Giving shelter

The logics and likelihood of irregular migrants receiving shelter from nongovernmental organizations in the Netherlands

Picture: Bed with Branches by Rebecca Rebouche (www.rebeccarebouche.com)

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Preface

The master thesis that is lying in front of you is the conclusion of my master program in Human Geography at the Radboud University Nijmegen. Moreover, it is also the result of my internship at Stichting LOS in Utrecht. This thesis would not have come into being without the help of various individuals which I would like to thank.

Firstly, I would like to thank my supervisor, Henk van Houtum, for his excellent guidance which existed of interesting reading suggestions, challenging thoughts, constructive feedback and much coffee in the cafe.

Thanks also to Stichting LOS in general, for the internship and the possibility to write my master thesis on their behalf and to Rian Ederveen specifically, for sharing her long experience of working in the field.

Lots of thanks are due to my lovely wife, Shifra Bouter, for reading my thesis and providing feedback on my English, for her patience during the time I was busy working on it and her encouragements throughout the process.

Finally, I would like to thank all the NGO professionals, municipality officials and scientific experts who I interviewed, for thinking along with me and showing me the interesting working of their field. I also want to thank the irregular migrants in the tenting camps in Amsterdam and Den Haag for sharing their bed and their food with me.

This thesis was a great chance to meet interesting people, learn about the ambiguous world of irregular migrants and to develop academic skills. I hope that the reader will recognize these three matters throughout the thesis, will be challenged to do something with the content of this thesis and will enjoy the reading.

Executive Summary

Irregular migrants are increasingly excluded from social welfare by rigid laws. Still they manage to survive in the Netherlands. The majority manages to survive by their own means and relations; however a small part increasingly needs the support of nongovernmental organizations (NGOs) and municipalities. It is argued that this small part illustrates the characteristics and consequences of being an irregular migrant. Some of the rough consequences of being an irregular migrant become clear in the outcomes of the limited capabilities of the NGOs and municipalities. Not all irregular migrants who need help can be supported and NGOs as well as municipalities have to distinguish which irregular migrants are given or denied support. To study these characteristics, the main question is formulated as follows: **''what influences the chances of irregular migrants on receiving shelter from nongovernmental organizations in the Netherlands? ''**

To answer this question, current study made use of an explorative research strategy. First, a literature study was conducted to find theories which might give a direction to answer. Subsequently, interviews have been conducted with ten experts working at NGOs, six officials working at municipalities and five scientists. To get a clearer picture of the NGOs, four observations have been conducted at consulting hour and case discussion.

In the following, the theories are combined with empirical data to be able to answer the research question. The literature study resulted in three main theories which helped to indicate the influences on the chances of irregular migrants on shelter. The first, more contextual theory, is the bureaucratic field theory of bourdieu. The second, more practical theory is concerned with criteria which are used to distinguish between migrants. The last theory is concerned with theories of Agamben, Arendt and Bauman about marginalized people. These theories are used as a tool to study the logics behind the chances of irregular migrants on receiving shelter from NGOs, which is described below.

The first theory, the field theory of Bourdieu, gave means to analyze the context, to indicate which actors influence the chances of irregular migrants on shelter. For current study the national government, the municipalities and the NGOs who support irregular migrants are indicated as central agents. These agents influence each other's thoughts about irregular migrants and in effect what is seen as 'normal'. The most powerful agent, the national government as a whole, is described by the other agents in rather negative terms. It is said to be insufficient, ineffective, very stiff and conducting a failing alien and return policy. As a result, irregular migrants end up on the streets of municipalities. Whereas municipalities seem unequivocal in their opinion about the national policy, they react in different ways on irregular migrants at their doorstep. Differences can be found in the amount of money spent, the involvement of the municipality with the NGOs who shelter irregular migrants and the openness of communication about offered support. These differences cause different chances on shelter for irregular in different municipalities. Just like municipalities differ, the NGOs differ from each other. Their main differences can be found in size, financial independency from the municipality and ideological roots.

Now the main agents have been described it is possible to focus on their interaction. To understand this interaction it is useful to know that in 2007 the national government and municipalities agreed that the national government would improve its alien and return policy and that municipalities would not shelter irregular migrants in any way. As described, municipalities indicate to still offer support. Although they give various pressing reasons why they still offer

support, most municipalities try to work in the twilight, to offer shelter indirectly and to draw as slight attention to their given support as possible. Still, municipalities and also NGOs try to influence the government to do more for irregular migrants via contact with members of parliament, meetings with the ministers and joining forces with third parties. Despite these methods, they experience influencing the national government as a fruitless attempt with hardly any effect. Vice versa, the influence of the national government is also limited. Although various politicians of the national government have suggested to quit financing municipalities who support irregular migrants, it seems as if the national government does not have the means to really limit the municipalities. Finally, NGOs try to influence municipalities to give more support to irregular migrants. NGOs indicate that they are often successful in lobbying for individual cases as long as it happens in secret. Based on foregoing it can be concluded that although irregular migrants are supported, this mostly happens in secret. However, during current study, irregular migrants showed their agency. In a series of tenting camps they publicly demanded to be treated better and to receive a status. Although their demands are far from fully granted, the protesting irregular migrants received shelter for some time. Their actions did thus not yet lead to structural changes but they did generate much media attention and rekindled the political debate of which it is too early to decide about the effects.

The second theory helps to analyze the criteria which NGOs and municipalities use to distinguish between irregular migrants who they believe should be supported and those who should not be supported. Two categories of criteria are distinguished. The first category exists of three semi objective criteria. These criteria are regional ties, perspective and situation depending criteria. During the study of these criteria, it was observed that there is no uniformity amongst NGO in the use of these criteria. Although the NGOs maintain the same criteria, there seem to be differences in how these criteria are maintained.

The other criteria are more subjective and exist of the five deservingness criteria as defined by Oorschot. These criteria are control (responsibility for situation), need (poignancy), identity (belonging), attitude and reciprocity. Although not all equally important, these criteria seem to play a big role in the decision whether or not an irregular migrant receives help from municipalities and/or NGOs. Still, the different deservingness criteria are not really defined by most NGOs, how to measure these criteria is not put on paper. For example, it is not plain when one is needy enough, or what attitude or identity one must have. Still, it is clear that these criteria do play a big role.

Finally the findings based on foregoing theories are combined with the theories of Agamben, Arendt and Bauman concerning marginalized people. It was discussed that the rigid exclusion of basic rights for irregular migrants by the national government has two main consequences. First, much of the struggle between the agents happens in secret, in the political twilight. This can be perceived both as a result and a cause of pushing people in the margin. Secondly, since the irregular migrants are excluded from basic rights, they become dependent on the benevolence of municipalities and NGOs. Being unequal before the national law, NGOs and municipalities discern between irregular migrants with criteria which are unclearly defined. In effect, although the support given by NGOs and municipalities is needed and praiseworthy, in current situation it seems to lead to unfairness and unequal treatment of irregular migrants.

What readers should take away from this study is that the position in which irregular migrants are placed as a result of the struggle between the agents is one with few rights. The national

government's rigid exclusion of irregular migrants of basic support leads to negative consequences for municipalities, NGOs and the irregular migrants. These consequences essentially mean that irregular migrants are pushed into a sphere of secrecy which makes them vulnerable for arbitrary and unequal treatment. To counter these consequences, NGOs as well as municipalities are recommended to struggle more openly so that national policy may be changed, and to closely monitor on what bases they give or deny shelter to irregular migrants as to equalize the chances of irregular migrants on support. The protesting irregular migrant is recommended to continue their actions and to seek (media) attention to influence the debate and public opinion. The national government is recommended to improve their return and asylum policy as well as taking human rights more seriously into consideration, especially the right on housing as part of the right to an adequate standard of living.

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INTRODUCTION

In the first paragraph, the project framework is sketched. This framework is followed by the presentation of the research purpose in paragraph 1.2. To translate this purpose into concrete research questions, the research model will be discussed in paragraph 1.3. In closing, the research questions are given in paragraph 1.4.

1.1 Project framework

During last year, the media reported frequently about irregular migrants – people without valid papers to legally stay in the Netherlands – who gathered in tenting camps. By tenting, these irregular migrants, mostly asylum seekers whose asylum claim got rejected, protested against their situation of living on the streets because they are excluded from social rights. They demanded a place to stay and a revision of the asylum policy. Many opinions were uttered about these camps, some sympathetic others more rejecting. But how is it possible that in a cultivated country such as the Netherlands, people choose to face the bitter winter cold living in tents? Why do they not live in warm houses like the rest of us?

Probably, it has something to do with the characteristics of our time. Castles and Miller (2009) have called our age the age of migration and Füredi (2006) describes our culture as a culture of fear. Although other labels are possible, the mentioned descriptions become interestingly visible in the hardening attitude towards irregular migrants. This hardening attitude seems present both in discourse and deeds. One can think of some people who compare irregular migrants to devastating tsunamis (Ten Hoove & du Pré, 2006) or see them as a harbor for terrorism (Brouwer, 2002). This discourse remains not without consequences; some scholars note that migrants become criminalized (Black, 2003; Chacón, 2009) and migration becomes crimmigration (van der Leun, 2010).

The hardening attitude towards irregular migrants can also be perceived in the last two coalition agreements which consisted of ever more measures to make the lives of irregular migrants harder (Rutte & Samsom, 2012; VVD-CDA, 2010). Most distinctive of these measures is probably the recent development to penalize illegality. After years of debate (Sargentini, in 't Veld, van Dalen, & Cornelis, 2011) the current Dutch government of 2012 has decided to make illegal residence in the Netherlands a criminal offence (Rutte & Samsom, 2012) and is now creating concrete sentences (Willlems, 2012). The hardening attitude becomes also clear in a range of laws and measures which, over the past twenty years, increasingly excluded irregular migrants from social benefits and social life (Pluymen, 2008). These measures actively made finding a home or work without the support of the government more difficult for irregular migrants.

Described political measures appear to indicate a huge difference between legal citizens and irregular migrants, between being a national and being stateless. Simply being a human being does not seem to give rights. Politicians like Wilders like to depict illegality in black and white terms. You should either be represented and protected by the state or you should be repressed and excluded. But is it really so clear cut and distinct?

In current study, it will be argued that many irregular migrants exist in a gray zone. This gray zone becomes visible in the fact that, despite of policies which seek to expel irregular migrants from public social life, irregular migrants manage to live and make a living. They have long been hardly visible but

the recent tenting camps showed that they are still amongst us. Although they are denied housing and labor rights by the government, they still have some rights on healthcare and education. Moreover, they are supported by various agents, in particular by Non Governmental Organizations (NGOs) who shelter irregular migrants with an asylum history, but also by municipalities. The NGOs, often assisted by municipalities, offer shelter, food, psychological support and juridical support. As a result, irregular migrants are de facto not fully denied support, but are also not fully supported. They are seen as illegal but still have some rights according to the NGOs. Their life seems to take places between two extremes, between absolute rightlessness and being treated as a worthy human being. Still, not all irregular migrants are supported by NGOs. Only a minimal share of all irregular migrants receive shelter. Due to the lack of recourses, NGOs have to discern between irregular migrants. But on what ground do they do this? Do they use criteria? How exactly do municipalities assist NGOs? And what does the national government think about this?

1.2 Research purpose

Current study endeavors to answers these questions and to demonstrate a clearer picture of the gray zone. To get this picture, the logics and likelihood of irregular migrants receiving shelter in the Netherlands will be studied. Therefore the main question of current thesis is posed as follows: **What influences the chances of irregular migrants on receiving shelter from NGOs in the Netherlands?**

As is visible in the main question, the focus of current thesis is on the basic need of shelter which is recognized as a basic right in the Universal Declarations of Human Rights (1948). In contrast to laws on healthcare and education, Dutch housing laws are very restrictive and exclusive for irregular migrants. Whereas citizens live in houses, regular migrants live in asylum shelters and even criminals live in prisons, irregular migrants are officially not allowed to rent a place. When they do not succeed in illegal subletting or living with friends or family, they end up on the streets. In effect, they lack an official place to stay and exist. Giving shelter to these irregular migrants can be perceived as a very intense form of giving support; it demands much more commitment and recourses from the support giver than only offering food or juridical or emotional support. The intensity of giving shelter is interesting because it is most likely to collide with the limitations of the ones who give support. In that way the demanding character will, assumingly, illustrate most clearly the problems of offering support. Based on a broad literature study, initial talks with experts and some reasoning, it has been decided to specifically study the influences on the chances on shelter from three theories. The first theory focuses on consequences of being marginalized. By means of the stateless people of Arendt (1966), the Homo Sacri of Agamben (1998) and redundant people of Bauman (2004), the consequences of being an irregular migrants will be discussed. The second theory focuses on the various agents which influence the chances of irregular migrants on shelter. By means of a social field theory of Bourdieu (1994), the agents and their interaction will be discussed. The agents distinguished are NGOs, municipalities, national government, media and juridical persons. The third theory focuses on the criteria which are used by NGOs to decide if a shelter request of an irregular migrant is granted or denied. These criteria are divided into two groups, the first group is more juridical and objective and the second group is more personal and subjective. These theories will be studied extensively in the theoretical framework.

Two remarks need to be made. Firstly, this research is conducted on behalf of foundation LOS (http://www.stichtinglos.nl). The initials of LOS stand for 'Landelijk Ongedocumenteerden Steunpunt' which can be literally translated with: 'National point of Support for Undocumented persons'. Foundation LOS has set itself the objective to support persons and organizations which help irregular migrants. Foundation LOS is convinced that living conditions of irregular migrants can only improve when their situation becomes transparent. Their business exists of enabling organizations to improve the help offered to migrants by encouraging mutual cooperation, answering all kinds of questions concerning irregular migrants, and informing the media. Current study seeks to add to their existing body of knowledge.

Secondly, a critical reader may suggest that NGOs operating in the twilight zone as well as irregular migrants thrive by the fact that NGOs are understudied. The researcher is of the opposite opinion, namely that anonymity weakens the position of NGOs and irregular migrants and can lead to unnoticed repression. As is proved time and again, injustice can only be changed when the point is raised publicly. Injustice can be heard only when there is a voice. Moreover, it can be noted that although NGOs are relatively understudied, this does not mean that their functioning is unknown. The researcher supposes that everything is already known and available for the person who wants to know it. The information is available but not well organized.

Based on the main question formulated above, the research purpose is formulated as follows:

To study the influences on the chances of irregular migrants on receiving shelter from NGOs in the Netherlands.

The purpose of current study is socially as well as scientifically interesting. It is socially relevant because it can give irregular migrants and NGOs means to assess the chances of irregular migrants on shelter. Moreover, this study might give irregular migrants insight in how they can improve their chances. For NGOs this study may serve as a reference on what basis to give or deny shelter and which position to take in relation to the municipalities and national government. Finally, current study might give some ground for politicians to raise a more nuanced view of irregular migrants. This is all the more important because of the recent debates about the alien policy and the treatment of irregular migrants which were rekindled by the tenting camps.

From a scientific perspective, current study is relevant because it may bring to light the implications and possible paradoxes that come into play when people, who have few rights, are supported in a situation of limited means. Moreover, it may result in a better comprehension of the various forces which influence the chances of irregular migrants on shelter.

