

WELFARE AND THE CREATION OF UNDOCUMENTED EU MIGRANTS IN BELGIUM

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Abstract. *As the debates on the so-called “welfare tourism” are intensifying in different parts of the EU, we can observe a growing trend among Member States to use welfare policies as instruments to limit the mobility of certain EU migrants. In Belgium, EU citizens who receive unemployment and other welfare benefits have been particularly affected by this adverse context. Between 2010 and 2014, the number of EU citizens who have seen their residence permits removed by the Migration Office (Office des Etrangers) on a yearly basis has jumped from 343 to 2,042.*

In this paper, we propose to focus on EU citizens who see their freedom of circulation in the EU restricted after asking for social protection or unemployment benefit in their country of residence. We rely on ethnographic fieldwork conducted with Italian migrants in Brussels and with returnees. The paper discusses the process that lead to the transformation of EU citizens into undocumented migrants and the different strategies used by EU citizens to cope with this situation. Using this data, we then discuss its connections with long-term processes of individualization of social rights, labour market segmentation and weakening of social citizenship provisions.

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In the dual context of increased Central and Eastern European migration and of the global financial and economic crisis, several Northern European Member States have implemented (or debated) reforms of their welfare regimes to restrict access to migrants coming from other EU Member States. In spite of the recurring evidence on the limited role of benefits on migration decisions, debates on the so-called “welfare tourism” are intensifying in different parts of the EU and increasingly, Member States tend to use welfare policies as instruments to limit the mobility of certain EU migrants. This stance is best illustrated with Prime Minister Cameron’s demand in the framework of Brexit negotiations for a four-year ban on EU migrants claiming in-work benefits.

In Belgium, too, EU citizens have been particularly affected by this adverse context. Under the leadership of the current Secretary of State for Migration and his predecessor, authorities looked for ways to protect Belgium from a perceived problem of welfare tourism. In particular, authorities have been using a restrictive interpretation of the European Directive 2004/38 that allows Member States to remove residence permits from EU citizens who represent an “unreasonable burden on state finances”. Similarly, unemployed EU citizens deemed by authorities to have “no reasonable chance of finding employment” have also been increasingly affected by this practice of residence permit removal. While Belgium does not enforce these decisions by physically removing EU citizens from its territory on this basis, the number of EU citizens “expelled” from Belgium on a yearly basis has jumped from 343 to 2,042 between 2010 and 2014 (for a total of 9,046 in this period).

Italian migrants are among the EU citizens that are most affected by Belgium’s policy but they are also the largest immigrant community in Belgium and one that strongly contributed to the economic growth and the expansion of welfare state provisions after World War II. This paper thus looks at the transformation of Italian migrants from guest workers into “European *sans-papiers*” in the migration and welfare policies of that country. After discussing the evolution of the right to circulate of Italian migrants in Europe, we will show —with the data collected during our ethnographic fieldwork— how this policy leads to fabricating undocumented EU migrants and discuss what strategies they develop to resist to deportation orders. The paper then concludes with a discussion on the connection of this policy with long-term processes of individualization of social rights, labour market segmentation and weakening of social citizenship provisions.

Background: Italian migration and freedom of circulation

Since the Treaty of Rome (1957), and even more since the adoption of the Regulation 1612/68, freedom of circulation has been an essential result of the European integration process. Freedom of circulation of workers is also one that EU citizens are most attached to (Eurobarometer 2013). Yet, this freedom was never unconditional and for many years European welfare states have been eager to include safeguards that would protect them from EU migrants whose sole motivation to relocate would be to access more generous welfare provisions than that of their home country. While numerous research and reports have shown the limited role that welfare benefits play in migration decisions and the limited impact of EU migrants on welfare budgets (see most recently Giulietti & Wahba, 2012, ICF GHK 2013, OECD 2013), this fear is persistent. This concern is reflected in several pieces of legislation, court

rulings and public statement released over the past decade. For instance, provisions included in the so-called “Citizenship Directive” (Directive 2004/38) limits the mobility rights of EU citizens who have less than five year of residence (and are therefore eligible for permanent residence) in that Member State and are either unemployed or receive welfare benefits. Similarly, with the Dano case, the European Court of Justice reiterated that mobile EU citizens who are not workers, former workers, actively seeking employment, and not economically self-sufficient may lose their residence right to avoid that they become “a burden on the social assistance system in the host state”. Lastly, in 2013, ministers of four member states (UK, Germany, Austria and the Netherlands) made an explicit call to increased controls on the mobility rights of EU citizens deemed to put “a considerable strain” on those states. This declaration was later followed by a counter-reaction from Ministers from Sweden, Norway and Finland to defend freedom of circulation (Barbulescu 2016).

In this context, EU migrants see their migration decision put under considerable scrutiny and their freedom of circulation increasingly questioned. This situation represents a major shift from the context in which the 1968 Regulation was adopted. In 1968, the interests of North Western European Member States and Italy were converging in favour of freedom of circulation: the former needed workforce for its industries while the latter saw in migration an opportunity to solve its rampant issue of poverty and unemployment (Moravcsik 1998). In Belgium, in particular, the same logic had been at play right after World War II with the signature of a Bilateral recruitment agreement between the two countries. Thousands of Italian guest workers came to participate to Belgium’s reconstruction in the following years and they mainly occupied jobs in the mining and steel industries whose strong need in workforce could no longer be satisfied by native workers. To convince Italians to come to work in harsh conditions, wages were not only arguments used by industrial lobbies and Belgian authorities in their advertising campaigns in Italy. They also stressed that Belgium had a strong level of social protection and that immigrants and their family members would enjoy sick leaves, paid holidays and other benefits. Secondly, Italian workers in Belgium were characterized by high-level of mobilization in workers’ organizations. Not only did they join Italian trade unions whose presence in Belgium aimed at protecting them and facilitating integration and later, they also massively joined Belgian trade unions. In those organizations, Italian workers gained leverage in Belgian civil society which paved the way for the subsequent inclusion in the country’s political elite (Martiniello 1993).

