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Arjen Leerkes¹, Monica Varsanyi²,
and Godfried Engbersen¹

Abstract

Governments are increasingly developing policies to apprehend and deport unauthorized migrants. Compared to the United States, the legal and administrative framework in Western European countries generally allows for a stricter interior policing of unauthorized migrants. This article describes and explains the limits to in-country migration policing in the Netherlands. On the basis of extensive urban field research in the country's two largest cities, as well as national police apprehension data, it is shown that even in a restrictive policy context immigration rules are not categorically enforced; assumed "deviant" unauthorized migrants run much higher apprehension risks than "nondeviant" unauthorized migrants. However, unauthorized migrants run much higher interior apprehension risks than in the United States. It is argued that the selective interior enforcement of immigration rules can be understood by taking into consideration the interests and values of three local agents that structure in-country migration policing: regular police, neighborhood residents, and city governments.

Keywords

migration control, illegal immigrants, policing, discretionary power

¹Erasmus University Rotterdam, Haarlem, Netherlands

²John Jay College of Criminal Justice and the Graduate Center, City University of New York, New York, USA

Corresponding Author:

Arjen Leerkes, Erasmus University Rotterdam, M6-37, Postbus 1738, 3000 DR, Rotterdam, Netherlands
Email: leerkes@fsw.eur.nl

Introduction

In May 2010, tens of thousands of protesters, including the Phoenix mayor, expressed their disagreement with a new Arizona law that requires police officers to verify the identity of persons “reasonably suspected” of illegal residence. Despite the social and legal controversiality of the SB 1070 law—President Obama spoke out against it and in July 2010 a Federal Judge put several of its provisions on hold—it fits a more general trend in Western societies on both sides of the Atlantic: A growing number of administrations at different levels of government are seeking to counteract the presence of unauthorized migrants.

Practices of in-country detection and apprehension of unauthorized migrants can be conceptualized as a form of *internal* border control. Contrary to external border control, which seeks to control physical admission *to* the territory, internal border control takes place *within* the territory (Zolberg, 2002). Two main types of internal control can be distinguished: (1) governmental efforts to exclude unauthorized migrants from labor markets and public provisions (welfare, education, public housing, health care), and (2) efforts to *apprehend* and *deport* migrants who stay in the country illegally. This article focuses on the latter type of control, particularly on apprehension practices. This type of control has also been called “in-country migration policing” (Weber & Bowling, 2004).

In-country migration policing implies an increased dependence on local agents, not only on regular local police, but also on residents of neighborhoods where illegal residence is concentrated, and on city governments. This raises several questions. Apart from important ethical and legal issues—Can apprehension practices be reconciled with civil rights? May state and local governments enforce federal immigration rules?—there is the more sociological question of whether and how local agents contribute to in-country migration policing, provided that certain powers have been granted to them.

In Western Europe, the expansion of migration control to the inside has generally progressed further than in the United States.¹ In the early 1970s in Britain, for example, domestic police obtained considerable powers to detain and question those people suspected of being in breach of immigration law (Gordon, 1984). German law stipulates that every public agency has to report information about unauthorized migrants to the foreigners’ office, which is obligated by law to initiate an expulsion process (Cyrus & Vogel, 2006). In France, citizens are required to apply for an affidavit if they provide accommodation to foreigners, and housing unauthorized immigrants is a crime (Samers, 2003).

This article focuses on the Netherlands, a country in which local police have been given ample juridical opportunities and mandates to engage in migration policing and where the legal and bureaucratic context meets various other conditions for far-reaching interior apprehension practices. In 2001, for instance, much like Arizona and other states within the United States are attempting to do now, the Netherlands changed its Aliens Law and stipulated that a “reasonable presumption” of illegal residence would become sufficient grounds for the police to stop and, if considered necessary, detain

persons to examine their residence status. Until 2001 this required “a concrete indication of illegal residence,” a stipulation that, according to the government, made it too difficult for the police to check immigration statuses if persons could not be checked on other grounds, such a suspicion of a crime (Tweede Kamer, 1999). Furthermore, contrary to the United States (Yañez & Soto, 1994), all Dutch police officers—most are employed by regional police forces—may apprehend illegally residing migrants regardless of whether they are crime suspects. In addition, since the early 1990s, all police have access to a national database documenting the immigration status of foreigners. Finally, since 1994, all persons in the Netherlands have to be able to identify themselves in case of a concrete (since 2001, “reasonable”) suspicion of illegal residence.

The exclusion of unauthorized migrants is supported by a large majority of the population. In 1995, according to the International Social Survey program, 81% of the Dutch respondents agreed or agreed strongly that the government should take stronger measures to exclude illegal migrants. In 2003, the most recent year for which this item is available, this percentage remained unchanged, even though the Dutch government had taken several measures between 1995 and 2003 to curb illegal residence (Van der Leun, 2003). This article uses data collected during various research projects in the Netherlands since the early 1990s to inform this emerging phenomenon: the involvement of domestic police in in-country immigration enforcement. We aim to answer the following research questions:

Research Question 1: How are apprehension patterns influenced by national laws that intend to promote the involvement of local police in migration control?

Research Question 2: To what extent are unlawfully present groups differentially vulnerable to immigration enforcement action?

Research Question 3: Can the differential vulnerability to immigration enforcement be explained from the interests and preferences of three actors that shape local immigration enforcement practices, that is, local police, neighborhood residents, and city governments?

In the next section, we contextualize our research within the extant literature on internal migration policing and highlight our contributions to this literature.

Previous Studies and Contribution

There are relatively few empirical studies that explore practices of in-country migration policing, and most of these have been conducted in the United States. Lewis and Ramakrishnan (2007) surveyed and interviewed city officials in a variety of immigrant-destination cities in California in 2003 and found that, on the whole, police forces throughout the state were proactively developing strategies that facilitated positive contacts with local immigrant communities. For example, most police chiefs

prioritized bilingualism when hiring officers, and others actively accepted the Mexican consular identification card (the *matricula consular*) as a valid form of identification for undocumented residents who had no other valid form of identification. Only a quarter of police chiefs surveyed reported that local police would contact Immigration and Customs Enforcement (ICE), the federal immigration policing agency, when holding a person suspected of being undocumented. Lewis and Ramakrishnan explain the limited willingness of local police to cooperate with ICE by the tendency among chiefs to favor newer models of community policing in which gaining trust and serving the (ethnic) community are seen as vital to realizing public safety objectives (also see Rowe, 2002). For example, chiefs argue that if migrants fear that they, or their unauthorized family members, may be placed into deportation proceedings after contacting the police, they will be much less likely to do so, even when they are victims of or witness to a crime (also see Menjivar & Bejarano, 2004; Police Executive Research Forum [PERF], 2008).

These findings were replicated, but also nuanced, by Decker et al. (Decker, Lewis, Provine, & Varsanyi, 2009), who surveyed 452 big-city police chiefs in the United States in 2007. No more than 20% of chiefs reported that the police would contact ICE if holding an individual suspected of being an undocumented immigrant, provided the person had merely been stopped for a traffic violation. However, report rates increased substantially with the severity of the crime, with rates as high as 87% for unauthorized migrants arrested for a violent crime. Decker et al. also found that *local governments* have substantial influence over how the local police deal with unauthorized immigrants. If a city policy is “supportive” of immigrants, police officers are generally more reluctant to cooperate with federal authorities.

Other studies (Arnold, 2007; Beck & Broadhurst, 1998; Goodey, 2006; Johnson, 2002; Romero, 2006; Waslin, 2010) have paid attention to the risks inherent to practices of (in-country) migration enforcement. Beck and Broadhurst discuss national identification card schemes in Germany and the Netherlands, and Waslin addresses the expansion of 287g agreements in the United States over the past decade. Both conclude that in-country migration policing entails a risk of ethnic profiling and discrimination. Foreign-looking persons, including legal immigrants and citizens, risk being stopped just because they are believed to be a member of an immigrant group with a high suspected rate of unauthorized residence. Indeed, Wishnie (2007) found indications that the arrest rate of migrant groups with a high suspected rate of unauthorized immigrants—in the U.S. case: for Latinos, especially Mexicans—the rate was substantially higher than their estimated share in the unauthorized population would justify.