1.3 Research model

A first step to translate the main question into supplementary questions is to generate a model (Verschuren & Doorewaard, 2007). This model schematically visualizes the logical parts of which the research exists. It directs the steps that are taken in order to accomplish the research purpose. After the model is displayed in Figure 1, it will be explained.
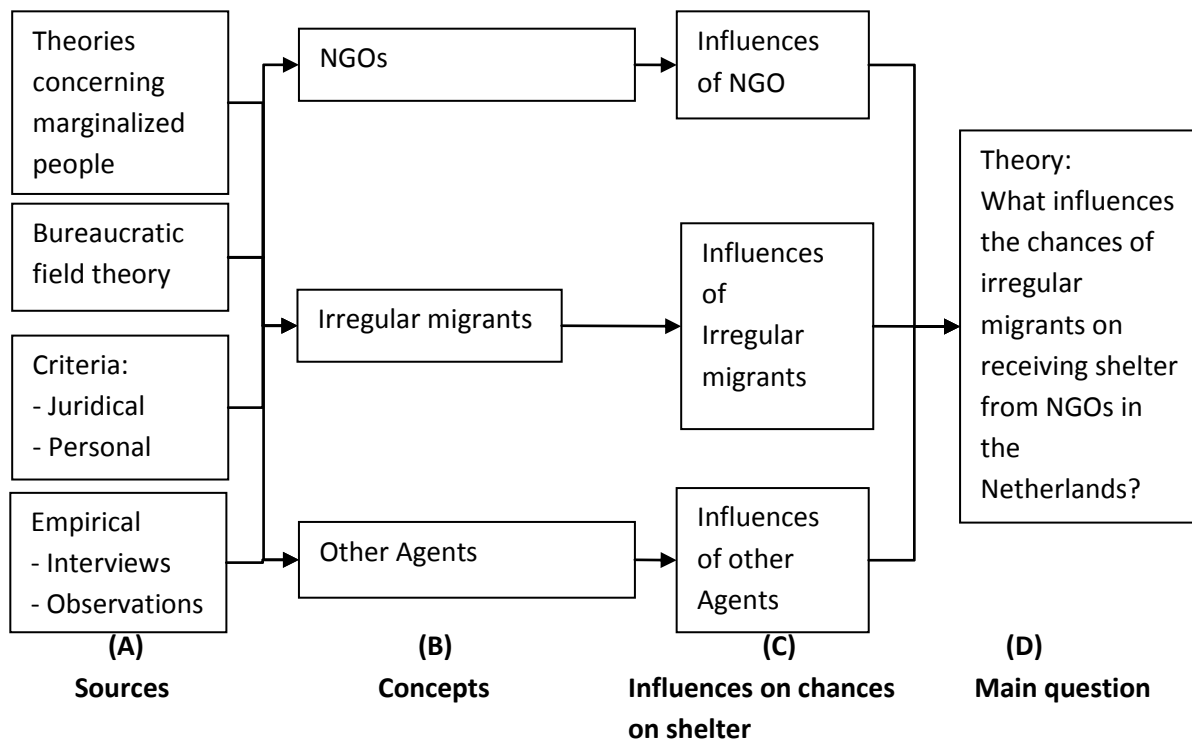
Figure 1: Schematic research model

As is visible, the model exists of four parts, which are derived from the main question. To be able to answer this main question (Part D), various components need to be examined. The four parts are explained in turn. Part A consists of the four sources on which this research is constituted. Three of these sources are theoretical and one is drawn from the empery. The three theoretical sources are the theories concerning marginalized people (Agamben, 1998; Arendt, 1966; Bauman, 2004), the bureaucratic field theory (Bourdieu, 1994), and theory concerning criteria (Oorschot, 2000). These three theories are confronted with each other and combined to one theory which is used to give an answer to the main question. Ideally, this composite theory makes the chances of irregular migrants on shelter from NGOs transparent and visible.

In order to test if this broad theory succeeds in this goal, it has been applied to the practice. The practice makes up the fourth source. Interviews and observations are conducted with experts from NGOs, municipalities and universities. The theoretical sources will be further elucidated in chapter 2 and the practical source will be explained in chapter 3.

Part B consists of concepts that are central to current study. These concepts are: irregular migrants and NGOs and other agents. Based on the four sources, the relation between the concepts will be studied. The concepts are further explained in chapter 2. Part C exists of the different kinds of influence that can be distinguished on the basis combining part A and B. The combination of these influences, when based on theoretical as well as practical sources, lead to a grounded theory which gives an answer to the main question, namely part D. Based on this model, the next paragraph discusses the supplementary questions. Throughout this thesis, this model will be regularly referred to.

1.4 Research questions

The supplementary questions are shown per part of the research model. The first set of questions (Part A) explores the theoretical and empirical sources. The answers on these questions result in abstract concepts and ideas which provide insight in the chances of irregular migrants on shelter. The second set of questions (Part B) focus on the concepts. These questions help to identify and specify the concepts. These questions are more concrete and focus per sub-theme on the agents which influences the chances of shelter for irregular migrants. Finally, the questions divided over the subthemes, are combined and lead to the main question.

Part A

What can be said, based on the bureaucratic field theory, about irregular migrants and their chances on shelter?

What can be said, based on theories concerning marginalized people, about irregular migrants and their chances on shelter?

What can be said, based on deservingness theory, about irregular migrants and their chances on shelter?

What can be said based on the empery, about irregular migrants and their chances on shelter?

Part B

What kind of irregular migrants exist?

What kind of support do irregular migrants need?

What kind of support do irregular migrants get?

What kind of Non Governmental Organizations (NGOs) sheltering irregular migrants exists?

How many NGOs are sheltering irregular migrants?

What kind of other support do NGOs give?

What other agents support irregular migrants?

Part C

How, and to what extent, do NGOs influence the chances on shelter of irregular migrants?

How, and to what extent, do irregular migrants influence their chances on shelter?

How, and to what extent, do other agents influence the chances on shelter of irregular migrants?

How, and to what extent, does being irregular influence the chances on shelter of irregular migrants?

To what extent do these agents influence, and are influenced, by each other and NGOs?

On what basis do NGO deny or give shelter?

On what basis do the other agents deny or give shelter?

Part D

What influences the chances of irregular migrants on receiving shelter from NGOs in the Netherlands?

2. THEORETICAL FRAMEWORK

Current chapter can be seen as the theoretical framework and serves to make current study more specific. To substantiate current study with theory, the chapter sets of by defining two main concepts introduced in part B of the schematic research model of figure 1. The first concept is 'irregular migrant' (2.1) and the second concept is "Non Governmental Organizations" (2.2). After the concepts, the questions concerning the theoretical sources belonging to part A of the schematic research model of figure 1 will be discussed. First the two kinds of criteria which are used to distinguish between irregular migrants will be introduced (2.3). Subsequently, the two types of criteria used will be discussed extensively. Firstly, the more juridical and objective criteria will be discussed by introducing theories which are concerned with marginalized people. Secondly, the more personal and subjective criteria will be addressed by means of deservingness theory (2.5). Then the other agents –the third concept of part B in the schematic research model of figure 1 - which influence the chances of irregular migrants, will be discussed by elaborating on bureaucratic field theory (2.6). Finally, the concepts and theories will be combined in a summarizing conceptual model (2.7).

2.1 Concept 1: Irregular migrants

The first concept to be elucidated is the concept of irregular migrants. The following subjects will be addressed: alternative terms, typology and studies concerning practical lives of irregular migrants.

2.1.1 Alternative terms

Before defining the concept of irregular migrants, it is useful to note that no agreement exists on which term should be used. The term 'irregular migrant'' could for example also be substituted with 'illegal migrant' (Black, 2003) or 'undocumented migrant' (Paspalanova, 2006). Black (2003) argues to use the notion of illegal migrants for various reasons. Firstly, he argues that the public debate uses this term and scientist should stay as close to this debate as possible by using the same term. It is in this context interesting to note that the Dutch political debate indeed uses this definition for irregular migrants. It named its policy documents concerning the subject for example: 'illegal migrants annotation' (Kamerstukken, 2004). Secondly, Black (2003) states that certain methodological and practical issues, which should be studied, arise exactly from the fact that migrants are seen as illegal. Currently, many scholars tend not to use the notion of illegality because migration is made illegal by state action and because it can cause confusion with 'real' criminal activities related to migration. Another reason not to use this term is that despite the fact that using the concept of illegal migrant may link up scientific research with popular debate, it also constitutes the use of the term which scholars tend to avoid. An alternative for the term 'illegal migrant' is the use of the term 'undocumented migrant' (Paspalanova, 2006). This term originates from the French 'sans-papiers'. This term however, is equally misleading because irregular migrants often have some papers.

To avoid these ambiguous terms, many scientific scholars currently use the term irregular migrant. This term refers to the state in which such migrants live. To avoid the dangers of the other terms and make the connection with most scientific literature, the term irregular migrant is used in this thesis. Now it is elaborated why the term irregular migrant is preferred to illegal and undocumented migrant, it is time to specify what is meant with the term 'irregular migrant'. This will be done by discussing the various types of irregular migrants distinguished in the literature.

2.1.2 Typology

To understand what is meant with irregular migration, it is useful to take a specific look at the ways in which irregular migrants are categorized in scientific literature. Irregular migrants are subdivided alongside a broad variety of lines. It is important to know the different typology used to distinguish irregular migrants for at least three reasons. Firstly, the different categories show that irregular migrants are not such a homogenized group as is usually assumed by the general public. Secondly, the various typologies influence the way people see migrants. These perspectives in turn influence the questions asked and answers given. Thirdly, the various kinds of irregular migrants imply that irregular migrants act in various manners. The different ways to subdivide and categorize irregular migrants are listed in Table 1 and will now be discussed.

One way to subdivide irregular migrants is by focusing on the manner in which irregular migrants entered the country. The Dutch 'illegal migrants annotation' (Kamerstukken, 2004) distinguishes three groups on the basis of entry: migrants who entered the Netherlands illegally, migrants who entered the Netherlands legally but became illegal, for example by overstaying their temporary visa and migrants whose asylum claims are rejected. Heckmann (2004) uses a similar way of categorization. He distinguishes illegal border crossing, crossing borders in a semi-legal way (using false or wrong documents) and staying after expiration of legal status which sometimes happens after years of legal residence. The way of entry can have implications on the experience of irregular migrants with the asylum policy, on the extent to which they know their way around, and on the extent to which they are known by the system.

A slightly different distinction based on the way of entry, is given by Cvajner and Sciortino (2010). They found in their research three kinds of irregular migration systems. These are atomistic, volume-based and structured. The atomistic system exists mainly of pioneers who migrated alone. They use a strategy of trial and error. Mostly they have no social network to help them. The second system is volume-based. Due to entry loopholes and weak internal controls huge amounts of people begin to migrate to a country. In effect improvised trafficking services come into existence and the ability to pay influences whether people migrate. Although no strong social networks have yet developed, this type of irregular migrants has more social ties than atomistic migrants. The last irregular migration system is structured. The migration in this system has been going on for a long time and is highly structured and professionalized. Migrants have organized themselves and strong social networks exist. The decisive factor for the migration decision in this last system, is mainly family or relatives who have already migrated. The irregular migration system thus influences to what extent migrants have an own network to shelter them and the extent to which they are in need of support from NGOs.

Table 1: Summarizing the described scientific categorizations of irregular migrants

Categorization	Typology used to distinguish per categorization			
Way of Entry	Rejected asylum claims	Overstaying stay permit	Illegal entry	
Migration Systems	Atomistic	Volume-based	Structured	
Region of Origin	Unstable countries	Stable countries	Non European	European
Aspirations	Legalized	Staying	Investing	
Purpose	Claiming asylum	Family reunification	Working	Studying
Legal Status	Not in procedure	In procedure		

Another way to categorize irregular migrants is by their country, or region of origin. Kromhout, Wubs, and Beenakkers (2008) for example, divide irregular migrants as European or non-European. Although currently citizens from EU countries are almost always legal in the Netherlands, the country of origin may influence the chances of migrants in obtaining a stay permit. Migrants from unstable countries have bigger chances than migrants from stable countries. The importance of this categorization is witnessed by the assumption that migrants lie about their country of origin (Campbell, 2012).

Still another way to distinguish types of irregular migrants is given by van Meeteren (2010). She proposes to discern migrants by their aspirations. She analyses three types of irregular migrants. The first group exists of irregular migrants with investing aspirations. Those irregular migrants aspire to return to their country of origin and see their illegal stay abroad as a limited investment period. The second group of irregular migrants has staying aspirations; they want to build a life in their destination country. What characterizes them is that they do not necessarily aspire to become legalized. The third group which van Meeteren (2010) distinguishes exists of irregular migrants who endeavor to stay in the country of destination and become legalized. After distinguishing the three different kinds of aspirations, she shows how the various aspirations influence their social activities, appreciation of free time and mobility.

During current study, it appeared that people working in the field used a more practical form of the foregoing aspiration based distinction. They distinguished the purpose for migrating. They discerned as purposes: coming to claim asylum, coming to work, coming for family reunification and coming for study. Although the formal purpose may not be the same as the informal purpose – for example somebody who migrates to work but claims asylum – these categories appear to be clear working definitions.

One last, but certainly not least important, way is to categorize irregular migrants on the basis of their legal status. The biggest distinction which can be made is between irregular migrants who are in a legal procedure for an asylum or stay permit and migrants who are not in such procedures. The second category exists of irregular migrants who have not yet been in a procedure and persons who have been in a procedure but did not obtain a stay permit. This is the group who can be seen as truly irregular. The first category exists of irregular migrants who are in a juridical procedure to get a stay permit. Although this group is often seen as irregular they are not so in the strict sense of the word. However, since they have few rights and are often treated as irregular migrants, this study counts them under the number of irregular migrants. The first category of irregular migrants can be further subdivided towards the kind of procedure they are in. One can distinguish pure asylum procedures, family reunification procedures, study procedures, work procedure and so forth. It should be noted that irregular migrants can shift in category as well as procedure. Irregular migrants who are not in a procedure can start a juridical process and change to the second category. Ideally, they obtain a permit and change to a third category namely that of citizenship. It can also happen the other way around, the validity of work or study permit can expire and a legal migrant who was counted among the citizens becomes irregular. Likewise migrants who are in a procedure can fail to obtain a permit and end up in the first category again. Once they are back to square one, they can try another procedure and come in category two again. Figure 2 schematically shows these juridical categories and procedures.

Irregular Migrants		Migrants in process		Citizens
	→ ←	Asylum procedure Family reunification Obtaining work visa Obtaining study visa	→ ←	
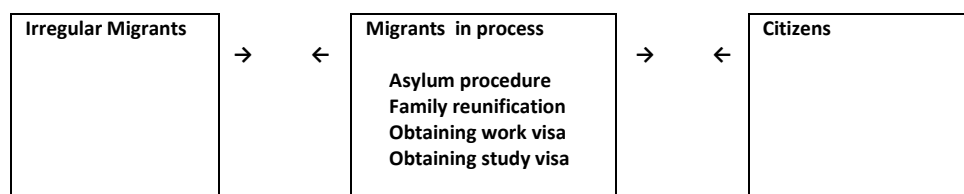
Figure 2: Juridical categories of irregular migrants

Based on this short overview of different types of irregular migrants distinguished in the literature, it can be stated that irregular migrants are a very heterogeneous group. In current study the following people are reckoned as irregular migrants: People, who according to the Dutch government, have no valid papers to legally stay in the Netherlands and have the duty to leave (Kamerstukken, 2004) and people who are in a juridical procedure. Moreover these people:

- Originate from different countries
- Enter the country in various ways
- Can have very strong but also very weak networks to depend on
- Became irregular in various ways
- Can have much or no experience with Dutch asylum or alien policies
- Have different aspirations and behave differently while they are in the country
- Have different purposes
- Can be in a legal procedure or not in a legal procedure

Since irregular migrants are a very heterogeneous group, it is hard to generalize. Migrants who aspired to come and work for a short time probably have other demands and surviving strategies than migrants who fled their country and came to build a life in the Netherlands. Similarly migrants who are part of a structured migration system do not need any support from outside the system whereas irregular migrants who migrated in an atomistic migration system have no safety net to support and shelter them. Likewise irregular spouses of regular citizens have other chances on support than those who are single.