Overall, the participation of Italian migrants and their descent in the economic reconstruction of the country and their involvement in trade unions and political parties played a critical role in the expansion of welfare provisions for all workers in Belgium during the “Trente glorieuses” (that is the 30 years of continuous growth between the end of World War II and the oil crises). This situation, as we shall see below, contrasts very strongly with the institutional response that is currently given to new Italian migrants coming to Belgium. Whereas their predecessors were invited to settle in Belgium to work while being protected by its welfare system, new Italian migrants now experience the Belgian welfare system as a tool for migration regulation which serves to delegitimize their presence in Belgium.

Methods

The data presented in this paper have been collected through interviews conducted between February and June 2016. Two main categories of actors were interviewed. First, we focused on Italian citizens residing in Belgium who received an “expulsion order” (*Ordre de quitter le territoire*, OQT hereafter) notifying them of the removal of their residence permit. They were identified through various points of entries such as trade unions, migrant organizations and legal services providing support to immigrants. Second, individuals working for these associations and trade unions dealing with European citizens’ residence issues were also interviewed to identify coping strategies of EU citizens affected by residence permit removals³. These informants let us shed light on the dynamics under study from a double perspective: that of the political and social movement directly or indirectly supporting European migrants while trying to regularly settle in Belgium and that of the individual life stories concretely impacted by such measure. In this paper we will mainly deal with this second perspective, though the first one will also be of use in certain sections of our analysis.

Immigrant interviewees were Italian citizens who had been residing continuously in Belgium for less than five years. While most of them were born in Italy, several were also born in Belgium, never asked for citizenship and left Belgium for several years during their adulthood before returning to Belgium with the beginning of the financial and economic crisis in 2008. Our fieldwork aimed to determine the profile of this new Italian migration to Belgium in terms of socio-economic background, skills and education. Secondly, we focused on the trajectories that let them to become undocumented migrants in Belgium, that is the administrative path which leads to the delivery of an expulsion order from Belgian authorities. Two justifications were found for the issuance of an OQT to new Italian migrants: the supposed burden they represent for the welfare state (in line with the vocabulary used in directive 2004/38) or the assessment that they do not have real chances to find a job in Belgium while not having adequate means of subsistence. In the first case, people concerned had been benefitting from the social integration income (non-contributory benefits) but, in the second case, immigrants also received an OQT even when they never received any kind of benefit in Belgium. In both cases, the decision to deliver an OQT is based on a discretionary assessment of the immigrants’ situation by the Migration Office. Thirdly, our fieldwork also allowed us to explore the actions undertaken to cope with illegality and to (re)establish a regular residence on the Belgian territory, when this occurred. It should be noted that, while Belgium did not physically remove from the territory Italian migrants who receive an OQT, the letters explicitly threatens EU migrants of detention and expulsion.

The geographical area covered by the interviews of both groups includes 5 Belgian cities (among which one in Flanders, 3 in Wallonia and one in the Brussels-Capital region) and 2 Italian cities⁴. All names and data that could allow to identify immigrant interviewees cited in

³ Respectively 14 people among the second group (belonging to: the Belgian sections of two Italian trade unions; 2 Belgian trade unions; 5 associations) and 18(20) among the first one. All these lasts except one are Italian nationals, one is third country national but holds an Italian permanent residence permit and an identity card. In 4 cases the individuals concerned had not yet received an OQT but were involved in a control procedure by the Migration Office aimed at establishing the legitimacy of their presence on the territory in conformity with the EU directive and eventually to put an end to it.

⁴ Two among the interviewees went back living in Italy after receiving the OQT.

this article have been transformed or removed. In the interview excerpts, the acronym written next to our interlocutor's name (e.g. Hany, MO) describes their gender (Woman or Man) and their age (Under or Over 40 years old).

Results: An ethnography of the fabric of “European *sans-papiers*”

New Italian migration to Belgium in times of crisis

While the Italian immigrant population still constitutes one of the largest foreign group in Belgium, incoming flows have continuously decreased since the 1970s and throughout the early 2000s. The multiplication by three of annual flows of Italians coming to Belgium over the course of two years following the beginning of the economic crisis in 2008 therefore came as relative surprise. Considering the transformation of Italy over the past decades and the changing needs of the Belgian labour market, the profile of these new Italian migrants however greatly varies from their guest worker predecessors.