We contribute to this line of research in the following ways. First, we show that when the national policy context becomes more restrictive with regards to illegal residence, enforcement selectivity diminishes, but only to a limited degree.

Second, on the basis of police apprehension data, we replicate the main findings of the studies mentioned above by showing that there is a tendency of in-country migration policing to focus on “deviant” and “criminal” unauthorized immigrants. More important, we argue that the distinction between “deviant” and “nondeviant”

unauthorized migrants should not be taken as given, but is itself in need of explanation. We show that a major explanation lies in the differential incorporation of unauthorized migrants in conventional social and economic structures of urban districts, in particular migrant networks, local housing, and labor markets (see Portes, 1995; Portes & Rumbaut, 1990). In previous research in various Dutch cities we found that some unauthorized migrant groups get substantial support from migrant networks and that they have rather good access to local labor and housing markets (Engbersen & Van der Leun, 2001; Engbersen, Van San, & Leerkes, 2006; also see Mahler, 1995). Those who possess local social capital tend to be better integrated and have a better position than those who depend mostly on their human and economic capital to subsist under conditions of illegal residence, or who lack relevant types of capital altogether. We show that there is a hierarchy of illegal residence in which the most conventionally incorporated migrants are the least likely to become “deviant” and run much lower apprehension risks than do more marginal groups (we add that “deviance” may also pertain to nuisance, especially in relation to overcrowded housing conditions and homelessness). This echoes the more general finding in police studies that police powers tend to be used to exclude and discipline marginal groups (see Sanders & Young, 1994).

This point, in particular, also contributes to a strand of more conceptual and theoretical literature (e.g., Calavita, 2005; De Georgi, 2010; Stumpf, 2006; Walters, 2002; Weber & Bowling, 2004, 2008; Welch & Schuster, 2005). In these studies there is a tendency to discuss unauthorized migrants as a relatively undifferentiated population at the bottom of the social hierarchy. For example, historical parallels are drawn with the policing of vagabonds (Weber & Bowling, 2008), internal control is seen as a neoliberal strategy to help construct a “vulnerable labour force” (De Georgi, 2010), and practices of immigration detention are explained from processes of “othering” (Welch & Schuster, 2005). We show that such perspectives are more accurate for some groups of unauthorized migrants than for others and overlook relevant stratifications *within* the unauthorized population. In order to understand practices of in-country migration policing it is necessary to differentiate within the unauthorized population and pay attention to important aspects of local incorporation.

We also present suggestive evidence for ethnic and racial profiling in in-country enforcement, but that concern is less central in the analysis.

Finally, we aim to advance the explanatory power of academic research in this field by elaborating on the insight of prior studies that in order to understand practices of in-country migration policing it is crucial to look at the interests and values of key actors at the *local* level. For this reason, we propose to conceptualize the phenomenon as a “Principal-Agent problem,” a situation in which a central party, the principal, in this case the national or state government, has to motivate a third party (the agent), to perform certain acts that are useful to him but costly to the third parties (see Montgomery, 2003; Winship & Rosen, 1988). Local agents will only contribute to in-country migration policing if they perceive a strong personal or organizational interest to do so, and if it does not strongly oppose their own normative values. Immigrant communities will generally not have an interest to cooperate, as it limits the

opportunities for foreign family members to immigrate, or reduces the possibilities of (ethnic) entrepreneurs to hire cheap labor (Jones, Rama, & Edwards, 2006; Mahler, 1995). Thus, in a pluralistic society, there may be a “latent social conflict” (Garland, 1990), where the law embodies the interests and values of some groups but not others. But even if local agents advocate strict in-country enforcement, they may not personally contribute to it. As Freeman (1995) and other migration scholars have argued (see for an overview Cornelius, Tsuda, Martin, & Hollifield, 2004), the societal costs of unauthorized immigration are often “diffuse,” whereas the benefits tend to be “concentrated.” For instance, a personal interest in keeping an unauthorized domestic worker may be more important than exerting oneself to contribute to the (sub)group interest of reducing illegal residence (for details on unauthorized immigrants’ position in the Dutch labor market see Van der Leun & Kloosterman, 2006; for other countries see Chang, 2000; Cornelius et al., 2004; Jones et al., 2006; Sassen, 1991). Likewise, police officers, who are influenced by a police culture where “real police work is crime work” (Foster, 2003, p. 201), may believe that police responsibilities with regards to tracing criminals and preserving local public safety are more important than apprehending unauthorized migrants. City governments may accept or even encourage such prioritizations to the extent that the presence of unauthorized migrants does not cause major social unrest in the city and is not perceived as detrimental to the city’s fiscal base. Many countries, including the Netherlands, have a relatively decentralized police organization (see Bayley, 1990). In such conditions, city governments will have a substantial say in how the police are deployed.

Data and Methods

Quantitative Data

We use a quantitative analysis of national police apprehension data for the period 1997 to 2003. The latter period was taken because 1997 is the first year and 2003 the most recent year for which national police data have been made available for scientific research so far. As was mentioned, the conditions for a potentially far-reaching interior border control regime were largely in place in this period or were being introduced.

Strictly speaking, the police data used here concern *registered stops*. If police have a reasonable presumption of illegal residence or a crime, they are mandated to stop persons and ask for identification. If a person lacks legal status—this will usually be evident during the stop, as police officers can easily contact the police station to access the national database documenting the residence status of foreigners—the person will normally be apprehended, finger prints will be taken, and the stop will be registered. Yet police are not formally required to apprehend persons stopped. For instance, if the migrant has just been released from immigration detention, police may simply tell her to leave the country. Stops not resulting in apprehension are usually not registered, unless the information is deemed valuable for future police work, there is a low workload, and so forth. As most registered stops involve apprehension, we prefer the latter

term in this article.² As has been said, the Netherlands has a decentralized police organization. Apart from a small national police force (about 4,000 in 2003) and military police force (about 6,000), there are 25 local police forces (about 50,000). The combined police forces provided us with information on all unauthorized immigrants apprehended in the Netherlands between January 1997 and October 2003. The data were taken from what is called the *Vreemdelingen Administratie Systeem* ("Aliens Administration System"), the national database documenting all authorized and (apprehended) unauthorized foreigners in the Netherlands. In the period of registration 107,322 apprehensions occurred, involving 91,074 persons, including 31,598 apprehensions in Amsterdam and Rotterdam. The regular police conducted 57% of all apprehensions, the Aliens Police 24%, and about 19% by the Military Police, who are responsible for external border control (illegal entry, drug trafficking, etc.).

The police data do not constitute an unbiased sample of the unauthorized population: As we will see, the likelihood of apprehension increases with the (perceived) degree of deviance, including criminal involvement. In 2003, 43% of all apprehensions concerned crimes, mainly property crimes, identity fraud, and drug dealing, as well as some violent crime. The other apprehensions were related to illegal residence or illegal labor, both of which are administrative infractions, unless false or borrowed IDs have been used. Employers in the Netherlands are sometimes subjected to checks by the labor inspectorate, usually assisted by the Aliens Police. Specific raids to trace certain unauthorized groups occurred with some frequency, particularly in the large cities. The latter apprehensions are usually registered under the heading of illegal residence. This is also true for apprehensions that take place during routine police work, such as traffic stops, or when the police apprehend persons because of a "reasonable presumption" of illegal residence, for example, when a neighbor has tipped off the police (there is now an extensive national jurisprudence on what counts as a reasonable presumption). Eight percent of the apprehensions occur when people are asked to show their papers because of common misdemeanors like fare-dodging or neglecting traffic lights.