With the different categorizations in mind, it is possible and necessary to narrow the focus of current thesis. Per categorization it will shortly be discussed with whom this study is concerned and with whom it is not concerned. During current study it appeared that the people supported by NGOs were mainly people whose asylum claims have been rejected. Since they need the support of NGOS, they apparently lack a solid network – family or friends – which can help them out. Therefore, it is assumed that the people who receive support from NGOs mainly migrated in an atomistic migration system. The irregular migrants sheltered by NGOs come both from stable and unstable countries and are, in most cases, non European. Furthermore, since they claimed asylum, it can be assumed that they aspired to become legalized and that their formal purpose was to claim asylum. The people who are supported by NGOs can be both in a legal procedure and not in a legal procedure. Shortly put, current study thus focuses on irregular migrants whose asylum claims got rejected.

2.1.3 Practical living

A study of the more practical literature on irregular migrants shows that many themes related to irregular migrants have been studied in the recent years. Burgers and Engbersen (2003) set the tone

with their big project of the unknown city. This study touched upon themes as housing, criminality, education and labor. After this study, many smaller and more specific studies followed. The topics studied range as far as duty of care (see for example: Chauvin, Parizot, & Simonnot, 2009; van den Muijsenbergh & Schoevers, 2009; Wolswinkel, 2009) to criminality (Black, 2003; Boom, Snel, & Engbersen, 2008) and laws (Hermsen, 2007). Besides these more practical matters, other studies have focused on the more psychological part of irregular migrants. One can think for example of the already mentioned aspirations of migrants (van Meeteren, 2010).

Characteristic for most of these studies is that they are case-specific and on a national level. It can be concluded that the living conditions of irregular migrants in the Netherlands have been studied and charted to a significant level. One remarkable finding of the orientating literature study was the meager focus on NGOs which engage with irregular migrants. This lack will be elucidated later. The practical living situation of irregular migrants will first be shortly discussed.

Estimates

The most recent scientific estimate of the number of irregular migrants in the Netherlands is from the year 2011 about the year 2009 (van der Heijden, Cruijff, & van Gils, 2011). Their estimate should be handled with some caution. The researchers indicated themselves that it is very hard to estimate the total number of this invisible and diverse group and moreover, their method raised some questions. The researchers based their calculations on the number arrested and re-arrested irregular migrants. By combining the absolute number of arrested irregular migrants with the relative number of re-arrested migrants, they estimated the total number of irregular migrants. Limitations of their method are for example: irregular migrants stay a while in the prison, in this time they cannot be re-arrested. Moreover irregular migrants do not patiently wait to be re-arrested, after they are released they have to build their lives again, and their new life style may increase their probability of detection and re-arrest, or for that matter decrease this probability. Moreover this method does not take into account the irregular migrants who leave the country, nor the new ones who are added to the total number of irregular migrants by overstaying their visa term, being born, losing their asylum procedure or arriving from other countries. Another comment on this method is that it is likely to be flawed by discrimination of police statistics. The police catch irregular migrants after asking for their stay permits. Probably the police ask these papers more often from African man than white woman. Moreover the chances of being caught are higher for irregular migrants living in underprivileged parts of town than irregular migrants who live in a quiet neighborhood.

This far from perfect method leads to questionable figures. Based on 192 arrests in the city of Utrecht, the researchers conclude that the city of Utrecht harbors 12.600 irregular migrants. In contrast, the city of Amsterdam, in which 383 relevant arrests were made, only harbors 3500 irregular migrants. Although the number of arrests in Amsterdam is double, the number of irregular migrants is little more than a quarter of the total number of irregular migrants in Utrecht. This is all the more striking when compared with an earlier study of the same researchers (Leerkes, van San, Engbersen, Cruijff, & van der Heijden, 2004). In these estimations the city of Amsterdam harbors more irregular migrants than the city of Utrecht. This ratio is more in accordance with a recent publication of the ministry of public health, wellbeing and sports (*VWS-Verzekerdenmonitor 2012*, 2012). Based on medicines provided by pharmacists and paid by the health insurance fund, 45% percent of the total of irregular lives in Amsterdam whereas only 4% lives in Utrecht.

With these remarks in mind, and an absence of anything better, the results of the researchers will now be presented. The researchers estimated that the number of irregular migrants

in the Netherlands is 97.145. With a 95% confidence interval the researches indicate that the total population of irregular migrants in the year 2009 lied between 60.667 and 133.624. 90% of these irregular migrants are Non European and 10 percent are European. As compared to earlier estimates, the researches perceive a decrease of this number. This decrease is stronger for European than for Non Europeans. The group of irregular migrants exists for 66% out of males and 90% is younger than 40.

As described in the foregoing paragraph concerning the typology of irregular migrants, current thesis is limited to irregular migrants with an asylum history. Not all of the approximately 100.000 irregular migrants fit this description. Some of them lived under the radar and others applied other legal procedures to get a stay permit. The research of van der Heijden et al. (2011) estimated that 65% of the irregular migrants have an asylum history. Based on the other mentioned publication of the ministry of public health, wellbeing and sports this number may be somewhat lower (*VWS-Verzekerdenmonitor 2012*, 2012). Of all the irregular migrants for which the health insurance fund paid pharmacist who provided medicines, approximately 40% originated from countries from which people often request asylum. These may be countries which persecute people from certain races, religions or nationalities, countries in which people are treated inhumane, countries which do not protect their citizens, and countries which are deemed unsafe by the Dutch government (*Overzicht: verblijf met een asielvergunning* 2012). When taking the 65% and 40% into account, as well as the perceived uncertainty about the number of irregular migrants in the Netherlands, this number may lay around 50.000.

Kromhout, Wubs and Beenakker

To get some indication of the lives of irregular migrants some practical aspects of their situation will now be described. This description is mainly based on the extensive literature study of Kromhout et al. (2008). Their literature study discusses all relevant research of the foregoing years. The conclusions of the authors will shortly be described per theme.

Housing

Kromhout et al. (2008) notice that irregular migrants mostly live in neighborhoods which are seen as social-economic weak. These neighborhoods are often inhabited by a considerable number of legal migrants. Irregular migrants are not allowed to rent from housing associations. This is one of the results of a law called the linkage act. This linkage act excludes irregular migrants from a lot of rights on social benefits. Because irregular migrants are denied to rent from housing associations, they are reliant on subletting, private renting, friends or family and charities. A considerable group of irregular migrants live with friends or family. Irregular migrants who have work, often arrange housing by subletting or private renting. The scientists moreover found that the landlords who rent to irregular migrants are often legal migrants from the same country. Moreover they found that housing in the private sector is often marked by bad living conditions.

Labor

As a result of the linkage act, irregular migrants are excluded from work. They are not allowed to have a social security number. This is a problem since employers are forced to ask for this number as well as a working permit when employing people. Still, Kromhout et al. (2008) conclude that a considerable number of irregular migrants do work in the private sphere. Unfortunately, the authors do not give a percentage of the whole. Irregular migrants mostly do unskilled labor and are often

employed in sectors like catering, construction, agriculture, horticulture, retail, and the staffing industry. Employers employ irregular migrants because they indicate that it is hard to get motivated personnel for those kinds of jobs or to reduce costs. According to the three scientists, real exploitations of irregular migrants happens on a very small scale but irregular migrants often face underpaying and lack of a contract.

Healthcare
In comparison to labor and housing, irregular migrants are not excluded from healthcare. Migrants are allowed to visit the general practitioner and the hospital. When the irregular migrant is not able to pay, the hospital can receive money for the treatment of the migrant from a fund. Despite these arrangements, irregular migrants as well as caregivers are reluctant in asking and giving help. According to the studies which Kromhout et al. (2008) discussed, this is often due to ignorance of the possibilities. Moreover, irregular migrants are sometimes scared to be discovered and caregivers fear heaps of paperwork. The authors noted a difference in willingness between the caregivers. As a result, irregular migrants are not spread evenly over the caregivers and some caregivers are more burdened than others. Another result of the ignorance and fear is that the problems with which irregular migrants come to the general practice are in general of a more serious character than the problems of native Dutchman.

Education and youth care
The children of irregular migrants have, by law, a right on education and youth care. Like in the healthcare situation, the state pays school costs. However, the state does not pay extra costs – materials, school trips – related to school going. Kromhout et al. (2008) found that, as compared to native Dutch children, the children of irregular migrants often skip school. The high truancy is often due to psychosocial problems and the high frequency of moving which coexists with the uncertainty of being irregular.

Criminality
As regards to criminality, Kromhout et al. (2008) conclude that irregular migrants are mostly suspected of illegal residence and, to a lesser extent, infringements. The criminal activity of irregular migrants is hence confined (van der Leun, 2003). However the authors notice a growth. The offenses by irregular migrants know various causes. The authors distinguish: residence criminality, this kind of criminality contains illegal residence and identity fraud; existence criminality, which exists of theft and drug dealing; addiction criminality; import criminality which is committed by immigrants who were already involved in criminal activities in their country of origin. Furthermore, the authors conclude that living in a neighborhood with relatively much irregular migrants is not related to feelings of insecurity amongst its residents.

In terms of health and education the situation in the Netherlands seems better than in other countries, in terms of labor and housing it seems worse which is also noted by (van der Leun, 2003). This is where the need for NGOs arises; the next paragraph will discuss this concept.

2.2 Concept 2: Non Governmental Organizations
In this paragraph the concept of Non Governmental Organizations (NGOs) will be discussed. First the literature concerning NGOs supporting irregular migrants will be discussed shortly. Then the topology

of NGOs will be described. This paragraph closes with a description of the Dutch NGOs who support irregular migrants in the Netherlands.

2.2.1 Literature

NGOs supporting irregular migrants are, as compared to irregular migrants, relatively understudied. The studies that exist focus on a small part of all the NGOs. Oldenburg (2011) for example focused on the own social networks of irregular migrants. Visser (2006) focused on the role of churches and various other authors focused on doctors and healthcare organizations (Chauvin et al., 2009; van den Muijsenbergh & Schoevers, 2009; Wolswinkel, 2009). Another kind of organizations which have been studied are the more clandestine organizations like human traffickers (Aronowitz, 2001; Heckmann, 2004; Salt & Stein, 1997; Scheepmaker & Ter Veer, 2007). Interestingly, all these studies focus on only one type of organization. In doing so, the broader picture is presumably missed. Moreover, when these studies focus on organizations they often do so only secondary to irregular migrants. Thus, although some research is done on NGOs concerned with irregular migrants, a systematic and in-depth study does not yet exist.

2.2.2 Typology

However, before further focusing on NGOs in the Netherlands, it is useful to define NGOs in general. This is important because the name is negative, it only states what it is not. Vakil (1997), after discussing a broad range of different definitions suggested by earlier authors, defines NGOs as:

''self governing, private, not for profit organizations that are geared to improving the quality of life of a disadvantaged group'' (Vakil, 1997, p. 2060).

Inverting this definition, NGOs exist because the public government and mainstream profit organizations drop stitches in taking care of marginalized groups. Although this definition succeeds in capturing the definition of NGOs it by no means implies that NGOs are a homogeneous group. Instead there is an almost infinite variety of NGOs. This variety induced a lot of different ways to classify NGOs. NGOs thus have been classified on the basis of their;

- scale of operation, varying from local to international (Bratton, 1989; Brown, 1991);

- economic sector in which they are active (Salamon & Anheier, 1992);

- client group (Korten, 1987);

- orientation on types of activities (Elliott, 1987; Uphoff, Cohen, & Goldsmith, 1979);

- ways of funding (Fowler, 1985);

- upward or downward accountability (Fowler, 1985);

- closeness of relationship with government (Clark, 1995);

Vakil (1997) successfully endeavored to take the best parts of each classification and combine them into one framework. Her framework is based on organizational attributes. Instead of strict organizational types in which NGOs can be placed, it exists of different descriptors by which NGOs can be characterized. Based on a combination of characteristics, NGOs can then be categorized. The descriptors are subdivided into two categories. The first category exists of essential descriptors and

serves to make a broad theoretical and empirical distinction between NGOs. The second category exists of contingent descriptors and serves to further classify the established classes of NGOs. These contingent descriptors are not applicable to all types of NGOs and are dependent on the perspective which is used.

Vakil (1997) indicates two descriptors as essential. The first descriptor is 'orientation'. She defines the following six kinds of orientations: welfare (fulfilling of basic need), development (improvement of capacity of target group), advocacy (influencing policy making), education (informing the public), networking (information and assisting other NGOs) and research. This six fold distinction does not mean that NGOs can only have one orientation; many NGOs do have more than one orientation. The second essential descriptor is level of operation. Vakil (1997) distinguishes the following four levels of operation: local/community based, national, regional, international. The contingent descriptors Vakil (1997) discerns are: sectoral focus and other evaluative factors. These other evaluative factors range from accountability, participation to gender equality.

Current study makes use of Vakil's proposed framework for two reasons. Firstly, the essential descriptors of the framework give a structure which enables to connect and compare the research with already existing literature on NGOs. Secondly, the contingent descriptors leave space to modify and adjust the framework to the specific goals of this study.

Besides the essential descriptors this study will thus make use of one contingent descriptor, namely: the closeness of relation to the state as noticed by Clark (1995). The factor ranges from dependency on and collaboration with the state to total independence of the state. It is expected that the closer an NGO is connected to the state, the more the NGO shares the states' vision on irregular migrants. One way to measure this closeness is by financial autonomy.

2.2.3 NGOs in the Netherlands including short history

Before giving an overview of NGOs who support irregular migrants in the Netherlands the history of these NGOs will shortly be discussed. The first NGOs came into being in the late eighties in reaction to what they saw as a hardening of the asylum policy. This hardening of the asylum policy refers to the regulation of sheltering asylum seekers of 1987. Whereas asylum seekers previously received social welfare, they were now put in shelter centres and received a small subsistence allowance (Jager, 2010). This regulation can be considered as the start of central shelter of asylum seekers as it functions today (COA History, 2012). At the same time procedures where shortened and people were obliged to await the outcome of their appeal outside the Netherlands.

The NGOs who stood up for irregular migrants were rooted in various walks of life. One can think of the ASKV (www.askv.nl) which was rooted in the squatting movement, INLIA (www.inlia.nl) and Pauluskerk (www.pauluskerkrotterdam.nl) who were rooted in churches and Missionaircentre Heerlen which was rooted in a catholic religious movement.

Throughout the years the number of NGOs supporting irregular migrants gradually grew. According to the interviewed expert of Foundation LOS, the number of NGOs who sheltered irregular migrants was about 30 organizations in 2000. Then, from 2000 to 2006, this number sharply increased to a hundred organizations (Stichting LOS, 2006). This is seen as the result of the linking act, the alien act two thousand and two measures which excluded Dublin claimants and people with a renewed asylum request from shelter by the government (Pluymen, 2008). In effect, many people were put on the streets. From this moment municipalities got involved. Mostly via the INLIA model which means that the municipality finances local foundations which shelter irregular migrants (Inlia gemeentelijke opvang, 2012).