During our fieldwork with new migrants, we identified three types of new Italian migrants to Belgium. These groups do not differ by their motivation to emigrate whom —as we will see— are predominantly based on economic and family-related drivers. They do not differ either by their regional origins in Italy as both Southern and Northern Italian belong to this new cohort. It is rather by their migration history that we were able to distinguish them. The first group can be called “free movers” and consist of first-time migrants who make use of their right to circulate within the EU in a context of economic crisis. The second group that we call “second generation Italians” is made of people born in Belgium and who lived in this country most of their life but with some discontinuities (they moved abroad for an extensive period — frequently in Italy — for economic or family reasons). For these individuals, the act of migrating to Belgium with the economic crisis was often perceived as a return home. Nonetheless, since they had not taken the Belgian nationality before leaving the country and do not have permanent residence they were exposed to receiving an OQT if they found themselves in one of the precarious situations described above upon return. The third group are what could be called “relocated migrants”. These are naturalized Italian citizens who were born outside of the EU (Morocco in the case of our interviewees) and who lived for at least 10 years in Italy before coming to Belgium. These are individuals who had settled long-term in Italy and had not envisaged to re-emigrate until the economic crisis of 2008.

For new Italian migrants in Belgium, a precarious work position or the sudden loss of employment is the most frequent trigger for leaving Italy. Throughout the interviews, the employment market in Italy was described as increasingly closed because of the crisis. This was particularly noticeable for relocated migrants who had already experienced a difficult integration on the Italian labour market: “[...] *the good years are over, the crisis has destroyed Italy, we were happy in Italy but then came the crisis... [...] Before, Italy was better than America. Money was flowing. I have it in my my heart, we worked there, we ate there!*” stated Hany, a Moroccan-Italian migrant relocated in Belgium (Hany, MO, fieldnotes, 12 April 2016). Redouane —who arrived in Italy from Morocco in the 80’s and moved to Belgium in 2011— was of the same opinion, declaring that leaving once again was “[...] *relatively difficult because we had seen so much in Italy, we had integrated well, [spoke] the language and now we have*

start again from scratch. If only things got better in Italy...but it's ok, we are starting to get used to it [here in Belgium]" (Redouane, MO, fieldnotes, 22 April 2016). Because of the crisis, prospects for employment for youngsters in particular —a long term issue of the Italian labour market— appeared to have worsened in the eyes of interviewees: *"There is no more work for the youth"*, he stated (Mahmood, MO, fieldnotes, 18 April 2016).

In spite of their focus on the financial and economic crisis as an external trigger for their difficult situation, Italian migrants also blame local authorities for their lack of reaction to a degrading socio-economic situation: *"The government leaves Italy in misery, I don't know why, [...] Politicians maybe are not Italians?! Why do they act like this?!"* (Hany, MO, fieldnotes, 12 April 2016). Employment services, for instance, are not perceived as effective, *"they don't do job placement"*, said Antonia (Antonia, WU, fieldnotes, 28 April 2016) pointing out the rigidity of the job placement system in Italy which could not properly integrate her profile in the database since her schooling was carried out abroad. In addition, referring to the issue of labour market segmentation that separates a minority of well-protected workers with stable contracts from the other —usually younger— workers who receive precarious contracts if any, interviewee also found that the Italian welfare state is unable to help them cope with the crisis. Unemployment benefits are perceived as difficult to obtain and, even in cases when they are available the amount is not perceived as adequate *"You stay poor with le chômage [unemployment benefits]! You pay your bills [...], you are left with 100, 200 euro to live, how do you do that?!"* stated Hany (Hany, MO, fieldnotes, 12 April 2016).

All these factors made the economic situation of most of the people interviewed very precarious. In the case of Arturo: *"One had to take a decision [...]we were about to loose our dignity, we were going to Caritas to receive food [...] because [with a small income] either you eat or you pay the rent."* (Arturo, MO, fieldnotes, 30 March 2016). Arturo depicted such a hard situation which he and his family were living in Italy that it seemed that the only possible solution was to leave the country.

Economic reasons are not the sole driver of migration decision as personal factors may influence such decision and, in some instance, determine the precise destination towards which one moves. In the case of Carlo, the worsening of his financial situation with the economic crisis surely played a role but family reasons acted as the real trigger: *"The separation [with my partner] occured and then I let things go, at work, with money... I did not do anything anymore. I had money, but I spent a little today, then a little tomorrow..."* (Carlo, MO, fieldnotes 20 April 2016). Carlo also had some debts with banks that he contracted during his previous entrepreneurial activities and was unable to payback, but *"[...] when someone drowns, they don't give him a life-jacket but rather a stone at the foot!"*, he declared (MO, fieldnotes 20 April 2016). Serena, a 46-year-old woman, also decided to move to the Walloon region after having spent the last eight years commuting between Italy and Belgium where her partner resides. In Italy, she had a regular job that allowed her to attend to the needs of her two children. Rossella is another case of migration triggered by a relationship. In Italy she was employed but she experienced a situation where her employer —an NGO— would refuse to issue her a formal contract in spite of the hours spent on the workplace (Rossella, WU, fieldnotes, 23 May 2016). She left Italy to follow her partner who was going to start an internship in Brussels.

Next to economic and personal reasons, education is another driver of Italian migration to Belgium. Claudia, for instance, arrived in Belgium in 2007 to enroll in a theater school whose curriculum was particularly attractive to her. Once she finished her training, she founded a theater company in Brussels together with colleagues: *“You work in the arts, with your stomach, you are looking to make your dreams come true”*, she stated (Claudia, WO, fieldnotes, 14 April 2016)⁵.