The police have registered a residential address in 48% of the apprehensions. These registrations are based on documents found indicating the address, on the arrestee's statements if these are deemed reliable or, if the police enter dwellings, the place of apprehension. If an apprehended migrant has overstayed a temporary residence permit, the police may use the residential address that had already been registered when the migrant had legal residence. About 30% of the registered addresses are what could be called "irregular addresses": addresses of police stations or detention centers, mailboxes, homeless shelters, guesthouses, camp sites, and so forth. When an irregular address has been registered, the arrestee usually does not have a stable residence. If no residential address has been registered the police may not have bothered to do so, but often it concerns apprehensions that have occurred at the border; in these cases the migrant usually does not have a residential address in the Netherlands yet.

Part of the empirical analysis is based on *reapprehension* data. At various stages of the deportation process, migrants identified as unauthorized can be "sent away," that

is, released while still in the Netherlands. This can be done right after the stop, but also, in case of apprehension, at the police station. Released arrestees are sometimes given a formal notification, which they have to hand in at the airport upon departure. In light of the 2008 European “Returns Directive,” which was implemented in the Netherlands in December 2011, all unauthorized migrants who are found in the country will have to be issued such a notification, or “return decision,” and many will be given an reentry ban in addition. Another possibility is that the arrestee has to report regularly at a local police station while the departure is prepared. There is no exact data on the use of these alternatives to detention, but they seem to be uncommon.³ Yet even when immigration detention is imposed, many detainees are eventually released. According to Dutch Immigration Services (IND) statistics, immigration detention resulted in expulsion for 60.7% of all detainees in 2000 and for 56.9% in 2001 (Adviescommissie voor Vreemdelingenzaken, 2002, p. 23). Expulsion procedures frequently fail because unauthorized migrants are either unwilling or unable to provide a valid ID. The authorities then have enormous difficulties to persuade countries of origin to cooperate with repatriation and provide a *laissez passer*, that is, a temporary travel document allowing the holder to cross country borders in order to return to his or her country of origin. Dutch law stipulates that after a certain period—usually several months, but sometimes after a year or more—detention must end, as the interests of the detainee start to outweigh the interests of the state (Van Dokkum, 2010). In light of the 2008 European “Returns Directive” this will have to be done no later than after 18 months. Released detainees are ordered to leave the Netherlands within 24 hr.

A portion of the migrants who are eventually “sent away” try their luck in neighboring EU countries, an option that is illegal, but not practically impossible as borders within the Schengen Area are relatively unprotected.⁴ Those who stay in or return to the country can be reapprehended for illegal residence and—provided that at least a year has passed since the former detention period, or that a “new fact” has occurred—be administratively redetained in an immigration detention center (Van Dokkum, 2010). For a minority of the staying migrants, continued illegal residence is considered a crime against the state, which is formally punishable with a maximum of 6 months of imprisonment. This requires that the migrant has been declared an “undesirable alien,” which in turn requires that the person has been convicted of certain crimes, or has already been apprehended for illegal residence repeatedly (for more information on repeated immigration detention and undesired aliens resolutions in the Netherlands, see Leerkes, 2009; Leerkes & Broeders, 2010). All in all, in about half of the first apprehensions, there is a possibility that illegal residence is prolonged, as according to the police data the apprehension was not followed by deportation.

Using Cox survival analysis, reapprehension probabilities were estimated. This was done by examining whether reapprehension probabilities vary with characteristics of the arrestee that were registered during the *first* apprehension (age, sex, reason of

apprehension, type of residential address, etc.). These covariates help shed light on detection and apprehension priorities.

A methodological complication of using reappréhension probabilities in order to shed light on the differential vulnerability of migrants to immigration enforcement is that undeported migrants may leave the population at risk in selective ways, either through voluntary departure or by acquiring legal status. The quantitative results could be biased if predictors of vulnerability to immigration enforcement (e.g., being male, being a young adult, having a certain nationality) would also be predictors of voluntary departure or legalization. For example, if migrants with a certain nationality were less likely than other nationalities to leave the Netherlands voluntarily after having been “sent away,” it is questionable whether a positive association between that nationality and reappréhension risks really indicates that the nationals concerned were more vulnerable to enforcement because of a high crime rate or a relatively low degree of conventional incorporation. Conversely, if such nationals were more likely to leave the Netherlands voluntarily, the effects that interest us here would be underestimated.

It is impossible to rule out these forms of bias with certainty. Such uncertainties make it crucial to use methodological triangulation in the study of illegal residence, as is also attempted here. Yet it seems unlikely that the quantitative analysis systematically overestimates the differential vulnerability of unauthorized migrants to immigration enforcement. First, the literature on voluntary return migration (see Black, Engbersen, Okólski, & Pantíru, 2004; Constant & Massey, 2002; Dustmann & Weiss, 2007; Jensen & Pedersen, 2007) suggests that most migrant characteristics that turn out to be associated with elevated reappréhension probabilities are either associated with *higher* departure rates or are not considered crucial determinants of voluntary return.⁵ Second, differential legalization will have led to a limited bias only. In the period of study unauthorized migrants only had limited access to legal status via a marriage of registered partnership involving a Dutch citizen or legal denizen (illegal residence in itself is not considered a sufficient reason to reject applications for family reunification). Such “piecemeal legalization” certainly privileges relatively incorporated and nondeviant unauthorized migrants—partly because the requirements for a residence permit include public safety checks—but the resulting bias will be limited, as it seems to involve perhaps a few hundred couples each year, and most of the former unauthorized migrants in these couples will not have been apprehended for illegal residence.⁶

A small minority of the unauthorized population are EU citizens who have lost their right to stay in the Netherlands because of nuisance or crimes. The analyses that follow, however, pertain to unauthorized migrants from *non-EU* countries. In the period covered by the police data (1997-2003) this included nationals from 12, mostly Eastern European countries that have entered the EU after 2003, such as Poland (2004) and Bulgaria (2007). Nationals from these new EU member states now have legal stay in the Netherlands as EU citizens.

Qualitative Data

The quantitative analysis is combined with qualitative findings from extensive urban field research in the period 1993–2006 in the country's two largest cities: Amsterdam and Rotterdam. Between 1993 and 1998, 170 illegal immigrants were interviewed in Rotterdam (Burgers & Engbersen, 1999; Engbersen, 1996). An ethnographic study was also carried out in several cities, including Amsterdam and Rotterdam, to determine to what extent unauthorized migrants are supported by various ethnic communities (119 households participated) and to examine the extent to which restrictive policies toward unauthorized migrants were implemented by 41 police officers who worked in three urban neighborhoods with notable levels of unauthorized residence (Engbersen, Van der Leun, Staring, & Kehla, 1999; Van der Leun, 2003).

In 2000, incorporation patterns among 156 unauthorized immigrants were studied in various Dutch cities (53 lived in Rotterdam, 23 in Amsterdam; Engbersen et al., 2002). Then, in 2003 and 2004, we conducted a study on the spatial concentration of illegal residence. In two neighborhoods where illegal residence (Leerkes and Bernasco, 2010; Leerkes, Van San, Engbersen, Cruijff, & Van der Heijden, 2004; Leerkes, Engbersen and Van San, 2007) is spatially concentrated we interviewed 65 unauthorized migrants, 45 landlords, and 5 couples of whom one of the partners was unauthorized, as well as 51 residents and 20 professionals (including 8 police officers) who were working in these districts. An additional 57 residents were interviewed there in 2005 and 2006 (Leerkes & Bernasco, 2010; Leerkes, Van San, Engbersen, Cruijff, & Van der Heijden, 2004).

In the next three sections, the empirical findings are presented in three steps. First, we show that notable numbers of unauthorized migrants live in Amsterdam and Rotterdam, and we briefly explain why this is so. By describing the societal position of the main groups of unauthorized immigrants in Amsterdam and Rotterdam, we sketch the urban context within which apprehension patterns take place. In addition, this section illustrates the concept of differential incorporation, which was introduced in the Previous Studies and Contribution section. As a second step, we demonstrate that apprehension practices are highly selective, not only in Amsterdam and Rotterdam, but in the Netherlands at large. Third, we describe the interests of the local agents mentioned (police, city administrations, residents) that underlie these apprehension patterns.