After 2007 the number of supporting NGOs began to decline again. This decline can be explained by two important decisions which were made in that year. The first was the general pardon of 2007 which resulted in a stay permit for more than 28.000 irregular migrants (Wijkhuis, Galloway, Kromhout, van der Wellle, & Smit, 2011). The urgent need to which the NGOs had responded, at least temporarily, decreased. Moreover, in the year 2007 the municipalities signed an agreement with the minister which stated that municipalities were not allowed to shelter irregular migrants (Deetman & Albayrak, 2007).

Currently the number of supporting NGOs known to foundation LOS, which is pretty complete, is fifty-five of which only a little less than 40 are actively sheltering people. Table 2 shows the 55 NGOs per province in the Netherlands which are primarily concerned with welfare and lists their shelter capacity. Figure 3 visualizes the locations on a map; the numbers in the table correspond with the numbers on the map.

Table 2: Dutch supporting organizations

	City	Name	Beds
1	Emmen	Stichting Hulp Uitgeprocedeerde Vluchtelingen	6
2	Emmen	Stichting Op 't Stee	15
3	Dokkum	Stichting Noodopvang Dongeradeel	-
4	drachten	Interkerkelijke werkgroep AZC Drachten	-
5	Arnhem	Noodopvang Arnhem	20
6	Arnhem	Vluchtelingen platform Arnhem	5
7	Didam	Stichting Toekomst voor vluchtelingen in Nood	?
8	Nijmegen	Geef Asielzoekers Toevlucht	25
9	Nijmegen	Project Noodopvang Nijmegen (onderdeel Vluchtelingenwerk)	10
10	Wageningen	Vluchtelingen onder Dak	-
11	Wageningen	Vluchtelingenorganisatie Mai Mi Bath	-
12	Wijchen	Interkerkelijk platform Kerk en Vluchteling Wijchen e.o,	-
13	Groningen	Internationaal Netwerk van Lokale Initiatieven tbv Asielzoekers	10
14	Groningen	Werkgroep vluchtelingen vrij	-
15	Haelen	Werkgroep vluchtelingen van de basisgroep jonge kerk	-
16	Heerlen	Stichting Vlot	7
17	Roermond	Stichting Noodhulp vluchtelingen	-
18	Sittard	Stichting Noodopvang Dakloze vreemdelingen Sittard-Geleen-Born	-
19	Venlo	Stichting Noodopvang Asielzoekers Venlo	3
20	Breda	Steunpunt Ongedocumenteerden Breda en Omstreken	-
21	Breda	Vluchtbed	-
22	Eindhoven	Vluchtelingen in de Knel	50
23	Helmond	Vluchteling als Naaste	20
24	Tilburg	Vluchtelingen ondersteuning Tilburg	15
25	Alkmaar	Alkmaars Steunpunt Vluchtelingen	-
26	Amsterdam	Amsterdams Solidariteits Comité Vluchtelingen	35
27	Amsterdam	Harriet Tubmanhuis	18
28	Amsterdam	Jaenette Noel-Huis	12
29	Amsterdam	Steungroep vrouwen zonder verblijfsvergunning	-
30	Amsterdam	Werkgroep Opvang Uitgeprocedeerden	200
31	Haarlem	Stem in de stad, afdeling asielzoekers	5
32	Huizen	Stichting Kerk en Vluchtelingen	5

33	Zaandam	Stichting Noodopvang Asielzoeker Zaanstreek	4
34	Almelo	De Wonne Almelo	3
35	Enschede	Bondgenootschap vluchtelingen Raad van Kerken	-
36	Enschede	Platform Vluchtelingen en Asielzoekers	30
37	Hertme	Noodopvang Dakloze Asielzoekers	20
38	Zwolle	Dakloze Asielzoekers tijdelijke opvang	20
39	Amersfoort	Stichting Noodfonds Vluchtelingen	-
40	Utrecht	STIL (Stichting lauw-recht)	-
41	Utrecht	Fanga Musow	5
42	Utrecht	Huize Agnes	8
43	Utrecht	Stichting Dienstverlening aan Buitenlanders	-
44	Utrecht	Stichting Noodopvang Dakloze vreemdelingen Utrecht	110
45	Den Haag	De Halte	16
46	Den Haag	Haags Noodfonds Vluchtelingen	100
47	Den Haag	Participating Refugees in Multicultural Europe	-
48	Leiden	Fabel van de Illegaal	-
49	Leiden	Noodopvang Leidschendam-Voorburg	5
50	Leiden	Stichting Uitgeprocedeerde Vluchtelingen en andere vreemdelingen	30
51	Papendrecht	Stichting Noodopvang Papendrecht	10
52	Rotterdam	Rotterdams Ongedocumenteerde Steunpunt	13
53	Rotterdam	Pauluskerk/Omzo	60
54	Vlaardingen	Stichting Uitgeprocedeerde Asielzoekers Schiedam	-
55	Vlaardingen	Stichting Uitvlucht	10

Figure 3: Map of governmental asylum centers and NGOs supporting irregular migrants in the Netherlands
Source for map with COA locations: http://www.coa.nl/nl/opvanglocaties

When considering the described means of distinction by Vakil (1997), the foregoing NGOs have a welfare orientation and are active on a local level. These NGOs are concerned with emergency fostering and mainly shelter irregular migrants from the region in which the shelter is based. Moreover, they mainly shelter irregular migrants whose asylums claims have been rejected. However, there are also other NGOs, these NGOs have orientations like development, networking and advocacy or operate on higher levels. Amongst NGOs who orientate towards development, which is understood as improving the capacity of the group, the following NGOs can be named.

Fairwork (www.fairwork.nu) which seeks to enable irregular migrant workers, UAF (www.uaf.nl) which helps students getting money to study and the Dutch Migration Institute (www.nmigratie.nl) which informs irregular migrants about their possibility to re-migrate and ASKV (www.askv.nl) which lobbies for specific groups of irregular migrants.

Amongst NGOs who have networking as their prime orientation, Foundation LOS (www.stichtinglos.nl) can be counted as the biggest. Other NGOs seek to network inside their sector. One can think of the medical sector in which Pharos (www.pharos.nl) and Lampion (www.lampion.info) are active. Or one can think of foundation Gave (www.gave.nl) which seeks to get churches involved. These networking organizations are also inclined to other orientations. For example, Foundation LOS and Pharos are involved with research. Foundations Lampion en Gave are informing the Dutch public by workshops and information talks which is covered under development education.

Amongst the advocacy NGOs may be counted 'de fabel van de illegaal' (www.defabel.home.xs4all.nl), No Border Network the Netherlands (www.no-border.nl) and United Against Racism (www.unitedagainstracism.org). Amongst other things these NGOs raise attention by protesting and campaigning.

The NGOs that have been discussed so far are operating on a local and national level and are primarily focusing on irregular migrants. Besides these NGOS, two more categories exist. These are NGOs who only partly focus on irregular migrants and NGOs who operate on an international level. NGOs that partly focus on irregular migrants are for example Work with Refugees (www.vluchtelingenwerk.nl) the Federation of Dutch Labor Unions (www.fnv.nl), Refugee Organizations Netherlands (www.vluchtelingenorganisaties.nl) and the Protestant Church of the Netherlands (www.pkn.nl).

There are also NGO who operate on an international level. Amongst these NGOs are: Defense for Children International (www.defenceforchildren.nl), Doctors without Borders (www.msf.org), Doctors of the World (www.doctorsoftheworld.org), Amnesty International (www.amnesty.org) and International Organization for Migration (www.iom.com). Besides focusing on the rights of irregular migrants these organizations focus on a lot of other issues. In the Netherlands these organizations are oriented on advocacy (policy influencing), research and development education (informing the public).

For completeness sake, it needs to be noted that irregular migrants are often supported by clandestine organizations and trafficking organizations. However, since these organizations are obscure and information about these organizations is hard to obtain, they are left out of the picture.

Based on this anthology of NGOs concerned with irregular migrants, it can be concluded that NGOs concerned with emergency fostering are the biggest group. This group is interesting because they operate on a local level and have an orientation on welfare. This implies direct action which will prove to be a useful factor for current study.

2.3 Axes of irregularity

The question: 'what influences the chances of irregular migrants on receiving shelter from NGOs in the Netherlands?' can be translated to the question: 'who deserves what?'. As briefly mentioned in the first chapter, the hypothesis is formulated that the support for irregular migrants has two bases. The first basis is juridical and seemingly objective. As shown during the discussion of the concept of irregular migrants in 2.1, a big body of laws defines who is in and deserves help and who is out and does not deserve help. Although these laws may explain a big part of the situation in which irregular

migrants find themselves, it does not explain all. Apparently there are other forces which influence who deserves and gets help. One of these forces is the group of NGOs described in 2.2. As described earlier, NGOs are limited in their financial recourses and cannot help all irregular migrants. Therefore they have to distinguish between irregular migrants which they will shelter and which they will not shelter. Since NGOs are nongovernmental, they are freer than the government and to a lesser extend bound by laws. The second basis is therefore more subjective and judges people more on their personal characteristics. NGOs say more or less, you have my sympathy so you deserve help and you do not have my sympathy so you do not deserve help.

It thus seems as if the chances of irregular migrants on support can be assessed by two axes, one more objective and juridical axis and one more subjective and personal axis. As will be argued later, these axes should be understood as continuums. The axis do not exist of clear demarcations or plain categories, instead the continuums form a blurred conversion from one end to the other. These continuums are the continuum of illegality (axis 1) and the continuum of deservingness (axis 2).

It will be argued that the position of an irregular migrant on these two continuums influences to a great extent his chances on support. In order to understand the workings and combinations of these continuums they are combined in axes of irregularity. The coherence of the axes is visualized in Figure 4. The continuum of illegality is the horizontal axis and the continuum of deservingness is the vertical axis.

AXES OF IRREGULARITY

Continuum of deservingness↑↓	**Fully deserving**
Continuum of illegality ← →	
P1	
Fully illegal	**Fully legal**
P2	**Fully undeserving**
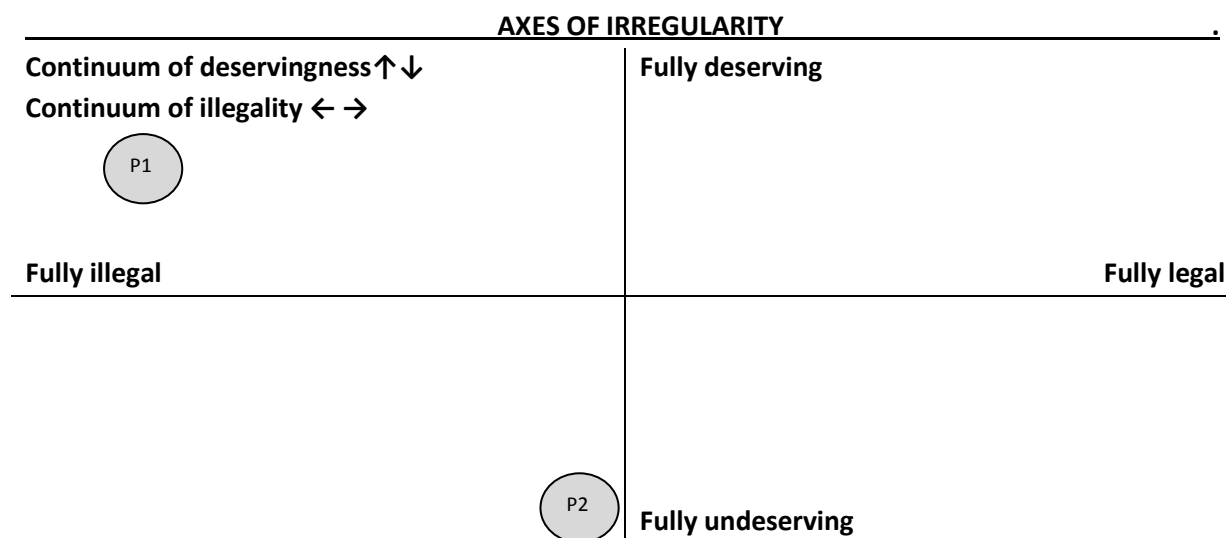
Figure 4: Axes of irregularity

By the help of these axes, the different situations and chances of irregular migrants can be interpreted and compared. An irregular migrant who can be positioned in the upper left corner (P1), has for example no right to receive shelter by law but can still receive shelter because he is seen as deserving by somebody who can offer help. Likewise an irregular migrant who can be placed down in the middle (P2) has some rights by degree because he is in a procedure, but is not helped because he is seen as undeserving. This example is of course a bit simplistic and does not take into account the specific characteristics of the continuum nor the broader context. In order to clarify and specify, both continuums will be discussed. First the continuum of illegality in 2.4 is described and secondly the continuum of deservingness in 2.5. After the continuums of the axes of irregularity have been described, paragraph 2.6 elucidates on the context in which this axes can be place by using the field theory of Bourdieu (1994). The different parts are then combined in paragraph 2.7.

2.4 Continuum of illegality

Current paragraph focuses horizontal axis of the axes of irregularity, see Figure 5. Before focusing on the juridical positions in between the ends of the spectrum, it is useful to describe the polarized ends. What is the reason of existence for a continuum of illegality? How is it possible that governments deem fellow human beings as illegal at all? To describe the ends, I will use three writers who have thought about legality and illegality. These authors are Hannah Arendt, Giorgio Agamben and Zygmunt Bauman.

The mentioned authors focused on the people who can be placed on the illegalized end of the continuum of illegality. They describe how the marginalized became victims of structures and processes way bigger than themselves. The writers do not stop there; once people are pushed to one edge of the continuum, their existence poses all kinds of questions to the other side of the continuum. In describing the one side, the other side is also described. The existence of marginalized people questions the viability of nation-state, human rights, and modernity.

This paragraph is divided into four parts. The first part introduces each author's description of the marginalized people and makes the connection with irregular migrants. The second part discusses explanations the authors give for why people become marginalized. The third part discusses the implications of this situation. The fourth and last part discusses the position that irregular migrants in the Netherlands take on this continuum of illegality on the basis of Dutch and European laws.

AXES OF IRREGULARITY .