From free-movers to undocumented EU migrants

If a multiplicity of factor may trigger the decision to leave Italy, the choice of Belgium as destination, however, is influenced by family members or acquaintances who lived in this country. Narratives heard before departure on the right to movement in Europe but also on the Belgian labor market led all our interviewees to believe that they would find a job with greater easiness there than in Italy. Nevertheless, once in Belgium, they had to reconsider this idealized depiction of their new country of residence as well their freedom of circulation within the EU which they had somewhat taken for granted. Far from the depiction of Belgium as country where *“It seemed like I had found paradise!”* (Gabriella, WO, fieldnotes, 19 April 2016), new migrants found comparable difficulties to those met in Italy —labour market segmentation and informal employment— as well as new ones they had not anticipated: the need for formal recognition of skills and the complex bureaucracy of a federal system under strain.

While many left Italy in search of greater employment stability, they quickly discovered that Belgian employers were reluctant to grant them anything else than short fixed term contracts: *“they are afraid that if they do a permanent contract for you, they finally discover that you are not the one they thought... and then there’s a great administrative work [to put an end to the contract], you have to tell them ‘I am going to do it!’”* (Antonia, WUSW, fieldnotes, 28 April 2016). In addition, new migrants are confronted with the demands of formalized skills by employer. For Hany, the need to show formal certification to guarantee one’s skills is a further barrier to employment in Belgium that he was unaware of before departure:

“In Belgium, [...] if you want to work they want you to have formal training, not in Italy. We [migrants] had learned so many jobs in Italy, we learned crafting, painting, gardening, industrial mechanics. [...] We already had the experience in Italy. [...] Italians just hire you ... we learned well in Italy. [...] I learned industrial mechanics and when I was facing a difficulty [my previous Belgian employer] called a specialist, [even though] I could do it!” (Hany, MO, fieldnotes, 12 April 2016).

Besides the lack of formal title demonstrating their skills, some new migrants discover that contrarily to what they thought knowing – or even mastering – French or Dutch, is a necessary condition to access employment in many cases: *“They were telling me that not knowing the language was not a problem!”* stated for example Fabiola who spoke French but not Dutch (Fabiola, WO, fieldnotes 30 May 2016). She however soon discovered that because she was living in a Flemish municipality right outside of Brussels, local employment services could not

⁵ Claudia asked and obtained social income revenue to the CPAS. This fact led her to receiving an OQT in 2011. It was justified by a longer use of social benefit than allowed. Claudia returned to live in Italy in 2012.

recommend her for any training in another language than Dutch. For new immigrants who are unemployed, being able to participate in trainings and educational programs offered by Belgian employment agencies is however of critical importance to overcome these barriers to employment. Also because, being enrolled in such programs often grant employer with tax rebates designed to make these candidates' applications more appealing to them.

An obvious consequence of the difficult integration on the job market is that unsuccessful newcomers rapidly found themselves at risk of further social exclusion. In those circumstances, undeclared work and the use of some form of social protection benefit from authorities such as CPAS (Welfare agency) rapidly appear as their only option. The discovery of the extent to which undeclared work is widespread in Belgium came as a surprise to new Italian migrants. For Arturo: *"I left Sicily and I find myself in a parallel world! Work paradise?! [Work here] was all undeclared work!"* (Arturo, MO, fieldnotes, 30 March 2016). Applying for jobs in low-skilled sectors of the economy, Italian migrants such as Arturo discover how employers' arguments about high taxes on labour in Belgium serves as a justification for offering immigrants undeclared work: *"It is undeclared work, not the crisis! It is trues that taxes are very high and they don't like it, they give a contract with minimum hours [...] The State knows about this, why don't they act? Isn't there money to do controls?!"* (Arturo, MO, fieldnotes, 30 March 2016).

Hospitality, particularly bars and restaurants, is a well-established economic sector where low-skilled migrants tend to find opportunities but also undeclared work and exploitation are recurrent in Belgium (Adam et al 2002, Pacolet et al 2007). As Mario describes it, recounting of his conversation with a restaurant owner: *"[...] 'In this current situation, I can give 1100 euro.' 1100 euro [I said]?! In the restaurant buisness 1100 euro?! [You work] on Sundays from nine to twenty-three! I worked there two months, it is not their fault, everywhere it is like this in the restaurant buisness."* (Mario, MU, fieldnotes, 15 April 2016). Aware of the precarious situation of some EU migrants, certain employers do not hesitate to offer positions with low pay and long hours promising in exchange to "reward" hardworking migrants with a formal contract in the future. Such situations in which migrants find themselves "hostages" of their employer are frequent: *"they are selling dreams"*, as Rossella summed up (Rossella, WU, fieldnotes, 23 May 2016).

Similarly, some employers do not hesitate to sign formal contracts with immigrants and later omit to submit them to authorities which equates to hiring workers off the book. Unaware of these formalities, some workers only realize later (e.g. when they try to access healthcare) that they are in fact employed irregularly and are at risk of losing their residence permit in Belgium. This is the case of Arturo, for instance, who came to find employment with the idea of bringing his family over once he is stabilized. Months after starting to work, he realized he was actually hired illegally which denied him and his family from full social protection. He recalled during the interview the feeling of realizing he was invisible in Belgium: *"you work count for nothing, there is no acknowledgement,. [...] It is like [the employer] does you a favour by giving you a contract! But my work I do it well! [...]and [the employers] not only do they take advantage of you, they also make you work to death!"* Arturo said (Arturo, MO, fieldnotes, 30 March 2016).