The Local Incorporation of Illegal Residents

In 2002 there were an estimated 150,000 unauthorized migrants in the Netherlands, or about 1% of the regular national population. Of these, about 25,000 migrants lived in Amsterdam and 25,000 in Rotterdam, or 3% to 4% of the local population in both cities.⁷

Unauthorized migrants are overrepresented in poor neighborhoods, where they reside among other poorer groups, such as legally staying non-Western migrants and their offspring, unemployed residents, and students. Notwithstanding the similarities between poor neighborhoods in Amsterdam and Rotterdam there are also local

differences. Rotterdam has more privately owned cheap housing and has some vacancy at the bottom of the housing market. In Amsterdam, by contrast, there are more employment opportunities: There are more companies and jobs per inhabitant and there is less unemployment among the immigrant population (although there is more horticulture in the vicinity of Rotterdam).

The spatial concentration of illegal residence in deprived neighborhoods is due to three main factors. First, illegal residence is associated with a relatively low standard of living. Since 1991, unauthorized migrants have not been able to obtain a social security number in the Netherlands. As a consequence, it is nearly impossible for them to work in the formal labor market and earn a substantial income. Furthermore they try to live cheaply, as they often intend to return to their country of origin after a few months or years (see Piore, 1979). Second, many unauthorized migrants have established family members, coethnics, or a Dutch partner in these poor neighborhoods. Oftentimes, they live with them rent-free, or make a limited contribution, financially or otherwise. Third, unauthorized migrants may reside there because they have found informal work in the vicinity, either in the neighborhood (e.g., at an “ethnic” shop or restaurant) or nearby (cleaning work for Dutch citizens in more upmarket areas, agricultural work near the city).

Unauthorized workers without established migrant networks often rent accommodations with a private landlord, and pay a relatively high, commercial price. They may rent a room or apartment, or share bunk beds with up to 20 to 30 other newcomers. The local residents often refer to these places as “sleep houses” and they often “know” or suspect that the dwellers are unauthorized migrants.

Beyond this group, there are homeless unauthorized migrants. These migrants tend to live in the same poor neighborhoods or in the city center. They are often rejected asylum seekers who are not, or no longer, supported by NGOs or churches that assist such migrants for humanitarian reasons. Economic migrants who have migrated irregularly to Western Europe with hopes of finding work, but with no or few preexisting ties with the established migrant populations, are also at risk of becoming homeless.

Thus, there is a *hierarchy* of illegal residence that is reflected in housing conditions. Unauthorized migrants who earn well enough to rent an apartment or a room, or who live in with established residents, have the highest position. They are followed by unauthorized migrants who are dependent on the “sleep houses.” These in their turn are followed by homeless unauthorized migrants. The position in this hierarchy is influenced by the migrants’ social and economic capital, as the highest positions tend to be reserved for those who have legal relatives in the Netherlands and/or have a relatively high and stable income.

In both cities, about 60% of the ethnic minorities are of Turkish, Moroccan, or Surinamese origin. They migrated to the Netherlands in 1960s or 1970s, when admission requirements were less strict (Lucassen & Penninx, 1997). Their numbers grew in the 1980s and 1990s through family migration. Among the unauthorized population these nationalities are prevalent too: Turks, Moroccans, and Surinamese constitute 30% to 40% of the apprehended unauthorized population in both cities. They often

Table 1. Legend for Figures 1 and 2

	Low Presence (%)	Average Presence (%)	Elevated Presence (%)	High Presence (%)
Authorized Surinamese	<8.2	8.2-16.0	16.0-23.8	23.8-39.8
Unauthorized Surinamese ^a	<0.5	0.5-1.5	1.5-2.4	2.4-4.4
Authorized Eastern Europeans ^b	<0.6	0.6-1.1	1.1-1.6	1.6-3.5
Unauthorized Eastern Europeans ^{a,b}	<0.6	0.6-1.7	1.7-2.8	2.8-4.9

^aThe figures in this row indicate the number of registered addresses of apprehended unauthorized migrants per 1,000 legal residents.

^bThese figures exclude nationals from the former Republic of Yugoslavia; Yugoslavians are a small, established minority in Rotterdam, with a substantial presence among harbor workers.

live amidst established coethnics. In Amsterdam, for example, the settlement pattern of unauthorized Surinamese is strongly correlated with the settlement pattern of Surinamese with legal status (Table 1, Figure 1, compare Figure 1 (a) and (b), $r = .70$; unpopulated areas with fewer than 200 inhabitants are shown as shaded).

During the 1990s and 2000s, however, migration flows to Western European countries changed, and parts of the unauthorized population embodied the more recently initiated asylum migration and labor migration flows. These “new” groups came from all over the world, but especially from Central and Eastern Europe (Black et al., 2010). In the early 1990s many asylum seekers came from Central Europe due to the wars in former Yugoslavia (1992-1995). These flows were followed by labor migration flows. However, most Central and Eastern Europeans could not immigrate legally yet (this has changed considerably as a result of the EU’s Eastern enlargements in 2004 and 2007), but it was relatively easy for them to come to Western Europe as “tourists” and overstay.

In Amsterdam and Rotterdam about one in four apprehended migrants came from Central and Eastern Europe. They represented less than 10% of the authorized migrant population at the time. The unauthorized Eastern Europeans, however, tended to live in the same neighborhoods as the unauthorized “chain” migrants from Turkey, Morocco, and Suriname. Their presence in poorer neighborhoods was mostly due to the availability of affordable, privately owned housing and the availability of work. But in contrast to migrants from Turkey, Morocco, and Suriname, they were not incorporated in established migrants networks from Central and Eastern Europe (compare Figure 2 (a) and (b), $r = .19$).

Selective Enforcement

Local authorities sometimes see the presence of unauthorized migrants as a threat to public safety or other local public goods. This may occur when unauthorized migrants are suspected of crime, when unauthorized residence is assumed to be connected with nuisance (usually due to overcrowded housing or homelessness), or when there is a

concern about contagious diseases, such as HIV or tuberculosis. When such local interests are at stake, the police and local authorities are most likely to interfere with unauthorized residence, usually in the form of repression, although public health concerns may also lead to health programs.

In Amsterdam and Rotterdam, unauthorized residence is viewed as problematic for very similar reasons, though there is some local variation in these views. In 2000, for example, the Rotterdam authorities initiated what are called “Intervention Teams” to crack down on slum landlords who house unauthorized migrants in privately owned housing. The city also began to pay attention to people-smuggling in its harbor (Europe’s largest), especially after 58 Chinese, who had been housed in the city *en route*, suffocated in a truck on their way to England in 2000.⁸ The Amsterdam authorities began to organize what are called “Spirit actions” in 2002, which crack down on unauthorized criminal gangs. Between 1997 and 2003 five coordinated actions took place during which approximately 400 (allegedly) criminal unauthorized migrants were arrested. Moreover, in 1995, *Bureau Zoeklicht* (“Bureau Searchlight”) was founded, a partnership of the municipality, local social housing corporations, and the Amsterdam police, which aims to fight practices of illegal subletting of social housing apartments. Although unauthorized migrants are not primarily held responsible for these practices—most illegal renters are Dutch newcomers to the city—and although the bureau emphasizes that information about unauthorized migrants is not used for deportation purposes, the actions are likely to deter unauthorized migrants and contribute to local immigration control: In the period 1996 to 2006 the bureau visited almost 10,000 apartments, or about 1 in 30 social housing apartments (City of Amsterdam, 2007).