Continuum of Deservingness↑↓	**Fully deserving**
Continuum of illegality ← →	
Fully illegal	**Fully legal**
	Fully undeserving
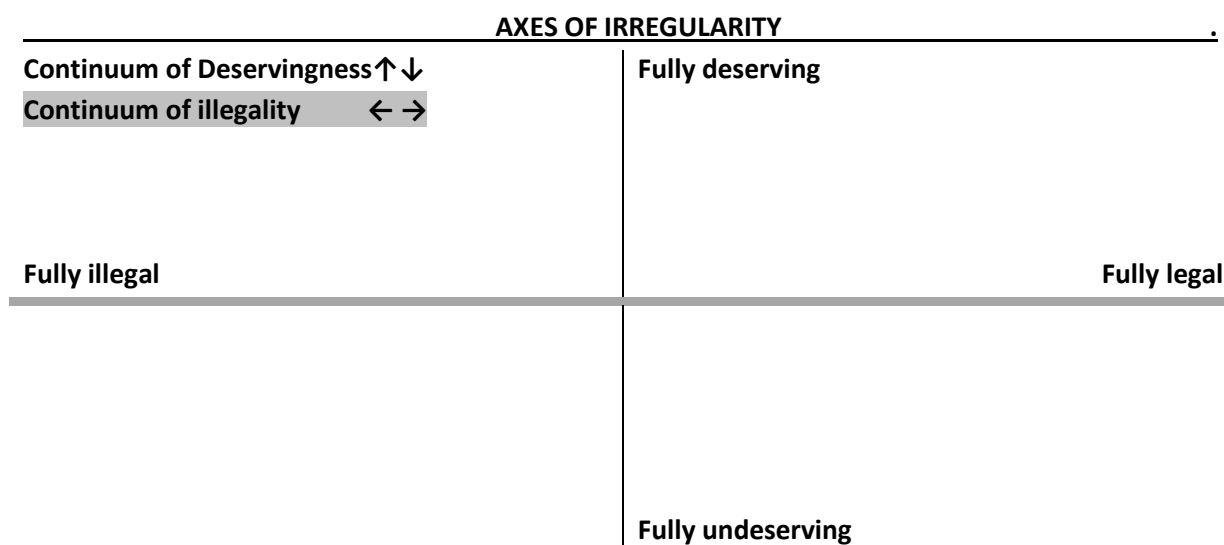
Figure 5: Continuum of illegality

2.4.1 Characteristics of human beings on the illegal side of the spectrum

Hannah Arendt was a political theorist who lived in ''*the century of Rubbish*'' (Arendt, 1966, p. 1). During her lifetime she saw two world wars, many local wars and various revolutions. Originating from a Jewish family, these events had direct impact on her life. She was imprisoned, had to flee regularly to different countries and became stateless.

The essential characteristic of Arendt's stateless person is that stateless people have no right on rights. They have no government which represents or protects them. In effect, everything which the stateless do is a transgressing of the law. Their very existence is reason for imprisonment. Because the stateless person is outlawed he becomes dependent on the benevolence of law

executives, ''on the mercy of the police'' (Arendt, 1966, p. 283). To illustrate the position of the stateless persons, Arendt likens their situation with people living under domination of a totalitarian system. Likewise, they are non-existent for the law. In everything they do they are conscious of the risk of getting caught, facing arbitrary police and being deported.

Moreover, stateless persons have no freedom to be someone who matters; their opinions are made irrelevant because they are not allowed to belong to the community. This can be illustrated by comparing the stateless with the prisoner. The prisoner, despite losing his freedom to move, still has rights to be treated humanely, to be fed and to be listened to. The stateless, although he has freedom to move, must on the contrary depend on charity for everything else. In other words, the prisoner still belongs to the community whereas the stateless person does not belong. The stateless would theoretically be better off if he committed a crime and was treated as a criminal.

Arendt concludes that the stateless have lost "the essential characteristics of human life''(Arendt, 1966, p. 177). Their agency is taken, *''had they been persecuted for anything they did or said, this would at least have acknowledged the fundamental capacities of action and speech''* (Krause, 2008, p. 335).

The next author, Giorgio Agamben, describes the marginalized of our society in a similar matter to Arendt, but gives a more juridical twist to it. Agamben (1998) describes them as Homo Sacer, the sacred man. Homo Sacer originates from Roman law. Homo Sacer was a man 'who may be killed and yet not sacrificed' (Agamben, 1998, p. 83). To be sacred here means not to be holy but to be set apart. That is the core of the Homo Sacer, a man set apart from the law. He is an outlaw, the law is not valid for him, he has no civil rights and is not protected by the law. Any person who kills this man will not be accused of murder. Although it appears that the Homo Sacer is fully outside law, this is not totally true. Agamben (1998) describes how this person is included in the law and is essential for civil society, exactly by the fact that he is excluded.

The third author, Zygmunt Bauman, also focuses on the marginalized of our society. He describes them as the waste, the excess, as redundant (Bauman, 2004). In our individualistic society, which Bauman (2004) describes as liquid, people become like fashion trends which succeed each other faster and faster. According to Bauman (2004) this leads to a culture of waste. The new product of today is the waste of tomorrow and this is equally true for humans. People who are 'in' today, increasingly face the risk of becoming 'out' tomorrow. And once people are out it becomes, according to Bauman, ever harder to return. Since we all face this risk we have to live for today, our goals and our happiness become short term. Everything has to be flexible, commitment is outdated and we try to keep all our options open. It has to go well now and as long as you are in, you should profit. By avoiding the risk of becoming waste ourselves, we only strengthen the culture of waste. This results in heaps of waste, products as well as people. Society deals with this wasted people by shoving them out of sight. They are put on waste heaps in detention and asylum shelters.

Irregular migrants as Stateless persons, Homo Sacri and Redundant people.
The three writers all focus on the marginalized people of society. Irregular migrants fit to a great extent in these descriptions. Whereas Bauman (2004) uses them explicitly as an example of wasted lives, the other two authors do not. To understand why irregular migrants still fit in the category of stateless persons and Homo Sacri, some further clarification is necessary.

Arendt (1943) argues that even though not all refugees are literally stateless, they still can be seen as stateless for practical purposes. Even so, Agamben (1993) does not hesitate to apply Arendt's notion of statelessness to refugees, he states: *'' the refugee is perhaps the only thinkable figure for the people of our time and the only category in which one may see today"* (Agamben, 1993, p. 90)*.* He moreover states: *''These non-citizens often have nationalities, but inasmuch as they prefer not to benefit from their own states' protection, they find themselves, as refugees, in a condition of de facto statelessness''* (Agamben, 1993, p. 94). Much in the same way one can remark that not all irregular migrants are refugees, still Krause (2008) applies Arendt's notion of statelessness explicitly to undocumented migrants. She states: *"undocumented migrants – subject to deportation – are rightless to the extent that they want to, or feel the need to, stay on the territory''* (Krause, 2008, p. 333).

In a similar way irregular migrants can be understood as Homo Sacri. Agamben states that *'today there is no longer one clear figure of the sacred man'* (Agamben, 1993, p. 115). As a result, we all potentially risk becoming a Homo Sacer. Although this sword of Damocles is theoretically true, it hangs pretty solidly above the average Dutch citizen abiding under the law. However, amongst us live the irregular migrants. They are not allowed to participate in our system, they are not allowed to work (Toelating tot de Nederlandse arbeidsmarkt, n.d.). They are not allowed to live in the Netherlands, the Dutch government endeavors to expel them from Dutch soil (Terugkeer illegale vreemdelingen en uitgeprocedeerde asielzoekers, n.d.) and they are detained for long periods. Moreover, they cannot benefit from our civil rights. Irregular migrants can hence be seen as the Homo Sacri of our days.

As described, irregular migrants can be likened to the stateless persons, Homo Sacri and redundant people. Their juridical situation is precarious and they have few rights. On first sight they can thus be placed on the illegal side of the continuum of illegality. However, it should be noticed that irregular migrants still have some official rights on healthcare and in some cases education. As a result, they cannot be placed on the farthest end of the continuum.

Based on the three authors, people on far end of the continuum of illegality can be described as: lawless people who lost some of the essential characteristics of human life (Arendt, 1966), unprotected outlaws who do not have rights (Agamben, 1998) and as useless, redundant people (Bauman, 2004). Reversing this description, people on the opposite side of the continuum can be described lawful, valuable, worthy human beings who have rights on the basis of their citizenship. The two sides become clearer when focusing on the explanations the authors give for the existence of people on the illegal end of the continuum.

2.4.2 Explanations for deeming human beings illegal
The three authors were not content with merely describing the situation. They endeavored to study the underlying mechanics which caused a continuum in the first place. They came up with several explanations.

Explanations of Arendt
Arendt (1966) seeks to explain the existence of illegality by the human tendency to control. Humanity believes it can, and should, control everything. In effect, humanity becomes separated from history and nature. Everything around us is made by ourselves. The highly developed civilization has become afraid of everything they have ''not produced, everything that is merely and mysteriously given him''(Arendt, 1966, p. 301).

To illustrate this, Arendt opposes the private and the public sphere (Arendt, 1998). In the private sphere humans can love an individual without any rights for being a human and being unique. However in the public sphere this uniqueness is feared because we need order and equality for control. Public law is based on equalization. The public sphere is as consistently based on the law of equality as the private sphere is based on the law of universal difference. In effect we exclude those who do not belong.

Explanations of Agamben

Agamben (1998) draws on Arendt's explanation and develops it more explicitly. He seeks an explanation in the pursuit of sovereignty by nation-states and the rise of biopolitics. Both concepts will be explained.

To explain sovereignty, Agamben (1998) uses the notion of exception. Because: *''the exception explains the general and itself'' (in Agamben, 1998, p. 16; Kierkegaard in Schmitt & Schwab, 1985)*. In situations of exception, the limits of the law system become exposed, moreover, it makes visible what does not fit in the law system. Thus if one wants to study the general, he has to focus on the exception. This exception is at the core of being sovereign. To be sovereign means to have power over, and to simultaneously be outside and inside, the law. Someone who is sovereign has the power to change the law, and by changing the law he is able to put himself outside the law. He does not need law to create law. We live in a time where nation-states have the monopoly on sovereignty. Nation-states have the authority to determine the law on their stretch of land. In effect, everything that threats the sovereignty of the nation-state, or deviates from the 'norm', can be banned. In this way the sovereign can keep his authority. The sovereign nation-state has the power to order its system and decide who is under the law and who is not. In other words: who is a citizen and who is a Homo Sacer.

The other concept which Agamben (1998) uses is Michel Foucault's notion of biopolitics. Biopolitics can be seen as the bestialization of human life. Through sophisticated political techniques, individuals are managed by the ones with power. Like animals people are increasingly ordered, selected and controlled. Biopolitics signify, according to Agamben (1998) a change in the politics of our century.

In the past, the purpose of politics was to shape the good life of people in a communal way, to ensure the wellbeing of all. By focusing on the communal good life, the life of the individual was secured. To illustrate this kind of life, Agamben (1998) uses a Greek word for life known as 'Bios'. This Greek word is used to describe life in group or community. It signifies a qualitative good life. 'Bios' is, in a way, opposed to another Greek word for life known as 'Zoè'. 'Zoè' is used to describe bare life. It can be used for humans and animals alike. At their core they both possess bare life, life which makes them breathe. 'Zoè' life stands for basic animal life, for nature, whereas 'Bios' stands for elevated life, for sophisticated developed rational life which reflects itself in practicing politics and developing culture.

Nowadays, politics, according to Agamben (1998), primarily focus on life in pure naked form. Politics have shifted from a focus on 'Bios', the wellbeing of the whole community, to a focus on 'Zoè', bare individual life. The result of this shift is that politics bother themselves with the question if the life of certain individuals is desirable. This becomes visible in debates about euthanasia and abortion, but also in debates about irregular migrants.

Explanations of Bauman

The third author, Bauman, follows Arendt and Agamben in explaining redundant people but also adds another explanation. Bauman (2004) describes two reasons why people are made redundant.

The first reason why people become redundant is by social order building. Bauman (2004), like Arendt (1966), signifies our modernity as an urge to control everything. We believe that if we fail to control our society, everything will turn into chaos, an all consuming deluge. We are thus entangled in an addictive, compulsive, eternal designing process. Bauman notes the paradox, which lies at the basis of this way of thinking. He states that chaos needs order to exist because order defines what chaos is. By creating order, people make chaos. This is similar to how lawlessness can only exist in a situation where there is a law. Drawing on Agamben (1998), Bauman describes how designing an ideal community leads to defining who is in and who is out.

Bauman (2004) also shows how design and waste are inherently connected. As an illustration he uses Michelangelo. According to legend, somebody asked him how he made his beautiful shaped sculptures. He answered by saying: 'simply by cutting of all superfluous bits of a piece of marble' (Michelangelo in Bauman, 2004, p. 21). To design means to make waste. Moreover, the design is only finished when the waste is done away with.

Bauman (2004) then shows the perpetual paradox of this process: our society is designed to do away with the bad, to do away with waste by making something good, something beautiful. However, by designing something good we create the exact waste which at the start we tried to do away. Bauman states that we do not want to know this and put the waste away on rubbish heaps. In designing our society, our human togetherness, we create human waste, which we do away with in asylums and detention centers.

The second reason Bauman (2004) gives is the liquid modernity. This liquid society can by signified by two intertwined processes of the latter half of the 20th century, namely: globalization and always striving for economic process. Both will be described, beginning with the economic process. In the past, jobless people were seen as still belonging to the society of producers. They were unwell, unhealthy, unemployed. Although those are negative words, the attachment to 'well', 'healthy' and 'employed' is still present. Those words suggest a temporary state and signify the destination of the people to whom they apply. They are the reserve army of the economy, they are still needed and should thus be cherished.

Today we live in a society of consumers. If you are out, for whatever reason, you are out. You are not needed anymore. You are a flawed customer; you belong to the surplus population. You belong to the unintended, unplanned collateral damage of economic progress. Moreover you are seen as a burden to society. Society talks about you in economic terms, how costly it is to take care of you.

To illustrate and explain this shift, Bauman (2004) likens it to an economic shift from farming to mining. Farming is a process always going on; crops are harvested from the field but next year new crops rise; animals are killed but their young still grow up providing next year's food. It is a circle of life and death which always results into new life, rebirth. Mining is the exact opposite. People dig a hole in the ground and take everything which is there. Afterwards the mine is empty, exploited, a gaping dead hole. There is no rebirth, only death. Our modernity has changed from a farming society to a mining society. Once people are out there is no rebirth possible, they are seen as completely useless.

The devastating results of this shift are worsened by the second process, which is the globalization of modernity. In the past, overpopulation was seen as an oxymoron, it simply did not

exist, there was room everywhere. In the past local waste was therefore disposed globally, local problems were solved globally. Criminals and people who caused problems from developed, modernized, countries were banned to undeveloped countries. When the market in a country was saturated a new market in another country was opened to sell the surplus production.

Currently, the world is seen as overpopulated or, with dramatic growth figures of world population in mind, as becoming so. The growth is mainly in the least dense, often less developed areas like Africa. The developed countries fear this trend and fear migrants from those areas. They wonder how the world can ever sustain so many people. Moreover, they fear migrants from these regions as parasites who want to benefit from their system. Strictly speaking, they do not necessarily fear overpopulation but they fear the situation in which there are too many of 'them'.

Bauman (2004) reverses this way of thinking. Quoting Ehrlich (1991) he states: *''there are too many rich people''* (Bauman, 2004, p. 44). We, with our excessive living standards, are the parasites. We, taking the best from everywhere and imposing our surpluses everywhere, are the true scroungers and spongers of the planet. This of course is a hard message which we do not want to hear and push away. Instead we choose to believe the opposite and still blame 'them'.

According to Bauman (2004), the world of today is seen as full. Modernization, and the luxurious way of living that comes with it, has spread to the furthest corner of the world. It has become virtually impossible to declare certain lands as void of people. Moreover, since the capitalistic financial system has become dominant in almost every country, each country seeks to sell it surpluses to other countries. It has become very difficult to drop excesses somewhere else because there is excess everywhere. Whereas in the past local problems were solved globally, we now have to deal with global problems. Bauman describes how we now try to solve those global problems locally. People are increasingly footloose, migrating to better places. According to Bauman this global symptom is solved locally by the restriction of migration and sending of migrants back to their country of origin.