Making use of their rights for social protection is another route taken by Italian migrants to deal with the difficulty to participate in the labor market. This route, however, is the one that most clearly exposes them to the scrutiny of authorities. On the one hand, we identified a group of immigrants who exported their Italian rights to unemployment benefits in Belgium or accessed Belgian unemployment benefits after working for a short period in Belgium. On the other, another group resorted to call Social Services (called *Centre Public d'Aide Sociale*, CPAS) to request the minimum income scheme (called Social Integration Income); that is a non-contributory benefit that acts as safety net for individuals ineligible for unemployment benefits. When Rossella resorted to go the CPAS, her situation was particularly critical *"I could no longer live serenely, I was always running after money and I could not stand having to ask my roommates for money to buy groceries..."* (Rossella, WU, recorded 23 May 2016).

Different scholars have identified that the concept of "unreasonable burden on public finances" contained in directive 2004/38 has been raised repeatedly by policy makers to justify the increasing removal of residence permits among EU citizens residing in Belgium (Lafleur and Stanek 2016, Mormont and Neven 2014). Yet, what our fieldwork showed was that — whether they were benefiting from the minimum income scheme or not— most informants actually received an OQT because the Employment administration judged that they had no reasonable chance of finding employment in Belgium in the near future.

Experiencing illegality and the schizophrenic welfare state

Italian migrants experiencing illegality are notified by their Municipality of residence that their residence permit is removed and they have to leave the country. This situation triggered two very different reactions among our informants. For some migrants, it is perceived as a mere bureaucratic annoyance that would require time and energy to fix but that would not affect significantly their plans in Belgium. Antonia, for instance, was surprised but not worried that EU citizens could be expelled. She was born in Belgium and was familiar with the country's bureaucracy. In addition, she had the necessary financial resources to deal with a temporary status of illegality during which some of her social rights were removed (Antonia, WO, fieldnotes, 28 April 2016). Similarly, Andrea declared not being particularly worried when he received the OQT, but rather *"annoyed"* (Andrea, MU, recorded 19 May 2016), adding that he did not like living in Belgium and could eventually leave. For Enzo and Paola, on the contrary, the experience of losing autonomy and seeing their freedom of circulation restrained was particularly hurtful: *"They expel you"* noted Enzo (Enzo, MU, fieldnotes, 7 June 2016). For Paola: *"If I want to leave, it will be on my own terms and not because you are telling me to do so!"*, she stated (Paola, WO, fieldnotes, 24 May 2016).

For other Italian migrants, however, receiving the OQT marked a significant break in their migration project. For this second group, the act of receiving the OQT triggers a phase of doubt in which professional and family perspectives are being reconsidered in the light of this newly experienced illegal status: *"After the OQT, I no long knew what my project was in Belgium, a country that had made me precarious and sanctioned me. I was thinking for a year: should I stay, should I go, what do I do?"* (Sonia, WU, fieldnotes, 28 April 2016). For others like Carola who had long-term plans in Belgium and were about to apply for permanent residence after living in Belgium for almost 5 years, the OQT symbolizes the collapse of personal and

professional strategies⁶. The act of receiving an OQT therefore marks a turning point and often the sentiment that all time and efforts spent in Belgium to participate in society at the economic and social are being erased (Carola, WU, fieldnotes, 15 April 2016).

All Italian immigrants who were notified an OQT from Belgian authorities first received a letter inviting them in vague terms to come to the Municipality to clarify their residence status. The OQT itself is delivered at the Municipality through a process characterized by a high level of symbolic violence. OQTs use extremely technical legal language and the vocabulary used — referring to their use of social benefits as an “unreasonable burden on public finances”— insists on gravity of the situation and the seriousness of the “offense” committed by the foreigner who did not find a job or asked for social assistance. Also, the letter makes it explicit that immigrants “may be expelled or detained” if they do not voluntarily depart from the territory. As noted by Carola, the experience of receiving an OQT and being described as unfit for residence in Belgium triggered strong feelings of shame among certain immigrants.

These feelings are reinforced when migrant arrive in the municipality where the OQT is handed over to them. Not knowing exactly what will happen to them at the municipality, interviewees often find out upon arriving that this step is designed to materialize their removal from residence registries. Indeed, several interviewees noted that municipal officers insisted to examine their identity card before proceeding to its physical destruction in front of them⁷. Such experience was described as traumatic by interviewees whom like Carola for which the physical destruction of the card was accompanied by further attempts to instill her a sense of shame. Indeed, the municipal employee did not only execute their bureaucratic tasks but reiterated to the migrants directly the rhetoric of the Migration minister accusing EU migrants of welfare tourism. A Carlo recounts: “A woman from the Municipality told me: why did you have to come here to take money from the Belgian state, take the money from the Italian State instead!” (Carlo, MO, fieldnotes, 20 April 2016). Equally, Carole was told by a civil servant: “I know why you came to Belgium: to take money!” (Carola, WU, fieldnotes 15 April 2014). Overall, the seizing and destroying of EU migrants’ identity card is an act whereby the State wishes to make migrants fully aware of its power and its willingness to use it to remove them from the territory. Arguing that its welfare system is endangered by migration, the State makes immigrants aware that their presence is no longer desirable while also ensuring that they no longer access to social services. Indeed, this card is indispensable to access many of such services. As Gabriella noted after losing her card, “Here you can’t do anything without the identity card, even at the library, you can’t do anything!” (Gabriella, WO, fieldnotes, 19 April 2016).

