

I-CLAIM findings

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I-CLAIM investigates the living and working conditions of migrant households with precarious legal status in Europe.

The project combines the need to advance scientific knowledge and theorisation on migrants' irregularity, its drivers and consequences and the urgency to develop policy options and public interventions aimed at improving the conditions of undocumented migrants and their families.

Our research focuses on the situation in Finland, Germany, Italy, Poland, the Netherlands and the United Kingdom. We work closely with a wide range of European and national stakeholders, including labour unions and migrant rights organizations, to develop recommendations on how to improve the living and working conditions of migrants with precarious legal status in Europe.

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I-CLAIM

I-CLAIM research

- 6 national reports (DE, FI, IT, NL, PL + UK)
- One EU-level report, published in SpringerBriefs in Law Series
- One comparative report by University of Helsinki and Ca' Foscari University of Venice
- 2 policy briefs



Main findings

- **MAIN FINDING #1:** Irregularity (and administrative precarity) is the product of the interplay of migration, welfare, labour and social policies – and varies across countries.
- **MAIN FINDING #2:** Stricter border management, asylum and visa policies expose people to irregularity
- **MAIN FINDING #3:** Restrictive national policies do not consider the reality at the local level and municipalities often have to step in to provide more inclusive social and welfare services.
- **MAIN FINDING #4:** National experiences of regularisation programmes vary significantly and remain overly restrictive.
- **MAIN FINDING #5:** Irregularised people in the labour market are often forced to resort to undeclared work, are exposed to exploitation and precarious conditions, with inadequate access to support and justice.

Recommendations

- **RECOMMENDATION #1:** Prioritise the establishment of regular pathways and regularisation programmes or mechanisms, the effective application of existing legal instruments and filling in the gaps in current bureaucratic procedures and processes.
 - MS need to address the administrative infrastructures that create irregularity. Most people have entered regularly and only later slipped into irregularity due to existing barriers and vulnerabilities.
 - Facilitate transition of status and regularisation programmes drawing from the General Compact on Migration.
- **RECOMMENDATION #2:** Strengthen European-national-local level coordination and bottom-up policymaking to respond to the needs of local communities.
 - Public health, safety and social cohesion considerations must be prioritised over migration management. Local authorities should be supported – and not obstructed – in providing inclusive services to irregularised people to maintain public order and safety within the local community and, most importantly, uphold their fundamental human rights in line with EU law and international and regional human rights law.
 - More cooperation through existing forums and task forces.

Recommendations

- **RECOMMENDATION #3:** Combat exploitative and discriminatory working conditions for all migrant workers irrespective of their immigration status, ensure access to justice for irregularised workers in the labour market and address institutionalised racism and discrimination.
 - National authorities must uphold EU and international labour standards and not discriminate against workers based on their immigration or residence status, skill level or perceived value to the national economy – *all workers are workers*.
 - The ILO standards and guidelines must be effectively put into practice, especially regarding the right to decent work and non-discrimination amongst workers.
 - Must strengthen reporting, labour inspections and complaint mechanisms and address the current dependency on employers.
 - Must address discrimination based on ethnicity, race, religion, nationality and gender, including in immigration policies , through the upcoming revision of the EU Action Plan Against Racism.

From previous research

- Predominance of a home affairs and criminalization approach across all EU migration-related policy discussions, including labour and welfare
 - A worker is a worker – DG EMPL’s scope of action includes third-country nationals, regardless of their status, but irregularised migrants are formally excluded from instruments such as the Action Plan on Integration and Inclusion and the European Pillar of Social Rights.
 - With DG HOME in the lead, priority has been given to strengthening, homogenisation and enforcement of the repressive elements of the Employers Sanctions Directive – not as much attention on the protective elements.
 - Exclusion of irregularised TCNs from Seasonal Workers Directive.
 - Exclusive focus on returns, rather than provision of permits and access to socio-economic rights for people who are already in the EU – the current framework provides for such permits.