The specific policies toward unauthorized migrants in Amsterdam and Rotterdam are related to specific local interests. As the previous section demonstrated, there is substantial unemployment in Rotterdam, as well as ample cheap and privately owned homes that can be exploited as sleep houses (on urban decay in Rotterdam, see Aalbers, 2005). Little is known about whether criminal gangs involving unauthorized migrants are indeed common in Amsterdam, but it has been noted that the city is a European center for drug sales (Zaitch, 2002). It is true that social housing apartments are in great demand in Amsterdam and that practices of illegal subletting occur on a large scale.

The raids mentioned above are relatively rare, but it can be demonstrated that local public safety considerations also influence day-to-day apprehension practices, not only in Amsterdam and Rotterdam, but in the Netherlands at large. Consider Table 2, which presents the results of Cox regression models estimating *reapprehension* hazards on the basis of arrestee characteristics registered during the first apprehension. The results pertain to all unauthorized migrants who have been apprehended in the Netherlands at least once in the research period but have not been deported after the initial apprehension ($N = 47,207$).

Reapprehension probabilities tend to vary with variables that are either associated with street crime or with police stereotypes about street crime (Table 2). For example,

Table 2. Covariates of Reapprehension Hazards, Effects (B), and Descriptive Statistics of the Variables Used

	Model 1 (B), Reference Category	Model 2 (B), Reference Category	M	Min.	Max.	SD
Offenses (misdemeanors, felonies), reference category						
Illegal residence or labor	-0.04	-0.02	0.55	0	1	0.50
Female (reference category)						
Male (reference category)	0.32**	0.39**	0.81	0	1	0.40
Sex × Illegal Residence or Labor	-0.46**	-0.45**	0.42	0	1	0.49
Age	0.02**	0.02**	28.91	0	100	9.54
Age ² / 100	-0.03**	-0.03**	9.26	0	100	7.41
Suburban/rural area (reference category)						
Urban area (four biggest cities)	0.22**	0.43**	0.39	0	1	0.49
Asian, South American, African Sub-Saharan, North America, Oceania (reference category)						
Eastern European	0.39**	0.27**	0.29	0	1	0.46
North African	-0.28	-0.28	0.15	0	1	0.36
Sex × North African	0.92**	0.91**	0.14	0	1	0.35
Regular residential address (reference category)						
Irregular address	0.39**	0.47**	0.25	0	1	0.43
Address with three or more apprehended migrants	0.19*	0.17*	0.02	0	1	0.13
No registered address	-0.43**	-0.43**	0.59	0	1	0.49
No previous residence permit	ref.	ref.				
Past asylum residence permit	-0.28**	-0.29**	0.04	0	1	0.20
Past family residence permit	-0.43**	-0.41**	0.02	0	1	0.13
Past labor, study, au pair permit	-0.47**	-0.48**	0.01	0	1	0.09
Old Aliens Law (reference category)						
New Aliens Law	0.13**	-0.54**	0.39	0	1	0.49
Number of Police / 1,000 residents	0.12**	0.02	3.19	1.79	5.97	1.24
New Aliens Law × Sex × Illegal Residence or Labor		-0.15*				
New Aliens Law × Sex (male = 1)		-0.15**				
New Aliens Law × Urban Area		-0.61**				
New Aliens Law × Irregular Address		-0.17**				
New Aliens Law × Eastern European		0.32**				
New Aliens Law × Number of Police / 1,000 Residents		0.30**				

* p<0.05; ** p <0.01

reapprehension probabilities are lower for migrants previously apprehended for illegal residence, or illegal labor, than for migrants apprehended for crimes or common misdemeanors. This is especially true for men, probably because unauthorized sex workers, who tend to have elevated apprehension chances, are usually registered under the

heading of illegal residence or illegal labor, as prostitution is decriminalized in the Netherlands. Other significant crime-related variables are sex (hazards are higher for men than for women, $B = .32$), degree of urbanity (more reapprehensions in cities, $B = .22$), and age.

Reapprehension probabilities clearly vary with variables that indicate *social ties* with the established population rather than crime or perceived crime per se and are therefore indicative of the degree of incorporation. Being Eastern European, for instance, is associated with elevated reapprehension probabilities, even if Eastern Europeans were often employed—indicating that employer interests do not dictate enforcement decisions (see De Georgi, 2010)—and this group’s documented crime involvement is not extraordinarily high.⁹ The explanation is more likely to lie in police profiling about who is and who is not unauthorized and in selective neighborhood complaints about overcrowding. As was mentioned in the previous section, unauthorized Eastern Europeans usually lacked established coethnics in the neighborhoods where they resided, which contributed to the neighborhood and the police suspecting them of illegal residence. The police data confirm this: All else being equal, it is found that migrants who resided in premises where at least two other apprehended migrants lived had higher reapprehension probabilities than migrants with a residential address that was shared by one other apprehended migrant at the most ($B = .19$).

The relevance of social ties with established denizens or citizens is also indicated by the finding that having an “irregular address” (addresses that tend to pertain to migrants who are homeless or lack a stable address in the Netherlands) increases reapprehension chances ($B = .39$).¹⁰ Finally, migrants who overstayed a temporary residence permit were *less* likely to be reapprehended than unauthorized migrants who have crossed the border illegally or overstayed a tourist visa. This is especially true for migrants who had a residence permit for labor or study purposes ($B = -.47$).

In one particular case, incorporation in a legal immigrant community does not appear to be a protective factor for police contacts: Being a North African male is a particularly strong predictor of reapprehension. This observation probably indicates that crime involvement among North Africans is high and/or that the police believe it to be high. Although a significant proportion of the unauthorized North African population is composed of relatively unincorporated Algerians who have migrated to Western Europe (Leerkes, 2009; Van der Leun, 2003), most North Africans in the Netherlands are Moroccans. That group arose out of the recruitment of guest workers during the 1960s and early 1970s and is therefore considered a “traditional minority.” Yet, though relatively longstanding, the Moroccan community is still characterized by a relatively low socioeconomic status, also in comparison with other non-Western minorities.¹¹

Criminality among Moroccans began to attract attention by criminologists in the 1980s, when the one-and-a-half generation and second generation started to reach their teens under conditions of high unemployment (Werdmölder, 1997). It is generally asserted that factors such as age structure, socioeconomic disadvantage, low informal social control and—in more controversial readings—cultural determinants are the main causes of the substantial overrepresentation of Moroccans in Dutch crime

statistics, not ethnic selectivity among police (Engbersen, Leerkes, & Snel, in press; Engbersen, Van der Leun, & De Boom, 2007; Junger-Tas, 1997). For example, in a review of older studies, Junger-Tas concluded that there is only limited evidence for selectivity among police and that “differential stop-and-search procedures did not result in greater arrests of minority members compared to Dutch citizens” (Junger-Tas, 1997, p. 292). Unfortunately, there are no recent studies on ethnic selectivity during the stop-and-search and apprehension phases (see Van der Leun & Van der Woude, 2011), although a recent study did find substantial ethnic stereotyping in prosecution decisions; taking the severity of the cases into account, it was found that Moroccans had almost twice as much chance to be taken to juvenile court than native Dutch suspects (Weenink, 2009). Thus, it is certainly possible that the effect of being a North African male on reapprehension risk is partly the result of selectivity beyond actual ethnic differences in crime involvement and seriousness (cf. Gelman, Fagan, & Kiss, 2007).

It should also be noted that minority members stopped on criminal grounds whom police would normally have to let go (either because of insufficient evidence or because the offense is not serious enough to warrant an arrest) can nonetheless, if the stop reveals that the migrant lacks legal status, be apprehended on administrative grounds. This way of apprehending unauthorized migrants by coincidence—also called “by-catch” among Dutch police—is problematic as it creates an incentive for ethnic selectivity at the stop-and-search phase; police may reason that even if they fail to apprehend the stereotypical “bad” migrants on criminal grounds, they may still catch some of them as unauthorized migrants.