As we have seen, the implementation of this policy of removal of undesirable EU citizens conveys the impression of a strict and rigorous practice of law enforcement by authorities. However, the experience of Italian migrants also reveals its arbitrary character and most importantly, the lack of coordination between administrations dealing with residence and

⁶ After five years of residence most European citizens can ask for a “*carte E+*” which grants them permanent residence.

⁷ Proof of residence of EU citizens are identical in shape to the Belgian citizens’ identity card and for in both cases its duration is of five years if any interruption is decided before, the document released to European citizens regularly residing in Belgium is called *Carte E* and its delivery and eventual withdrawal is submitted to the Migration office rules.

welfare issues. Several interviewees indeed feel that they were not properly informed by Belgian welfare administration upon asking for benefits. Like other interviewees, Rosella notes that there is an inherent contradiction for Social Services to help migrants access welfare and later use it against them to remove the residence permit: *“If you offer a service [like the social integration income] to everyone because we are all European, if you allow me, then you cannot tell me six months later that you remove it and send me away! You can put limits, restrictions or stricter conditions [if you like] but otherwise change your attitude. [...] The system is wrong, why do you make things even more complicated for me ?!”* (Rossella, WU, fieldnotes, 23 May 2016).

This sentiment of unfairness and of “being tricked” by authorities is further reinforced by a sentiment that third country migrants receive a more favorable treatment than them from authorities. For Camillo, *“Newcomers⁸ come here and after three months they receive a passport and a stipend!”* (Camillo, MO, fieldnotes, 29 March 2016) and for Paola: *“Blacks⁹ here have everything! They receive the card from CPAS and they get everything paid for. There is something that is wrong with this system. They give them a house, and me I had to redo the house entirely and I pay rent. For them, they put first the house in order and then they go in. They are political refugees. La Louvière is full of them!”* (Paola, WO, fieldnotes, 24 May 2016). Paola has fully assimilated the idea that EU citizenship should grant her more rights than third country nationals in situations of mobility within the EU. In her words, the status of being undocumented cannot by definition affect EU citizens: *“[...] Europe is one. Why do I have to be illegal? Here is my house. The Blacks, they are illegal, the Moroccan [as well], not because it is racism but because it is reality! If I’m European, how can I be illegal!”* (Paola, WO, recorded 24 May 2016).

For many interviewees, their interactions with local administration often conveys the idea that they are dealing with a “schizophrenic state”. Andrea for instance, saw police officers coming to his house telling him to leave. In both occasions, the police conceded that they were forced to comply with procedures but had not intention of ever arresting and deporting him. One of the officers explained the situation in those terms: *“What should I do... They tell me to come, I go... it is not my fault!”* (Andrea, MU, recorded 19 May 2016). This ambivalent attitude of the State is however even clearer for those among our interviewees — such as Redouane and Rosella— who continued to receive unemployment and social benefits after the issuance of an OQT and the removal of their residence permit. Redouane, who received an OQT after three and a half years of residence in Belgium was informed by the unemployment office that he could still receive unemployment benefits until he reaches the age of retirement in 2018¹⁰: *“The [social] rights stayed as before, also the health insurance and the unemployment benefits, but they destroyed my identity card”* (Redouane, MO, fieldnotes, 22 April 2016). Rossella, on the other hand, was granted the social integration income from the CPAS after receiving the

⁸ By newcomers he refers to recently arrived asylum seekers.

⁹ She referred to migrants proceeding from Sub-Saharan Africa as “Neri” in the interview that was conducted in Italian.

¹⁰ Redouane explained that Italian welfare will pay him minimum pension (since his employment was not always declared by employers) amounting to around 600 euros, but since he was living in Belgium this sum could be combined with his pension entitlement in this country. In order to benefit of his rights to pension, Redouane received the help of an Italian trade union to solve this administrative issue.

OQT and was informed by the social worker that only a change in her employment situation would put an end to this benefit.

Reacting to illegality

Confronted to the unexpected situation of being undocumented EU citizens, new Italian migrants can follow four different routes to comply formally or informally with the State's injunction to stop being a burden on the Belgian welfare system: return, resistance, downward social mobility and upward social mobility.

Receiving an OQT forces every migrant who receives it to consider complying with the authorities' decision and return to Italy. For those like Claudia who were unsure about staying permanently in Belgium the OQT acted as a trigger that precipitates the decision to return. To facilitate the transition, she could count on the network she had managed to maintain in Italy in spite of the years spent in Belgium: *"I'm lucky because in Italy I was immediately taken care of by a friend. She gave me work, she let me teach theatre workshops in schools and shows for the youth..."* (Claudia, WO, fieldnotes 14 April 2016). For other like Fabiola, linkages maintained with the homeland —while used for reintegration on Italian labour market— are not sufficient to be autonomous and she was accordingly forced to go back living under her parents' roof.