As described, the three authors give various explanations for the existence of marginalized people, among whom irregular migrants can be counted. Arendt (1966) points to the need of equality in order to control. This urge to control, results in fearing and rejecting the people who deviate from the norm. Agamben (1998) points to the sovereignty of the nation-state and rise of biopolitics. Both aspects lead to questioning the desirableness of individuals. Defining who belongs, who has rights, inherently results in defining who has no rights. Bauman (2004), drawing on foregoing authors, also sees the designing of social life as creating human waste. Moreover, he sees an explanation in the liquid modernity which exists of economic progress and globalization.

Based on these explanations it can be concluded that the lawful side of the continuum is tied to the illegal side of the continuum. Even more bluntly: we can conclude that the lawful side of the continuum in order to maintain itself, produces and needs the illegal side of the continuum. This observation leads to questions about the validity of the legal side of the continuum. The next paragraph focuses on this and other implications of the described developments.

2.4.3 Implications of deeming human beings illegal

So far, the focus of the thinkers has mainly been on the marginal part of society, on the people without rights, on the illegal end of the continuum. In focusing on the implications, the other end also gets attention. Arendt (1966), Agamben (1998) and Bauman (2004) all describe what kind of

questions the mere existence of people on the illegal side of the continuum poses to people on the legal side of the continuum.

Implications as seen by Arendt

Arendt (1966) mainly focuses on the implications for the nation-state and for human rights. The first concept which a stateless person challenges is the nation-state. Or more specific, the stateless challenge the very condition for the rise of a nation-state [namely] *''homogeneity of population and rootedness in the soil''* (Arendt, 1966, p. 270). Arendt describes how various shifts have taken place in the nation-state. Those shifts can for a large part be explained by the increasing number of stateless people. This increasing number, which Arendt calls the newest mass phenomenon, is the result of wars and totalitarian regimes. One such remarkable shift is that national interest became more important than the law. Nation-states became more and more self determinant, not what is good for the people is important but what is good for the nation-state, or as Hitler said: right is what is good for Germany).

As a result of these shifts the distinction between citizen and foreigner became more and more exposed. Citizens are the national people to whom the civil rights of their country are valid. Foreigners are the ones to whom civil rights of another country are valid. However, the stateless belong to neither of these groups and form a big challenge for the nation-states. This challenge became all the more pressing by the vast number of stateless people. In the past, nations reacted either by assimilation/naturalization or deportation/liquidation/repatriation. Both of these tactics failed.

Naturalization did not work because the numbers to be naturalized were simply too high. Moreover, the stateless came to distrust the nation-states. History had shown them how easy it was for nation-states to denaturalize them again, even if the stateless had assimilated themselves. In effect the stateless hold vaster to their culture and norms.

Repatriation failed as well because the stateless people had no state to be send to. Even if stateless people were deported to another country they could, due to evolved smuggling systems, be back in no time. Arendt (1966) describes that the internment camp became the only country to send the stateless people to. She then described how the step from internment camps to concentration camp became a small one.

The stateless thus remain an unsolvable challenge. Their existence constantly questions the validity of the nation-state which laws are not equal for all human inhabitants of its soil. Arendt thus concludes that: *''the nation-state cannot exist once its principle of equity before the law has broken down" (Arendt, 1966, p. 290).* Because as soon as some people are devaluated as harmful for society, nobody can be sure on what bases they will be judged. In effect, people on the lawful side of the continuum face the risk of becoming illegal.

The second concept which stateless persons challenge by their very existence, are human rights. Arendt describes that human rights are de facto non-existing. Simply being a human does not give rights, people have to belong to a nation-state in order to have rights, see Figure 6. This became clear when stateless persons had to depend on their human rights. Arendt (1966) writes: ''*The rights of men, after all, had been defined as ''inalienable'' because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them''* (Arendt, 1966, pp. 291-292). The only valid rights are thus civil rights and the declaration of human rights appears to be a farce. *''From the beginning the paradox*

involved in the declaration of inalienable human rights was that it reckoned with an abstract human being who seemed to exist nowhere, for even savages lived in some kind of social order'' (Arendt, 1966, p. 291).

Figure 6: Being first and foremost a human being or being first and foremost a citizen?
Source: http://rvdhulst.files.wordpress.com/2011/11/dubbel-paspoort.jpg

According to Arendt, the root of the ineffectiveness of the human rights is the fact that they are based on mankind itself. In the past the law had been based on something bigger than man, God for example, or the customs of history. At the moment these higher forces like social, spiritual and religious forces are disconnected from the law, man became ultimately responsible. Sovereign power was no longer in the name of God, but in the name of Man. Humanity thus had to guarantee humanity by itself.

It is already described how Arendt (1966) states that nation-states fail to guarantee human dignity because the fate of the nation is seen as more important than the fate of people. A logical suggestion for improvement would then be world government to which all peoples belong. Maybe then we can start to think about what is good for mankind again. Arendt (1966) equally rejects this idea in which the whole of mankind lives under one democratic sovereign ruler because humanity can for example by majority, decide that killing some of its parts is the best thing to do.

Implications as seen by Agamben

Agamben (1993), like Arendt (1966) also focuses on the implication for the nation-state. He materializes the impact and disastrous effects of the combination of sovereignty, biopolitics and the diminishing of people to bare life. He uses the concentration camps of World War II as an example. Under the national socialism of the Third Reich, Jews were seen as the by-product, as the unwished excess. The law that protected its German citizens was not valid for Jews. Whereas the killing of a German citizen was seen as murder this was not the case for the Jews. In effect, the Jews were killed *''as lice, which is to say, as bare life''(Agamben, 1998, p. 118)*. It was not seen as murdering but simply as extermination of unwished life. Agamben (2003) calls the places where this killing happened spaces of exemption. Spaces of exemption are thus places where the normal law is not valid, places where people can be killed without juridical consequences (Agamben, 2005) .

Although the law is not valid in spaces of exemption, the law is still active. This is the point of Agamben. To be sovereign means to be able to include and exclude, to apply law and restrict law. This excluding and restricting is something active. The sovereign acts in not acting and includes in excluding. This is the moment where the law gets blurred and interconnected.

To define who the sovereign nation-state does represent and protect is inherently defining whom it does not represent and protect. The sovereign inevitably needs the exception, the Homo Sacer, to define itself. This implies, according to Agamben (1998), that the Homo Sacer is essential for the sovereign nation-state. As a result, the space of exemption of the Homo Sacer starts to blur with the civil rights of the citizen. The distinction between included and excluded begins to dissolve. The Homo Sacer is bound to the sovereign nation-state and vice versa. They do not exist separately from each other but are intertwined. Bios and Zoè are inherently connected.

In effect, Agamben (1998) argues that we can and should not use biopolitics because it is impossible to see Zoè isolated from Bios. When critiquing politics we should see the two connected. Instead of following politics and proposing superficial changes which leave the underlying discrepancy unaffected, we should question the systems' fraudulent basis of existence.

Implications as seen by Bauman

The third author, Bauman (2004), also describes implications. Although he describes two ways how people become redundant, the end result is the same. Society has to deal with redundant, useless people. People who are neither producers nor consumers, people who could not pace up with economic process and do not fit in our social ordered lives. People who are seen as scroungers, intruders, not only useless but an obstacle to the ideal of the consumer society. To emphasize the weight of this situation Bauman (2004) draws implications, of which three will be shortly described.

The first implication of redundant people is that they are linked to the least desired jobs. People in the liquid society become spoiled and find themselves too good for 'dirty' jobs. The dirty jobs are thus left for redundant people. Besides the fact that this shows redundant people are still needed, it is an alarming development to a system of first class and second class people. Bauman likens it to the Hindu caste system in which the untouchables were 'destined' for the dirty jobs.

The second implication is that redundant people become an easy target for politicians who need fear to exercise power. Bauman (2004) describes how the nation-state is threatened by economic forces operating in a globalized world. On a global scale no strict laws exist and no one is fully in control. He describes how global corporations operate in a kind of mafia system in which goodwill, silent agreements and knowing the right people decide your chances. Nation-states have very limited recourses to control those global forces. In this situation the nation-state can hardly protect its citizens against the global forces. Since it cannot protect its citizens, the nation-state loses its right of existence and hence risks becoming redundant itself. It is here where irregular migrants come in handy. In a way, irregular migrants bodily represent the immaterial global forces. Nation-states thus divert fear of abstract global forces to fear of concrete migrants. In effect, migrants are depicted as a threat, they have been equaled to terrorist in order to cause fear in the citizens. Nation-states then present themselves as indispensable saviors and design all kinds of regulation against their self-invented threat. Instead of dealing with the global forces, they focus on people who are already made redundant and are therefore a vulnerable, easy target.

The third implication of what has been described previously is that humanity does not feel responsible and does not want to know. First, immigrants are made redundant and then they bear the blame of our fears. We want to exempt them, preferable by deportation, but since it has become

harder to dispose local problems globally we increasingly have to exempt our waste within. Immigrants once degraded are thus exempted from social life and detained. We do not want to be confronted with our waste. This leads to, or is the result of, a declining of moral responsibility. People do not ask questions and selectively close their eyes. Bauman (1989), having lived through the holocaust himself, describes how the same attitude lay at the root of the holocaust. People did not want to know and did not ask questions: ''Wir haben es nicht gewusst''.

The two theoretical extremes of the continuum of illegality have been described. The ends of the continuum are clearly visible. The ends are two opposites: being under law or being an outlaw, being lawful or being illegal, being valuable or being waste, being deserving of protection or being undeserving of protection. Although the two ends are exact opposites they are blurred and depending on each other. Based on foregoing described implications of marginalized people, it can be assumed that the existence of irregular migrants has similar implications. It should be noticed that irregular migrants in the Netherlands cannot be placed at the maximum end of the continuum. In the Netherlands they have, by law, right on healthcare and in some cases education. Still, they can clearly be placed on the lawless side of the continuum and their existence has implications for the legal side of the continuum. These implications may lead to injustice and should be described and questioned in current study.

2.4.4 Illegality as a result of the border regime of the European Union

Having described the theoretical explanations and implications as described by Agamben, Arendt and Bauman, it is useful to give a more practical example in which these explanations for the existence of irregular migrants become visible. The definition and exclusion of irregular migrants becomes concrete as a result of the border regime of nations, the border ideology of the European Union as a whole and of the Netherlands specifically. Originating from a desire for security and a climate of fear and xenophobia, the European Union is waging war on irregular migrants. Van Houtum (2009) describes how the European Union has ordered the world in 'good' and 'wrong' countries. When a person is born in a good country he is welcome to stay in the European Union, when a person is born in a 'wrong' country he is unwelcome and has to leave. Van Houtum noted that these 'wrong' countries are often the development countries and Muslim countries.

This geopolitics, this political ordering of who is good and who is wrong, results in separating people in citizens and non citizens. In effect, whether or not you are a human being does not make a difference but whether or not you are perceived as a positive subject in the political order.

It seems that the European Union, existing of sovereign nation-states with a strong tendency to control, uses biopolitics to discern between people. By attempting to create social order through their border regime, the European Union creates a category of people who are unwelcome, who are seen as waste, the irregular migrants. To safeguard their standards, the European Union is acting like a gated community (van Houtum & Pijpers, 2007). The European Union is actively blocking unwished people from its external borders. However, these borders are not 100% watertight and people considered as unwished manage to enter and stay in the country. Still, once irregular migrants are in the country they are still actively excluded. Forms of this exclusion can be seen in the already discussed restrictive measures which influence the practical living of irregular migrants in the Netherlands. Although the direction of influence may not be clear, there seems to be a strong connection between the exclusion on European level and the exclusion on national level.

2.4.5 The continuum of illegality in the context of Dutch laws

In order to place irregular migrants on the continuum of illegality it is necessary to have some knowledge of their juridical situation. Therefore, some basic rights of irregular migrants will be discussed. It is good to bear in mind, the distinction of irregular migrants who are in a juridical procedure and irregular migrants who are not in a procedure.

The law declares two kinds of things. Firstly it declares who is irregular and who is legal. Secondly, it declares who has right on what. The law declares what rights irregular migrants as well as migrants in a procedure have. These laws are the end result of debates and jurisprudence and a starting point for further debate and jurisprudence. They are both the end result and starting point because laws are neither pre-given nor unchangeable. Instead, they are the product of constant struggles of a variety of powerful and less powerful agents.

This constant changing can be illustrated by the fact that single and divorced migrant mothers nowadays have a stronger position when claiming reunification with their children than 10 years ago (van Walsum, 2009). Another illustration is given by Fischer and Kruseman (2012) who notice a tendency to focus more on vulnerability. Instead of focusing on the lawful residing in the Netherlands, which was the dominant factor, judges focus increasingly on vulnerability when determining the right on public services.

Current juridical situation

The juridical situation of irregular migrants in the Netherlands is influenced by national as well as international laws and conventions. On an international level three documents have the biggest influence. These documents are the European Convention of Human Rights (ECHR), the convention relating to the status of refugees (CRSR) and the recent EU immigration code directives. Judges regularly invoke these documents when judging who is in and who is out as well as judging who has right on what. The ECHR is used to defend rights of irregular migrants by referring to the parts which state that people should be protected of extreme suffering and have a right on private life. Moreover, it is used to claim a stay permit by referring to the right on family life. The CRSR is mainly used to define who can be seen as a refugee and has to be granted access on that account. Currently, the EU immigration code directives fulfill the role of the CRSR. Besides these specific migrating documents, other general guidelines of the EU influence the situation of irregular migrants in the Netherlands. One can think of the guideline on family life.

The national laws concerning irregular migrants can be divided along the two mentioned declarations the law makes. The first part of laws is concerned with discerning on what basis people can get or deny a stay permit. These laws subsequently define who is deemed legal and who is deemed irregular. Most of these types of laws can be found in the aliens act 2000.

The second part of laws defines what rights irregular migrant have. These laws define on which public services, people deemed as irregular, have right. Most of these laws can be found in the General Administrative Law. To exclude irregular migrants from public services, the linkage act of 1998 came into being (Pluymen, 2008). This linkage act excluded irregular migrants in one fell swoop from all public services on the basis of their irregular status. The act is unique for the Netherlands because in other countries the excluding is arranged per specific law. Before it became valid in 1998, the linkage act received much critic on its inhumane character and because it contravened with the ECHR. It is noteworthy to observe that the linkage act has become somewhat of an empty shell. During the years, many laws have been changed and renewed. Although the linkage act is still valid, it is not updated and often refers to old, nonexistent laws.

Specific laws

To understand and describe the juridical situation of irregular migrants, this second portion of laws can be further divided. The laws concerning public service can be divided to sectoral themes like healthcare, labor, housing and education. The information of the next part is mainly taken from the website concerning the basic rights of irregular migrants in the Netherlands – www.basisrechten.nl – which is miantained by foundation LOS.

In respect to healthcare laws, irregular migrants have many rights. A doctor, because he has a duty of care, cannot refuse to help irregular migrants on the basis of their irregular status. After a referral from the general practitioner, migrants can also go to the pharmacist, hospital and psychologist. Moreover, there are funds available for caregivers who support irregular migrants without money. As compared to other countries, these Dutch laws are very beneficial for irregular migrants. In other countries immigrants almost always have to pay themselves, or they are excluded because healthcare is state care as in some Scandinavian countries. Education laws are also pretty inclusive as compared to other countries. Children from irregular migrants are not only able, but even have to go to school. The education is moreover free of charge.