We also examined whether the Dutch Aliens Law 2000—the Netherlands’ equivalent of Arizona’s SB 1070—changed apprehension practices. We found that migrants with a first apprehension under the new Aliens Law (April 2001, or later) had somewhat higher reapprehension probabilities than migrants with a first apprehension under the old Aliens Law ($B = .13$). Yet the new law did not radically alter previous policing prioritizations, suggesting that patterns of selective enforcement are certainly not only due to the way in which apprehension laws are phrased. This was examined by estimating interaction effects between the variable “Aliens Law 2000” and the (other) covariates of reapprehension. These interaction terms were generally insignificant, apart from the interactions that have been added in the second column of Table 2 (Model 2). These interactions do suggest, however, that under the new Aliens Law the police apprehended a somewhat larger number of noncriminal and conventionally incorporated groups. For instance, the difference in reapprehension risks between women and men decreased, as did the differences between urban and nonurban areas, and being Eastern European became an even stronger determinant of reapprehension than before.

Figure 3 is a graphical representation of the *magnitude* of the differences in reapprehension probabilities between “criminal” and “marginal” groups on one hand, and “noncriminal” and “incorporated” groups on the other. North African men (age <35 years) with an irregular address and a first apprehension for an offense turn out to have an 8-times higher probability of reapprehension than women who overstayed a temporary residence permit, who had a first apprehension for illegal residence or illegal labor,



Figure 1. Distribution of Authorized (Left) and Unauthorized (Right) Surinamese Across Amsterdam

Sources: Statistics Netherlands (authorized immigrant population); police apprehension data (registered residential addresses unauthorized population), 1997-October 2003.



Figure 2. Distribution of Authorized (Left) and Unauthorized (Right) Eastern Europeans Across Rotterdam

Sources: Statistics Netherlands (authorized immigrant population); police apprehension data (registered residential addresses unauthorized population), 1997-October 2003.

and who were not Eastern European. Whereas the cumulative reapprehension probability of the first group approaches 80% after a number of years, the latter group's cumulative reapprehension chances are about 10%.

The next section sets out to explain the differential enforcement of immigration rules by describing the main social forces that create it. This is done from the perspective of local residents, local police, and city governments.

Explaining Selective Enforcement

Local Residents

Among our studies is one that focused on the relationship between illegal residence and objective and subjective neighborhood safety (Leerkes & Bernasco, 2010). It was

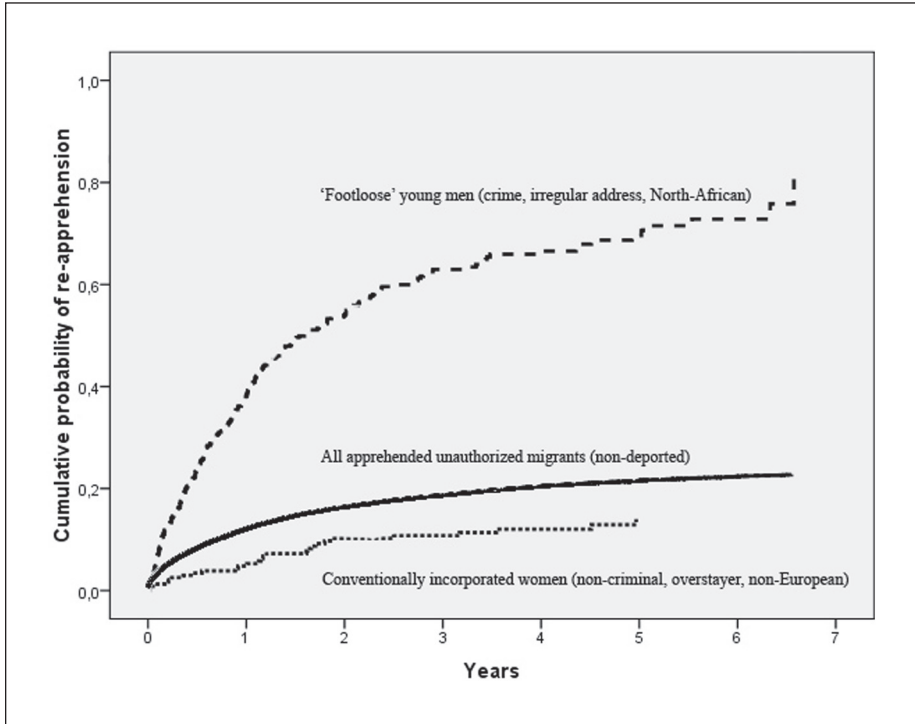


Figure 3. Cumulative Probability of Reapprehension for “Marginal” and “Incorporated” Unauthorized Migrants
Source: Police Apprehension Data.

found that most residents in neighborhoods where illegal residence is concentrated had some form of contact with unauthorized migrants. Yet they were usually reluctant to report the latter *because of illegal residence as such*, quite independent of whether they had social or economic ties with unauthorized migrants. Most residents considered illegal residence without (further) rule violations a minor infraction at most. If residents contacted the authorities, they usually had been experiencing “nuisance” in some form; as a rule, they had perceived homelessness, alcoholism, or crime problems in their vicinity, or lived close to sleep houses, which were often considered overcrowded and noisy. Although residents sometimes suspected the involvement of unauthorized migrants, they were primarily complaining about neighborhood nuisance; residence status was established when the police came and asked for ID. Sometimes the residents also complained when the aggregated presence of unauthorized migrants became highly visible at some places, for example, when substantial number of Eastern European workers gathered at public squares to be transported to work sites.

It seemed that residents were often balancing their interests in a pragmatic way. Some respondents, for example, mentioned that they had not reported a suspected unauthorized neighbor because of a concern that a well-behaved neighbor would be replaced by a “problem family” with legal status. Moreover, it was regularly reported that, because of a fear for deportation, unauthorized migrants displayed exemplary social behavior, especially if they were regularly employed and housed in a conventional way (“It sometimes seemed as if they [the unauthorized neighbors] crept along their ceiling”). The social and economic ties that were described in a previous section, and the housing and subsistence opportunities that they represent, also help ensure that illegal residence does not necessarily entail a risk on crime and deviance.

A minority of the residents—usually older Dutch residents—were more willing to report unauthorized migrants, regardless of the latter’s (assumed) involvement in crime and nuisance. These older residents objected to the increasing number of migrants in the neighborhood, but unlike many other original residents they had been unable or unwilling to move to a more “Dutch” neighborhood.

The general reluctance to report people for illegal residence as such was confirmed by a Dutch artist who conducted an interesting experiment: In 2003 he sent a survey, which appeared to be from a (fictive) government agency, to no less than 200,608 Amsterdam households. The respondents were asked to report unauthorized migrants whom they knew of, or report that they did not know such persons. (No postage stamp was needed in order to respond). The artist eventually received no more than 74 forms.¹² A total of 21 respondents said they were prepared to report certain unauthorized migrants, but some of their stated motivations suggested sarcasm rather than seriousness (“because I feel that more wars have to be remembered”).

Police

The police among our respondents also considered illegal residence a relatively minor infraction in comparison to other public safety problems (Leerkes & Bernasco, 2010; Van der Leun, 2003). Some even wondered why the regular police should apprehend people just for residing in the country illegally (“It is not exactly a police task in my opinion, they can hire other people to fulfill these tasks”). This professional belief had led to differentiation and prioritization tendencies. In Dutch police lingo, unauthorized migrants who are law abiding are referred to as *de kale illegaal*, which literally translates as “the bald illegal,” and means something like “the naked illegal” (i.e., when illegal residence is the only reason for police attention). This type is given a low priority in comparison to *de overlastgevende illegaal* (“the nuisance giving illegal”) and, even more so, *de criminele illegaal* (“the criminal illegal”). In case of scarce resources, differentiation and prioritization is a rational strategy: Resources not spent on apprehending *de kale illegaal* can be spent on other police tasks that are (perceived as) more pressing. Moreover, focusing on migrants who are associated with crime and nuisance is a cheap strategy because such migrants can be apprehended during regular policing activities.