For those who —on the contrary— decided to stay in Belgium, the first reaction had been to turn either to a trade union or to non-profits who help immigrants. In several cases, immigrants were advised to undertake legal action against the the Migration Office that issued the OQT. Nevertheless, the legal process entails costs for individuals, and the outcome is obviously uncertain. However, starting this legal process grants migrants with a temporary residence status that allows them to stay for the duration of the legal proceedings. While the decision to challenge the OQT is personal, several informants like Sonia and Claudia declared also doing it to raise awareness about this policy: *"I fought to get back what I had worked for and also out of a sense of civism. For me it was important, it is not possible that things go this way, society does not protect you, they must! ..."* (Sonia, WU, fieldnotes, 28 April 2016). For Claudia, even though she had already decided to return to Italy she fought the decision to *"give a voice"* to her story and leave a trace of what happened (Claudia, WO, fieldnotes, 14 April 2016). Others like Andrea, however, were reluctant to engage in another battle with the Belgian administration after their frustrating experiences with municipal employees seizing their identity cards: *"I don't trust any institution, why go and deal with another institution that will judge me again?!"* (Andrea, MU, recorded 19 May 2016).

Next to resisting, another route to deal with the obligation to leave is for one to attempt to regularize its status by accessing a better status than the one of unemployed EU migrant. This upward social mobility route leads migrants from illegality to a stable legal status in Belgium with social rights. Some of our interviewees were indeed offered a job after receiving an OQT and managed to regularize their administrative status; that is registering again with a municipality and recuperating their rights to welfare. In that situation, they rely on the hope that authorities will see sufficient elements in their contract (e.g. duration, working hours) to believe that they are no longer at risk of asking for social protection in the near future. Others

like Andrea, were hopeful to regularize their status by getting married with their Belgian partner. In both cases, the change in status is radically different as it goes from an extremely precarious situation to a potentially very stable one.

These opportunities that lead EU migrants from illegality to a stable legal status are however quite limited and, therefore, a more frequent route for those who do not want to return and are unable to find stable employment is to accept downward social mobility; that is a sub-status that allows them to comply formally or informally with the State's request not to be a burden on the welfare state. One such avenue consists in registering as a self-employed worker with the municipality as authorities tend to be laxer in those cases because that status comes with a weaker level of social protection. Others engage in the "gig economy" seizing job opportunity in the digital world (i.e. language professors online) that allows them to be in a contractual relation with a foreign employer without being noticed by Belgian authorities. The most accessible option to stay in Belgium while keeping off the radar of migration and welfare institutions is however to fully engage in undeclared work. Income from the black market is however often too low or irregular. Therefore, to compensate for the loss of income and the precariousness of their status, those migrants also accept to lower living standards by sharing housing or have to ask relatives for financial support to help them deal with this situation. While in certain cases immigrants were able to count the understanding of landlord willing to accept late payments due to their situation, others like Claudia were confronted with very negative experiences on the housing market and had to accept to "*accept things that in your house, in your world, you would not accept. [...] In Italy they don't rent you houses with rats!*" (Claudia, WO, fieldnotes, 14 April 2016).

As new Italian migrants become aware of the risk of losing their residence permit if they register with the municipality and stay inactive for too long, newcomers are increasingly advised to refrain from registering their residence until they have a firm commitment from an employer promising to hire them. Accordingly, numerous new migrants decide voluntarily to stay completely off the radar from Belgian authorities until they can sign a formal employment contract. Among others, Enzo worked off-the-book in the hospitality sector in spite of his high-skilled profile in a different economic sector: "*I also worked against my will. [...] It was more like slavery than work [...]. Without any pause to eat, with schedules that were inhumane.*" (Enzo, MU, fieldnotes, 7 June 2016).

Discussion: EU social citizenship in question

The post-war expansion of the Western European welfare states is closely related to the expansion of the freedom of circulation of workers that allowed low-skilled male workers from other parts of Europe to come and participate in the reconstruction of those countries. Social citizenship in Beveridgian terms — defined as a process of distribution of benefits and obligations based on contributions made by individuals who have the basic duty of work— thus developed with the involvement of men — a share of which were immigrants— in the formal labour market. Benefits of the welfare state were thus exchanged against the basic duty of work. This transactional relationship that prevailed between 1930 and 1970 however transformed over the course of the past decades. From "protection policies" towards workers, Western European welfare states have progressively moved to "activation policies" targeted

at individuals to help them participate in the labour market. These policies comprise life-long education, flexitime and tax incentives (Turner 2001).

As rightly noted by Soysal (2012: 2-3), the Lisbon strategy adopted by the European Council in 2010 enshrines this social investment approach as a standard to which EU Member States should be committed:

The new social project aspires a citizenship model that privileges individuality and its transformative capacity as a collective good. Thus, while expanding the boundaries and forms of participation in society, this project at the same time charges the individual as the main force for social cohesion and solidarity. In this scenario, the 'outsiders' are not only immigrants, but also the 'lesser' Europeans, who have the added burden of proving the potential and worth of their individuality.

Focusing on the case of new Italian migrants in Belgium, our fieldwork has allowed us to confirm and deepen these observations. The strict interpretation that Belgium has made since 2010 of its right to remove the residence permits of EU citizens is in line with both the activation approach and its associated practice of selecting EU migrants solely on the basis of their potential contribution to society. It however materializes through a series of administrative decisions that are perceived as contradictory or even misleading by mobile EU migrants. Using the concept of "schizophrenic welfare state", we showed that migration authorities and social services often work in different directions. Whereas the former instrumentalizes welfare use by EU migrants to exclude "unproductive migrants", the latter continues to fulfil their protection prerogatives by advising immigrants to apply for benefits even when this practice puts them at risk of being expelled. This ambivalence is equally visible in the practice of those civil servant in charge of enforcing the deportation orders (OQTs). On the one hand, municipal officers often incarnate State power by physically destroying foreigners' identity cards and reminding them verbally of how morally wrong it is for them to ask as foreigners for the protection of the Belgian welfare state. On the other hand, however, as seen in other cases of deportation with third country nationals, police officers in charge of implementing deportation orders at the local level appear to be reluctant to enforce these decisions as they often trigger outcries in local communities that maybe be politically damaging for local authorities.