Housing laws, as compared to health and education laws, are much more restricting and limited. Irregular migrants are allowed to rent but are in practice excluded from social housing and by law of housing allowance. The problem is that cheap houses are mostly in the possession of housing associations. Irregular migrants have to rent from private house owners. As compared to other countries, the Netherlands have many associations and few private house owners who rent. Furthermore, there is a law that if an irregular migrant lives in a house with legal citizens, the legal citizens also lose their rent allowance. In effect, irregular migrants mostly live via illegal subletting agreements.

Similarly to housing laws, labor laws are more exclusive than in other countries. Irregular migrants are excluded from laboring because they do not have a social security number. Employers are required to control the social security number of their employees. Persons, who do not have one, can therefore not work legally. The fact that migrants are not allowed to work and are discouraged to rent makes them vulnerable to poverty and homelessness. Despite their destitution, various laws exclude them from most day and night cares for homeless people.

Amongst the irregular migrants, an interesting and shady category is formed by people who are in a procedure to become legal or in a procedure to become illegal after a period of having been legal. During the legal procedure they are neither fully legal nor illegal. Since these procedures can take years and concern a considerable number of people, some special laws are made. These people are sometimes entitled to a special allowance which includes a healthcare insurance from the central organization for asylum seekers. Also, sometimes they are allowed to live in an asylum shelter. This is the category which is most often helped by NGOs.

Based on foregoing chapter the continuum of illegality can be schematically visualized as shown in Figure 7.
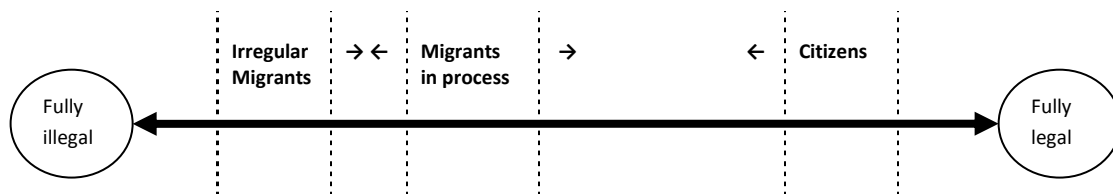
Figure 7: Dutch juridical categories on the continuum of illegality

On the legal side, the far right, the citizens can be placed. Migrants who after a procedure obtained a stay permit are understood as citizens. The juridical category is fully legal and has, by law, full rights on social benefits. The second category, which is placed left from the middle, is made up by migrants who are in a juridical process. Although they have some rights, they still, by law, lack some basic rights on housing and work. The category most left is made up by irregular migrants. They have very few basic rights. However, since they, by law, do have some rights on healthcare and education they cannot be placed on the extreme left end of the continuum. The small arrows signify that people can shift categories. Migrants in a juridical process can become citizens or, after their process has a negative outcome, become irregular again. Similarly, irregular migrants can start a process and eventually become citizens.

2.5 Continuum of deservingness

The second axis is the continuum of deservingness, the vertical line in Figure 8. Instead of focusing on the juridical status of people, it focuses on personal characteristics. This continuum is necessary to answer the main question because the continuum of illegality is not all determining. Irregular migrants who have no legal right on support are sometimes helped and vice versa. The continuum of illegality lacks the power to fully explain the chances of migrants on shelter. To fill the gap, the continuum of deservingness seems a useful addition. To be clear: deservingness involves the question of ''*who should get what and why*'' (Oorschot, 2000, p. 35). In other words it describes an idealistic world instead of a practical one. Deservingness does not imply what people earn or actually get but what is adjudged to them, whether they are perceived as worthy. Essentially, deservingness thus has to do with a sense of solidarity as well as conditionality.

The continuum ranges from being fully deserving to being non-deserving. Instead of being rooted in laws, this continuum is rooted in the opinion of people. People either say: 'I like you, my country should take care of you', or: 'I do not like you; you should vanish from our country'. In current thesis, being fully deserving is understood as receiving unlimited shelter and other forms of support, being fully undeserving is understood as receiving absolutely nothing. This paragraph seeks to clarify the continuum of deservingness by discussing deservingness theory.

AXES OF IRREGULARITY .

Continuum of Deservingness↑↓ Continuum of illegality ← →	Fully deserving
Fully illegal	**Fully legal**
	Fully undeserving
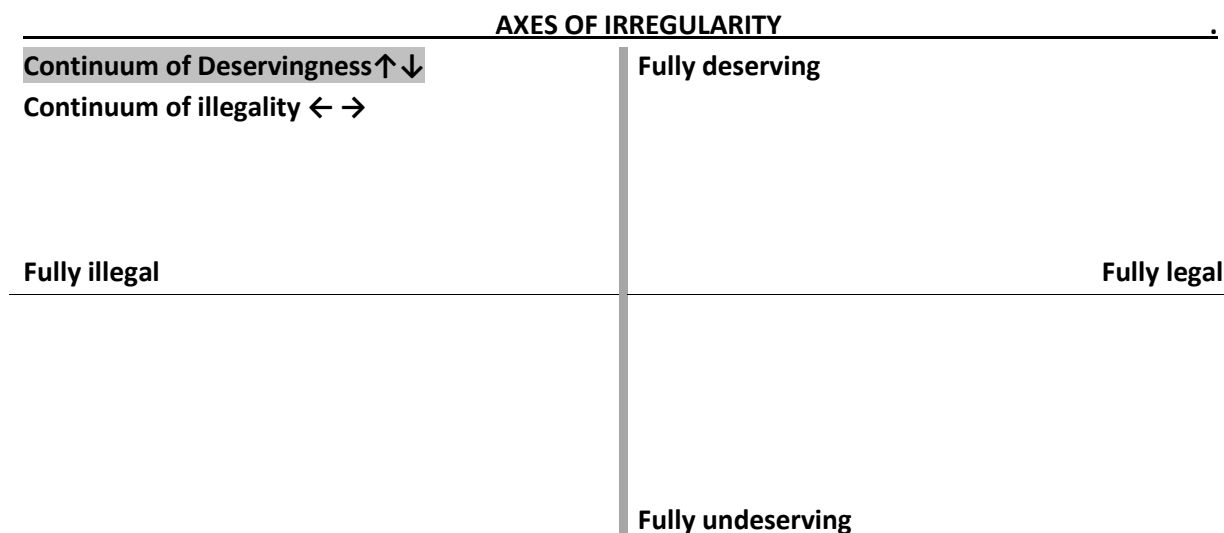
Figure 8: Continuum of deservingness

Deservingness theory is amongst other described by Cook (1979), De Swaan (1988) and Oorschot (2000). Deservingness theory engages with criteria which separate deserving poor from non deserving poor. This division is first formally constituted in English law in the period from 1500 till 1600. In order to decide which of the many poor in that time should receive support, definitions of deserving and non deserving poor were established. The deserving poor were the old, sick and unwillingly unemployed people who should receive help. The undeserving poor were the criminal poor and beggars who should receive punishment.

De Swaan (1988) studied several classifications which distinguished between deserving and non deserving poor. The common variables which appear in all these classifications are disability (measure of control over situation), proximity (belonging to community) and docility (claim on support versus gratefulness).

Oorschot (2000), drawing on De Swaan (1988) and others (e.g. Cook, 1979; Will, 1993) distinguishes five dimensions of deservingness criteria. The five dimensions are:

1. Control (the less people are to blame for their situation the more deserving)
2. Need (the more poignant the situation the more deserving)
3. Identity (the more proximate, the more belonging to the community, the more deserving)
4. Attitude: (the more grateful and less claiming the more deserving)
5. Reciprocity: (the more reciprocal, in the past, present or future, the more deserving)

By means of these dimensions, Oorschot (2000) explained the results of a survey asking Dutchmen to rank the deservingness of 29 social groups. From the 29 groups 'illegal foreigners' and 'asylum seekers' were remarkably ranked as the least deserving, whereas 'people disabled as a result of their work' were the most deserving. The five dimensions proved to be reliable indicators. People 'disabled as a result of their work' cannot be held responsible for their situation, are in big need, are closely related to the community and have already proved their worth for the community in the past. Illegal foreigners can be seen as the total opposite. Although their level of control and need can be, and are, disputed, they do not belong to the community, are often seen as lazy profiteers and have

not yet contributed to society in any way. As a result, they are seen as less deserving than 'People disabled as a result of their work'.

In a more international oriented study, Oorschot (2006) found that immigrants were the least deserving social group, as compared to other vulnerable groups like elderly people, unemployed and sick or disabled people, in all European countries. Bommes and Geddes (2000) even concluded that immigrants are the modern undeserving poor.

Since migrants are not a homogeneous group, it can be expected that some irregular migrants are more deserving and others are less deserving. 'Asylum seekers' are for example seen as more deserving than 'illegal foreigners' (Oorschot, 2000). However, even irregular migrants are no homogenous group. Even though they are seen as the least (or even non-) deserving social group, there are still NGOs supporting them.

The deservingness criteria become interesting in a situation of scarcity. If there is plenty for everyone, there is no problem. But when offering support costs something, people automatically begin to distinguish. A focus on NGOs proves to be suitable. NGOs are always limited in their means and capabilities. Even if NGOs see all irregular migrants as deserving, they do not have enough capacity to offer help to all. NGOs are forced to distinguish between irregular migrants. The mentioned five criteria may help to study the decision NGOs have to make. The deservingness criteria can also help in assessing the chances of irregular migrants on shelter.

2.5.1 Deservingness criteria in the context of the welfare state

As already mentioned, the application of deservingness criteria is confined by capabilities. It is not possible to support someone when the means to support them are limited. Not everybody who deserves can be supported; deservingness criteria can therefore not be applied one-on-one. This is the reality with which agents have to deal. For example a NGO only has 20 beds available. When there are 25 people in need, 5 will be denied support. This reality is also valid on the state level. Because of the sheer size of the state this is unfortunately more abstract. To make the limitations visible, one can take a look at the welfare state and arguments which the state uses to exclude migrants.

Welfare system

The welfare system is a regime in which members share their risks by sharing their money. By contributing in time of prosperity, they can receive help in times of distress. In order for a system of social sharing to work, it needs to be closed (Ferrera, 2005; Walzer, 1983). Because if it is open, people can go out when they have to contribute and get in when they are in need. It also needs to be limited because the more people are depending on it the less money per person is available and the less people are willing to contribute. A fully open welfare system has no sustainable ground of existence. As a result, the sustainability of the welfare system legitimizes the inclusion of some and exclusion of others.

Welfare system at state level

In our time, welfare systems have evolved to a national level in most countries. Redistribution is organized and institutionalized by the state. Borders of the welfare systems are equated with borders of the nation-state. Membership of the welfare system is reserved for citizens of the state. Exclusion from the welfare system appears to be identical with exclusion from the state. However the state and welfare system remain two different levels. When states do not succeed in excluding

migrants from their outer border, states can still exclude them from the state's welfare system. Hence, states can exclude on two levels.

States partly use the limitedness of the welfare system to justify this exclusion but there are also other reasons for exclusion. To crystallize the arguments which states use to exclude people from the state and welfare system, it is useful to consider two strands of political philosophers. These two kinds of philosophers are the liberals and communitarians. Both will be shortly introduced by the help of Pluymen (2008). She described both schools of thought and endeavoured to apply them to the Dutch irregular migration situation.

Liberals

Liberals' central values are liberty and equity. Central to this school of thought is Rawls (1971) thought experiment. His thought experiment used a 'veil of ignorance'. The thought experiment starts from the position that people, who design a society, should not know which place they inherit in it. They should be ignorant whether they will be poor or rich, influential or dependent in society. As a result they will design a society in which everybody is equal and can have a good live. They will design institutions which will make sure that the rich and prosperous will support the poor and disadvantaged. Rawls concluded from this thought experiment that equality in society must be the norm and the natural starting point. Hence, everything which deviates from this law is not natural and must therefore be justified. Despite the principle of equity, political liberals argue for some boundaries to a society. According to liberals, people can be excluded when their inclusion would lead to deterioration of democratic values, undermining of national safety or overloading the institutional capacities (Pluymen, 2008).

Communitarians

Opposite to political liberals stand the communitarians (Pluymen, 2008). Instead of a principle of equity they see living in a bounded community as the natural state. Humans are not seen as atomistic, instead they are seen as social beings shaped by the community. This community influences their lives and they reason upon society with principles from within society. Communitarians reason that humans can only develop and flourish in the safety of a closed homogenous community. First, this safety is naturally offered by the family and later by a broader society. To safeguard this safety, the community needs to be protected from too much influence from outside. In order to be stable, it needs to be a homogenous community with members who feel committed and belonging. As a result, members of a community are first and foremost concerned with the enduring of their own community. In other words, the natural need for a stable community justifies the exclusion of outsiders. From this perspective it can also be concluded that the insiders, the members, have the right to decide who may enter and who must stay outside.

Just as Rawls can be seen as a central figure for liberalism, Walzer (1983) can be seen as a central figure for commentaries, even though he does not fully consider himself to be a communitarian. Exclusion is seen as a natural thing to do and Waltzer argues that when states do not exclude on state level, exclusion will inevitable take place at more local levels. This can be illustrated by the historical study of Feldman (2003). He showed that in 1600 in England welfare was arranged at the level of parishes. As an effect migrating mobile Englishman were often excluded. Over time, welfare responsibility became more and more a state affair. As a result internal migrants became included. However, simultaneously the problem of external migrants emerged. Although internal migrants were included, external migrants were often excluded. A truly utilitarian situation seems impossible, exclusion always takes place. Moreover, Walzer (1983) states that although nation-states

may seek first and foremost their own interest, they should help people in need. This, however, is not their duty by law but much more a universal helping principle. Also, helping somebody can be something different from adopting somebody into the community.

Migrants
Despite these arguments which legitimize exclusion from the community, migrants succeed in entering states. Pluymen (2008) describes how their presence undermines the state conviction of full control over their borders and country. This realization will fuel states to combat irregular migrants. She distinguishes four arguments which states use to justify this combating. These four arguments are the democratic argument, the enforcement argument, the argument of sensibility and the costs.

The democratic argument holds that irregular migrants who stay in a country are offending laws which came into being in a democratic matter. Since they do not stay in the country on the basis of consensus and are not rightfully staying, the state does not have to take care of them. The enforcement argument is related and holds that laws which originated in a just and democratic matter should be enforced by the states. As a result it is seen as just to discourage and exclude irregular migrants. The third argument which states use is the argument of sensibility. This argument holds that migrants have not contributed to the state and therefore do not deserve its help. The last argument focuses on the perceived costs it will bring to help irregular migrants. This argument focuses on arguments like disruptions of society, increase of criminality, unfair job competition and so forth. After describing these arguments, Pluymen (2008) describes how the Dutch state mainly used the first two arguments to justify the linkage act which excludes migrants from most welfare provisions.

Healthcare and education
With respect to the welfare system and its social benefits, it is interesting to note the already mentioned difference between the inclusiveness of healthcare and education on the one side and the exclusiveness of housing and financial support on the other side. Walzer (1983) as well as Pluymen (2008) seek the reason of this difference in autonomy of caregivers and teachers. Healthcare and education are exclusive spheres in which moral principles and universal standards like a duty of care are influential. In the consulting as well as the classroom everybody is equal and whether one is helped should not depend on wealth or origin.

Feldman (2003), who studied the evolving of the welfare system from a level of parishes to a level of state, gives another quite remarkable explanation. Based on the historical description, he comes to the conclusion that the state is more inclusive than the parishes. Whereas parishes excluded internal migrants, the state included them. According to Feldman (2003) this difference in inclusiveness is still visible. Healthcare and education are more arranged on state level where housing and work are more arranged at the level of municipalities.