Additional pragmatic reasons were found why officers tended to have a preference for selectively tolerating law-abiding, relatively incorporated unauthorized migrants: Several recognized that a tougher “fight against illegality” would probably reduce the willingness on the part of the residents—both unauthorized residents *and* a larger group of established residents with whom these migrants were living, in relationships, and so on—to cooperate with the police, for example, by reporting crime. For officers, the combined task of apprehending unauthorized migrants and protecting local public safety led to a conflict of interest in these cases (“I am working in a neighborhood with a large number of immigrants, and if I start to take a role as someone who chases illegals, I am screwed”). The Netherlands has a tradition of community-oriented policing, which includes an active policy to improve trust between the police and ethnic minorities (at the time of writing about 10% of the Amsterdam and Rotterdam police force is a first- or second-generation immigrant).¹³ For much the same opportunistic reason local authorities tolerate or promote health care projects for unauthorized prostitutes: It is feared that too much repression would undermine the willingness of unauthorized prostitutes to have regular medical checks, which could lead to more serious public safety (health) problems.

City Governments

There is no city government in the Netherlands that asks the local police to systematically search for “well-behaved” unauthorized migrants, even if there is a “reasonable presumption” that notable numbers of such migrants are residing in a certain neighborhood or location.¹⁴ To some extent, this value-rational stance (see Weber, 1968) appears to be due to cultural factors. During World War II the Nazis apprehended large numbers of residents in Dutch cities, both Jews and Dutch men, who were forcefully put to work in German factories. Large-scale immigration raids often lead to discussions about similarities with these former *razzias*, especially if the raid’s targets are not (effectively portrayed as) criminal. In 2007, for example, the Amsterdam police conducted its 11th “Spirit action” to crack down on a group of unauthorized migrants who were suspected of being involved in an advance fee Internet fraud, for which, police information showed, a certain café was used.¹⁵ When the police raid took place, there was a large African party being held there and the police apprehended a much larger group of 111 unauthorized migrants, as all visitors were asked to show ID. This was legally justified because there was an objective “reasonable presumption” that unauthorized migrants would be in the premise. The police major, an ethnic Jew, announced that he had not been informed about the raid in advance (“which should not be repeated”) and stated that he was critical about the use of the Aliens Law to address crime problems involving foreign offenders.¹⁶ A year earlier, the Amsterdam city council had already adopted Resolution 509, a resolution initiated by a left-wing opposition party to condemn plans by the national government to financially reward local police for apprehending unauthorized migrants (plans that were never implemented because they met resistance nationwide). It should be mentioned

that in Amsterdam, as well as in most other cities where illegal residence is concentrated, left-wing parties have a higher share of the vote than in the country at large. At the time of writing, there have been no new “Spirit actions” in Amsterdam.

A final factor that may limit the involvement of city governments in in-country migration policing, and contribute to a focus on public safety issues, is the way in which public services are financed in the Netherlands. City governments obtain most of their revenues from national taxes (Uitermark & Duyvendak, 2008). Thus, if part of the local population does not pay income taxes—since 1991, unauthorized migrants can no longer obtain social security numbers in the Netherlands (Van der Leun, 2003)—this hardly affects local revenues. Likewise, although the presence of unauthorized migrants may be associated with certain public costs, these costs are usually paid for by the national government. There is, for example, a *national* fund to pay for certain health care costs of the uninsured, including unauthorized migrants. Education costs for unauthorized children are mostly paid by the schools, which obtain most of their revenues from the national government. Furthermore, to the extent that unauthorized workers displace regular workers from the labor market, this will hardly press on the budget of the city government: Welfare is paid out of national taxes.

Conclusion and Discussion

National and state governments are increasingly developing laws and policies that, within certain legal limits, enable or require specialized agents of social control to apprehend, detain, and deport migrants who do not, or no longer, have legal stay. This article discusses the local limits to in-country migration policing in a country where there are no constitutional regulations limiting the involvement of local authorities in immigration control and where various additional conditions for far-reaching control practices are in place.

This case study suggests that governments are certainly capable of tightening in-country migration policing to some extent. The introduction of the Aliens Law 2000 seems to have increased apprehension chances, and it is likely that earlier laws and measures that enabled regular police to apprehend, identify, and detain unauthorized migrants have also contributed to the present apprehension and detention rates. All in all, about 1,500 migrants are now being held each day at a Dutch immigration detention center, or about 1% of the total estimated unauthorized population (Leerkes & Broeders, 2010). By comparison, in the United States this figure is about 30,000 (Amnesty International, 2009), or approximately 0.25% of the estimated unauthorized population. At the same time, we demonstrated that even in a restrictive context immigration rules are not categorically enforced. Moderately incorporated groups are very difficult for governments to deport; these groups are still, to a large degree, tolerated.

We explained differential in-country enforcement by taking into consideration the interests and values of police, local residents, and city governments. Taking the perspective of each agent, it is plausible that the benefits of excluding “deviant” migrants

are higher than the benefits of excluding the “nondeviant” migrants, whereas the costs of apprehension—both in terms of police resources spent and moral outrage caused—are lower. This is especially the case when residence status is checked in the course of normal policing activities, which has become the most common form of in-country migration policing in the Netherlands. The Aliens Law 2000 increased apprehension chances but did not radically alter selective toleration practices.

Among the reasons why the benefit-cost ratio of excluding nondeviant groups is relatively low is the stronger local incorporation of these groups. A relative lack of incorporation may, in itself, be considered a form of deviance (such as in the case of homelessness), but the social ties between unauthorized migrants and established minority groups—including legal immigrants, certain employers, Dutch partners—also limit the degree to which the lack of a residence permit entails a risk of involvement in subsistence crime or other forms of deviance in response to a highly marginal social position (Engbersen & Van der Leun, 2001; Leerkes, 2009; Leerkes, Engbersen, & Van der Leun, 2012). This symbiosis, or patronage, helps explain why public safety interests may, in some cases, indicate the *nonenforcement* of immigration rules: Local authorities soon learn that the realization of public safety objectives other than enforcing immigration rules requires that unauthorized migrants *and* migrant communities trust the police.

From a normative perspective, it could be argued that patterns of selective interior migration enforcement give cause for ambivalence. On one hand, the interests and values underlying the selective apprehension patterns represent a rational, “wise” counterforce against overly populist politics that would like to see all unauthorized migrants apprehended today and removed tomorrow. In that sense, it could even be argued that interior policing is fairer than the patrolling of geographical borders, where unauthorized migrants risk being stopped, quite independent of their behavior and social ties. On the other hand, this study confirms the tenor of previous studies in showing that in-country policing risks being at odds with civil rights. For one thing, the distinction between “deviant” and “nondeviant” is often problematic. For example, the Amsterdam raids targeting allegedly criminal migrants eventually caused major social unrest when they led to the apprehension of a large number of migrants whom many Amsterdammers did not consider so “criminal” after all. And although civil protest may put a limit on overt raids, it may be unable to counter ethnic and racial profiling in day-to-day policing. Individual officers who are inclined toward immigration enforcement will have a stronger legal backing to focus on migrant groups where they suspect a high percentage of unauthorized migrants (in the Dutch case: Eastern Europeans) or crime (in the Dutch case: North African men). In both cases, there is a risk that already vulnerable immigrant groups will become even more criminalized and targets of discrimination.