Overall, Belgium's policy of removing residence permits of EU migrants who use welfare benefits confirms the progressive transformation of social policies from mechanisms to protect groups at risks of social exclusion to instruments that incentivizes individuals to participate in the labour market. This strict interpretation of EU directives in Belgium however has two important consequence on new EU migrants.

First, it forces an increasing number of EU migrants to be active without or with more limited forms of social protection therefore strengthening the long-term process of labour market segmentation at play in European economies. As the use of social protection becomes an instrument of immigration control, immigrants who cannot insert rapidly on the labour market in destination countries are increasingly constrained to accept downward social mobility. This is visible through their acceptance of unstable work contracts with more limited

social rights (e.g self-employed), their participation in the casual economy or their participation in the black market economy. As revealed by our fieldwork, omitting to declare one's residence in the destination country and participating in the irregular labour market are becoming strategies of adaptation of newcomers to stay off the radar from authorities as long as they cannot obtain a regular contract. This practice feeds the black economy, represents losses of tax income and puts workers at further risks of social exclusion. Furthermore, prevents authorities from designing adequate policies for populations that are by definition invisible. This route towards undeclared work strongly contradicts with the institutional message sent by policy-makers throughout the European integration process according to which mobility rights were guaranteeing workers stronger chances of maximizing the income received in exchange for their labour while ensuring adequate social protection. In other words, using welfare as means for social control potentially deconstructs decades of efforts to encourage EU mobility.

Second, the use of welfare for controlling EU migration triggers sentiments among those who suffer from these policies that the added value for worker of holding European citizenship has disappeared. Confronted with deportation orders, new mobile EU citizens are experiencing effects of immigration policies which they thought were reserved exclusively to third-country nationals. As we have seen, this experience does not only lead new EU migrants to question the EU, it also triggers xenophobic sentiments towards those among third country nationals who are in a more stable legal situation than them. The experience of illegality among EU citizens therefore reveals how the institutional discrimination towards third country migrants has become a natural phenomenon for some EU citizens.

References

Adam I., Ben Mohamed N., Kagne B., Martiniello M., Rea A. (2002) *Histoires sans-papiers*, Bruxelles: Vista.

Barbulescu, R. (2016) "From International Migration to Freedom of Movement and Back? Southern Europeans Moving North in the Era of Retrenchment of Freedom of Movement Rights", in Lafleur J-M and Stanek M (2016) *South-North Migration of EU Citizens in Times of Crisis*, Dordrecht: Springer, pp.

Eurobarometer (2013) , "Public Opinion in the European Union", Standard Eurobarometer 79, Spring 2013, Consulted on 15 June 2016:

http://ec.europa.eu/public_opinion/archives/eb/eb79/eb79_publ_en.pdf

Giulietti C., & Wahba J. (2012). *Welfare migration*. IZA Discussion paper. Bonn, Germany: IZA, pp.1-18.

ICF GHK. (2013) *A fact-finding analysis on the impact on the Member States' social security systems of the entitlements of non-active intra-European migrants to special non-contributory cash benefits and healthcare granted on the basis of residence*, Study conducted by ICF GHK in association with Milieu Ltd for DG Employment, Social Affairs and Inclusion 2013. Consulted on 15 June 2016:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=1980&furtherNews=yes>

Lafleur J-M and Stanek M. (2016) "Restrictions on Access to Social Protection by New Southern European Migrants in Belgium", in Lafleur J-M and Stanek M (2016) *South-North Migration of EU Citizens in Times of Crisis*, Dordrecht: Springer, pp.

Martiniello M. (1993) *Leadership et pouvoir dans les communautés d'origine immigrée : l'exemple d'une communauté ethnique en Belgique*, Paris : L'Harmattan.

Moravcsik A. (1998) *The Choice for Europe*. Ithaca: Cornell University Press.

Mormont, H., & Neven, J.-F. (2014) « Le droit à l'aide sociale et le droit à l'intégration sociale en faveur des étrangers: questions d'actualité », In J. Clesse, & J. Hubin (Eds.), *Questions spéciales de droit social Hommage à Michel Dumont* Bruxelles: Larcier (pp. 13-110).

OECD. (2013). *International Migration Outlook 2013*. In. Paris: OECD Publishing (420 pages).

Pacolet J, Perelma S., Pestieau P. and Baeyens K. (2007) "Un indicateur de l'étendue et de l'évolution du travail au noir en Belgique", Etude commandée par le Service Public fédéral de Programmation Politique Scientifique et le Service Public fédéral Emploi, Travail et Concertation Sociale, Consulted on 17 June 2016:

http://www.belspo.be/belspo/organisation/publ/pub_ostc/AP/rAP14r_fr.pdf

Soysal Y. (2012) "Citizenship, Immigration, and The European Social Project: Rights and Obligations of Individuality", *British Journal of Sociology* (March), pp.

Turner B. (2001) "The Erosion of Citizenship", *British Journal of Sociology*, 52(2): 189-209.