a PhD research on the influence of liberalisation of migration rules on the migration from Poland to the Netherlands, which already resulted in different publications. Among them some in the English language: “Open Borders: Unrestricted migration? The Situation of the Poles with a German Passport in the Netherlands”, in: IMIS-Beitrage, Universitat Osnabruck, 2004, Heft 24, p. 203-213. ‘Polish migrants, the Netherlands, and the EU: tug-of-war in triangle’ in the book with results of the conference ‘the 4th International Immigration Conference ‘Contemporary migration issues: migration and society. Legal framework of migration in the ago of human rights law. First Independent University of Business and Government, Warsaw, 21-23 November 2004’, Warsaw: PWSBIA, p. 201-212.