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Notes

1. There have been a number of episodes in U.S. history when large-scale deportations took place (Ngai, 2004). However, operations such as “Operation Wetback” in 1954 were relatively ad hoc. The current development of interior policing seems to imply a more structural tightening of internal control. The trend to increased in-country migration policing in the United States has taken three forms (Leerkes, Leach, & Bachmeier, 2012; Varsanyi, 2010.). First, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), enacted by the U.S. Congress in 1996, enables state and local law enforcement agencies to partner with the Federal Government to enforce immigration law. As of November 2010, the U.S. Immigration and Custom Enforcement (ICE) had signed 69 “287g agreements” with local authorities. Second, in 2008, the Federal Government initiated the “Secure Communities Program,” which requires state and local law enforcement agencies to check the immigration status of suspects arrested and booked into local jails. Third, Arizona, Alabama, and a number of other states have passed legally questionable immigration enforcement laws (SB 1070 and HB 56, respectively) that require, among other things, local police to attempt to determine immigration status of persons suspected of being in the United States without authorization.
2. The exact percentage of registered stops not involving apprehension is unknown. Originally, the apprehension data were obtained to estimate the unauthorized population in the Netherlands. This was done using what is called the catch–recatch method. For this method, which has been developed to estimate the size of populations that cannot be observed in their entirety, there has to be information about the total number of times a person has been observed in a given time period—operationalized as number of registered stops in a year—and whether or not the person has left the population (operationalized as having been deported or not). Other process information, such as whether the person stopped has been apprehended and detained, was less relevant for this purpose and was not made available.
3. De Boom, Leerkes, and Engbersen (2011) have recently reported that 13,298 apprehensions took place in 2006, a year when, according to official data, 12,480 immigration detention periods occurred (DJI, 2011). (A minority of the latter detainees are migrants who still had legal stay, and who have never been apprehended for illegal residence.)
4. At the time of writing, the Schengen Area comprises the territories of 26 European countries, including the Netherlands. It operates very much like a single state for international travel with border controls for those travelling in and out of the area, but with no regular

internal border controls. The Military Police nonetheless engage in what is called *Mobiel Toezicht Vreemdelingen* (“Mobile Supervision Aliens”): In order to prevent illegal immigration, samples of travelers are stopped on border area highways, in sea harbors, and on international trains.

5. The cited literature suggests that country of origin is an important predictor of voluntary return, but the two regions of origin that are associated with higher reappréhension hazards in our analysis (women, in the case of Eastern Europe and, men, in the case of North Africa) were relatively affluent and politically stable at the time in comparison to other source countries of unauthorized migrants and were, therefore, unlikely to be characterized by low voluntary departure rates. The geographical proximity of Eastern Europe also contributes to higher voluntary return rates. Furthermore, incorporation in the country of immigration—especially in the sense of having social ties, such as a partner or children—seems to *reduce* return odds as well. There is less scientific consensus on the effect of incorporation in the labor market. Classical economic theory asserts that migrants will be more inclined to stay once they earn more in the country of destination than in their country of origin, but the new economics of migration holds that “target earners” will actually return once they have earned a sufficient target income (Constant & Massey, 2002). Finally, there is no evidence that “deviant” migrants, for example, migrants who have been apprehended for a crime, are less likely to leave the country voluntarily than migrants who have been apprehended for illegal residence only. Criminal migrants could be more inclined to stay because of an “uncooperative inclinations,” but they may also be more likely to be transient, that is, have an elevated likelihood to migrate to neighboring EU countries. Leerkes, Galloway, and Kromhout (2011) conducted structured face-to-face interviews with 108 asylum seekers whose asylum claims had been rejected and who were at risk of becoming unauthorized. They found that the intention to return voluntarily mainly varied with the perceived safety of the country of origin, with perceived subsistence opportunities in case of illegal residence, and with perceived health. Being male and being young—both correlates of “deviance”—did not have a significant effect on the intention to return.
6. About 300 times per year the Dutch Aliens Police officially suspects a “marriage of convenience,” that is, a marriage only aimed at giving a foreigner access to legal status (Holmes-Wijnker, Bouwmeester, & Grootcholte, 2004, p. 43). Furthermore, in 2008, Leerkes and Kulu-Glasgow (2011) interviewed 50 international couples who had difficulty meeting the income or age requirements for “family formation” (a form of family reunification where couples only begin to form a household in the Netherlands). Of these, 7 couples turned out to have been formed while one of the partners lived in the Netherlands as an unauthorized migrant. As about 10,000 international couples receive a residence permit on the basis of family formation annually, this could indicate that each year perhaps 1,500 unauthorized migrants ($7 / 50 \times 10,000$) manage to obtain a residence permit in this way. This is probably an overestimation as relatively poor, young, urban, and ethnic minority couples were overrepresented among the 50 couples interviewed, and none of the respondents had been apprehended for illegal residence.
7. All estimates were calculated by Cruijff and Van der Heijden (published in Leerkes, Van San, Engbersen, Cruijff, & Van der Heijden, 2004). Their Poisson estimates make use of

the “catch–recatch” method and are based on the same police data that have been used in this article.

8. See *The Guardian*, April 5 2005, “14 Years for Dover Tragedy Lorry Driver.”
9. It turns out that in the period 1997–2003, 34.7% of the apprehensions involving unauthorized Eastern Europeans was related to crimes; for non-Europeans that percentage was 37.4 (for North Africans, 45.9). For figures on the documented criminal involvement among *authorized* Eastern European migrants see Leerkes (2009, p. 177).
10. Migrants without a registered residential address turn out to have lower reaprehension hazards than those having a regular address ($B = -.40$). A plausible explanation for this finding is that a substantial number of such migrants may never have intended to settle in the Netherlands and may have left the Netherlands after the first apprehension.
11. Between 1997 and 2003 the average unemployment rate among first- and second-generation Moroccans was 15.0%. For Turks and Surinamese the unemployment rate in this period was 11.4% and 9.0%, respectively, and for the native Dutch, 2.6%. (Nativity is defined as being born in the Netherlands with two parents who have also been born in the Netherlands.) Source: Statistics Netherlands (<http://statline.cbls.nl>) visited January 2012.
12. Source: *Nieuw Amsterdams Peil*, January 13, 2004, “Illegalen aangeven niet populair.”
13. Sources: Politie Amsterdam-Amstelland (2004) and Politie Rotterdam-Rijnmond (2010).
14. This statement certainly holds for the cities that we have studied since the mid-1990s. We are somewhat less certain about the situation in other municipalities, but if it would differ radically we should know (given our contacts in this field).
15. *Volkskrant*, June 16, 2007, “Politie arresteert ruim honderd illegalen” [Police arrest more than hundred illegals]. The crackdown is an interesting case of local-global intertwinement; it occurred after the U.S. police had informed the Dutch authorities that part of victims of the fraud—which is known as 419-fraud by Dutch criminologists (after Nigeria’s 419 criminal code)—were U.S. citizens.
16. Source: AT5 (local television channel), June 21, 2007, <http://www.at5.nl/artikelen/1821/cohen-wist-niet-van-inval-zuidoost> (visited January 2012).

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Bios

Arjen Leerkes is Assistant Professor of Sociology at the Erasmus University Rotterdam and researcher at the Documentation and Research Centre of the Dutch Ministry of Security and Justice. His research focuses on the operation and societal consequences of the governmental regulation of international migration in Europe and the United States. He has published in migration journals, as well as in more general sociological, criminological and urban studies journals. In 2009 Amsterdam University published his dissertation *Illegal Residence and Public Safety in the Netherlands*.

Monica Varsanyi is Associate Professor of Political Science at John Jay College of Criminal Justice and a member of the Doctoral Faculty in Geography at the Graduate Center, City University of New York. Her research addresses the politics of unauthorized (or 'illegal') immigration in the United States, specifically the growing tensions between local, state, and federal governments over immigration policy and enforcement. Her edited volume, *Taking Local Control: Immigration Policy Activism in U.S. Cities and States* was published by Stanford University Press in 2010.

Godfried Engbersen is professor of Sociology at the Erasmus University of Rotterdam, the Netherlands. He is currently working on the relationship between restrictive migration regimes and crime; local and transnational citizenship; and labor migration from Central and Eastern Europe. He recently published (with Richard Black and others) *A Continent Moving West? EU Enlargement and Labour Migration from Central and Eastern Europe* (AUP 2010).