Concluding
In this paragraph philosophical as well as more practical arguments which are used to justify the exclusion of migrants from the state and welfare system have been discussed. Although current study is not giving a normative judgement on the basis of these arguments, it should be concluded that the application of deservingness theory is restricted to some extent by these arguments and distinction seems inevitable. Based on the discussion concerning deservingness criteria and the welfare system it should be concluded that deservingness criteria cannot be applied one on one. Figure 9 schematically visualizes the continuum of deservingness. The chances of migrants on shelter

are depending on the extent to which they are seen as deserving by the ones who can offer help. However, the ones who give help are almost always limited in their capabilities. Hence this limitedness also influences the chances of irregular migrants on shelter: sometimes they receive shelter, sometimes they do not but do receive a subsistence allowance or juridical support and sometimes they receive nothing at all.

CONTINUUM OF DESERVINGNESS

DESERVINGNESS CRITERIA

Control

Need

Identity

Attitude

Reciprocity

Restricted by limited capabilities

Fully deserving

Migrants who receive unlimited shelter and other forms of support

Migrants who receive limited shelter and other forms of support

Migrants who receive other forms of support but no shelter

Migrants who receive no shelter and no other form of support

Fully non deserving

Figure 9: Categories of irregular migrants on the continuum of deservingness

2.6 Bureaucratic field of illegality

Now the both continuums which make up the axes of irregularity have been described, it is time to apply the axes of irregularity to the practical situation of irregular migrants. To understand the use of these axes, Bourdieu's field theory will be introduced. This theory is chosen to see if its contemporary popularity is also relevant for current field of research and because it gets round the narrow problem of only focusing either on structure or on agency.

2.6.1 Field Theory

To understand society, Bourdieu (1994) uses the notion of field. Society exists of a variety of fields. Fields are social spaces, which each can be seen as autonomous singular worlds. A field is a hierarchical network of specialized agents striving to define the dominant values of the field. Depending on their symbolic power, agents are to a greater or lesser extend capable of influencing the field.

Symbolic capital

Agents have symbolic power when this is recognized and honored by other agents. Bourdieu (1994) calls this form of power symbolic capital. An agent which has symbolic capital can use this power to impose meaning on agents who have less symbolic capital. The powerful agent is able to categorize and decide what is just, who is in and who is out. The social order that is constructed in this way becomes reality.

Agents are always striving for symbolic power. The outcomes of these struggles determine the (re)production of the field. Despite the ongoing competition in the field, agents still have to conform themselves, to a certain degree, to the common habits and practices of the field, in order to be competent.

Amongst other fields, a bureaucratic field can be distinguished (Bourdieu, 1994). Bureaucracy produces meaning; bureaucracy is not a neutral implementer of policy but influences policy in making and performing it (Peters, 2009). Different agents in the bureaucratic field can strive for different meaning which leads to competition. The competition in the bureaucratic field is between the 'higher state nobility' and 'lower state nobility' (Bourdieu & Wacquant, 1992). The higher state nobility are politicians who make policies whereas the lower state mobility are the politicians who carry out these policies. The bureaucratic field can be made transparent by mapping powerful and less powerful agents.

Habitus

Having focused on the structure of the field, it is time to focus on the agent. Bourdieu (1990) re-introduces the concept of habitus. By means of the concept 'Habitus', the author sought to make structure and agency compatible. Habitus can be seen as a system of dispositions. It can be seen as the agents' habits, the agents' readiness to act in certain ways. This behavior is not the result of following formal or informal rules, but of the way agents react without thinking. Habitus enables agents to make sense of the world and position themselves in it. Habitus are ''structured structures [and] and structuring structures'' (Bourdieu, 1990 p. 53). In other words: agents' dispositions are both, the result and the effect, of how reality is seen. Habitus is influenced by our power position, by the capital which we possess. Bourdieu (1994) distinguishes four species of capital: economic capital, cultural capital (education), social capital (networks) and the already mentioned symbolic capital. Different forms of capital can be important in different fields. Although agents' habitus are influenced by their capital they are not deterministic. Habitus are open to change and to alternative possibilities.

Applying habitus to field theory means the way in which agents position themselves in the field. Although agents can hypothetically place themselves anywhere in the field, agents tend to follow their natural dispositions and act in a certain way. The agents' unconscious practices show the way he sees reality, the way in which reality is constructed. To study habitus means to study unreflected disposition which lay underneath the practices of agents in the field. These are dispositions of which the agents may not be conscious and will probably not put into words.

2.6.2 Bureaucratic field of illegality

Current study proposes to see political agents concerned with irregular migrants as a bureaucratic field. In this field a continuous struggle about the rights of irregular migrants takes place on many levels. On an international level one can use the European Union as an example. The European Union seeks a common policy in all member states (Home Affairs, 2012). However there still exist lots of differences between the practices of the European countries (Hammar, 2009 or see: www.w2eu.info). Moreover some European countries, like the UK and Denmark, choose to be excepted from the common policy by an opt out clause. The differences between the countries are also seen in the fact that migrants, once in Europe, prefer some countries above other countries on the bases of their asylum policies.

The struggle similarly takes place on a national level. It becomes clear in the abundance of recent examples. One can think of the letter which 40 mayors addressed to the minister of asylum

and integration. In the letter the mayors expressed their refusal to cooperate with expelling irregular migrants from their municipalities if this leads to unrest (Nicolasen & du Pré, 2012).
Or one can think of the minister of asylum and integration who forbids the municipality of Amsterdam to let minor irregular migrants do an internship (Herderscheê, 2012).

Moreover, the struggle takes place between the governmental agents and nongovernmental agents like NGOs (Wacquant, 2009; Woolford & Curran, 2012). Despite the fact the NGOs are nongovernmental and not purely political, it can be argued that they fully belong to the field, because they fulfill a need which was previously the task of the state (Wacquant, 2009). Moreover, NGOs are often (partly) funded by the state (Woolford & Curran, 2012).

NGOs are especially interesting because they show the struggle. On the one side, they have to stay close the government in order to receive funds. As a result they confirm the central value of the field by their conscious and unconscious habits. On the other side, they regularly shelter people who do not deserve support according to the laws. By there (un)reflected practices they deviate from what is seen as reality. In these conscious and unconscious actions the NGO –influenced by municipalities and the national government, contest the central value of the bureaucratic field of illegality.

Although the struggle may be broader, current study understands the central value as the position of irregular migrants on the axes of irregularity. The shelter which irregular migrants actually receive from NGOs is conceived as a result of the struggle. In other words, it is conceived as a temporary equilibrium of the agents with different powers who actively influence each other in the bureaucratic field of illegality. Current study seeks to map the field and its power relations. Moreover it seeks to study the habitus of NGOs, to ascertain their ''*feel of the game''* (Bourdieu, 1990 p. 9). The struggle in the bureaucratic field of illegality does not take place in a vacuum. The struggle can be placed in a context of at least two other fields. These fields are the media field and the juridical field. Both will be explained.

2.6.3 Operating in the context of the field of journalism

When considering the struggle in the bureaucratic field of illegality the influence of the media can hardly be neglected. In recent literature, a broad variety of authors describe how the media increasingly influence politics (Hjarvard, 2004; Livingstone, 2009; Mazzoleni & Schulz, 1999; Strömbäck, 2008; Strömbäck & Esser, 2009). The authors give various explanations for this influence. An extensive explanation is given by Strömbäck (2008). He gives four ways in which media have influence on politics. The first way is that the media are the most dominant source of information about politics. Hence, the media paint what is perceived as reality. Secondly, the media are independent from political institutions; hence politicians cannot control them. Thirdly, Strömbäck describes that media are governed by media logic as opposed to political logic. The media logic mostly exists of sensational storytelling. This storytelling is done by a variety of techniques ranging from stereotypization to polarization. As opposed to media logic, political logic is much more sophisticated. Political logic takes various solutions to a societal issue into account before deciding what is best. Media logic simplifies and is easier understood by the general public than political logic and therefore used by the media. Strömbäck notices that politicians increasingly use media logic to convey their message. This is the fourth way in which the media increasingly dominate politics. In summarizing: the extent to which the media are the prime informer, independent of politicians and use media logic together with the extent to which politicians use media logic, determines the extent to which the media dominate the politics.

Strömbäck (2008), in other words, gives two reasons why the media have control over politicians. The first reason is that the media heavily influence public opinion. In order to be perceived as relevant, politicians have to engage with this public opinion. Strömbäck calls this the mediatization of politics. The second reason is that politicians use the media to convey their message and are using media logic to reach this end. Strömbäck calls this the mediation of politics. To these two reasons can be added that politicians also need the media to grasp the public opinion (van Noije, Kleinnijenhuis, & Oegema, 2008).

As a result of this mediation and mediatization, politics become dependent on the media and are increasingly influenced by the media (Mazzoleni & Schulz, 1999). Some authors even note that politics are colonized by the media (Meyer, 2002). This is not only described by various scholars, but also perceived as such by politicians (Strömbäck, 2011).

The extent to which the media influence politics, is not yet settled. van Aelst and Walgrave (2011) remark that the results are dependent on the method that is used. One aspect in which the influence of the media becomes visible and measurable is the extent to which they set the agenda of politicians. Aelst and Walgrave conclude that the media are directly competing with politicians in agenda setting.

Based on this short review of the influence of media on politics we can conclude that the struggle in the bureaucratic field of illegality does not take place in a vacuum. Bourdieu and Ferguson (1999) also noticed the importance of the media. Back in 1999 they already saw that the bureaucratic field stands in a minor relation to the field of journalism (Bourdieu & Ferguson, 1999). They describe how the media are an important producer of social meaning. They noticed how, instead of focusing on educating and informing with 'hard' facts, the media tend to focus on sensation and human 'soft' stories. The media focus more on the process, the intrigues and charisma of politicians than on the content discussed. In reaction to the media, the political debate often resolves around trivial issues.

When studying the bureaucratic field, one cannot neglect the influence of the field of journalism. However, it needs to be mentioned that the media field is no single unity but fragmented (Bourdieu & Ferguson, 1999). The two authors describe how the media exists of many players who struggle over defining reality. Players who themselves are influenced - Bourdieu and Ferguson even call it censored - by economic and social interests.

The example of Mauro

With foregoing in mind, the recent political commotion around the irregular youngster named Mauro makes more sense. High media exposition led to a political debate about one single person. This is remarkable because the parliament is ideally concerned with general lawmaking instead of individual cases. In the Netherlands, the rule of law is made by the parliament and performed by the police and judges. Despite this separation of powers, there still was a debate. This only can be explained by the high exposition in the media. Based on Strömbäck's and Bourdieu's descriptions of the media this headline grabbing situation is not surprising. The story of Mauro is a touching personal story that moves the public.

By the extensive attention for Mauro, the field of journalism set the agenda of the politics. It is interesting to note how this agenda setting kindled further struggle in the bureaucratic field of illegality. Politicians defined reality again. As a part of this struggle, three political parties (PVDA, Groen Links and ChristenUnie) have proposed a new law (Spekman & Voordewind, 2012). This law protects undocumented children with an asylum background who have lived eight years in the Netherlands, from being sent back. This law is rooted in the conviction that it is harmful to send such

children back since they are rooted in the Dutch society. This law, in other words, reshapes the central value concerning who is seen as legal and who is seen as illegal. This law brings a third field into focus, namely the juridical field. The next paragraph will discuss the juridical field.

2.6.4 Operating in the context of the juridical field

A specific form of symbolic capital which Bourdieu (1994) distinguishes is juridical capital. Juridical capital means the power to divide in an official way. It means to objectify and codify by law, to include and exclude by degree. This form of power lies currently with the juridical apparatus which is nestled in the higher government.

The juridical form of symbolic power is different from the social capital of municipalities and NGOs. Municipalities and NGOs can only influence what is seen as reality by their practices. Judges, lawyers and jurists, when they are in function on behalf of the apparatus, constitute by their words what is reality. The laws made by the higher government are applied and constituted by the juridical apparatus. To clarify this, Bourdieu (1986) is drawing on speech act theory of Austin (1962). He recognizes that in performative speech acts, things can become true simply by saying them. He stresses however that the words said must be backed up by the power of the one who utters them. This is the case for the juridical apparatus because its power is backed up by the state. When a judge reaches a verdict, it is official and hence seen as reality. From then on, other judges can, by jurisprudence, refer to the authority of these verdicts. By performative speech acts, the juridical apparatus constitutes who is in and who is out. Juridical capital thus wields "a genuinely creative, quasi-divine, power" (Bourdieu, 1994, p. 12). In other words; whereas the municipalities and NGOs can only contest or confirm what is seen as reality, the juridical apparatus can constitute reality. Of course interaction takes place and NGOs as well as the media field influence the juridical apparatus.

Within the juridical apparatus, the juridical power lies, the juridical apparatus can be considered to be a field on its own (Bourdieu, 1986). It can be seen as a field because it has its own logic and functions quite autonomously in society. It knows a hierarchy and can be seen as a field in which agents compete over the monopoly to determine the law. This hierarchy becomes clear in, for example, the appeal procedure, or ladder of authority. A lower judge's verdict can always be annulled at a higher level. The struggle over the dominant value can be contested and constituted.

Applied to current study, the following example can be given. If the highest Dutch judge verdicts that someone cannot get a stay permit, an appeal can sometimes be made to the European Court of Human Rights when the European Convention of Human Rights have been violated. As an example one can think of the case of the Eritrean man named Mahmoud Mohammed Said. The highest Dutch judges judged that he should leave the country but the European court overruled this verdict in a higher appeal (Baka et al., 2005; Stichting LOS, 2005).

2.6.5 Other agents in the context: irregular migrants and the European Union

Based on some reasoning and initial talks with professionals in the field, it was suggested that the bureaucratic field of illegality is at least influenced by two more parties. These two parties are the irregular migrants themselves and the European Union. Both parties share that an in-depth study would demand a whole other research approach plus much time which is not available in current study. Still, both parties have an influence on the bureaucratic field. Therefore they are not neglected altogether but included in the context of current thesis. Although no real justice can be done to the dynamics, both parties will be briefly touched upon.

As described in paragraph 2.1, irregular migrants can to a large extent be understood as a hidden and, in effect, voiceless group. Since current study attends to the influences on the chances of irregular migrants on receiving shelter from NGOs by focusing on the central agents in the bureaucratic field of illegality, it risks silencing irregular migrants and denying their agency.

To avoid gagging irregular migrants altogether, they are explicitly taken into the context to study how they influence their position on the axes of irregularity. Although no irregular migrants where interviewed during this study, signs of the agency of irregular migrants have been recognized in migrants who organized themselves and protested by means of tenting camps as well as individual migrants who try to improve their personal chances on support.

Likewise, the European Union is included in the context. As described in paragraph 2.4.4, the exclusion on a national level seems to stand in relation to the restrictive border regime of the European Union which tends to separate migrants into a good and welcome category and a bad and unwelcome category. Although it may not be clear whether the European Union excludes because its nation-states do exclude on a national level or vice versa, there seems to be a causal link. Simultaneously, as described in paragraph 2.4.5, the national tendency to exclude seems to be somewhat tempered and restricted by a body of European laws and conventions. Although it is not clear how the influence actually works out for irregular migrants, it can be concluded that the European Union has an influence on the bureaucratic field of illegality.

Based on foregoing paragraph, Figure 10 schematically visualizes the bureaucratic field of illegality, the field of journalism and the juridical field, as well as irregular migrants and the European Union.
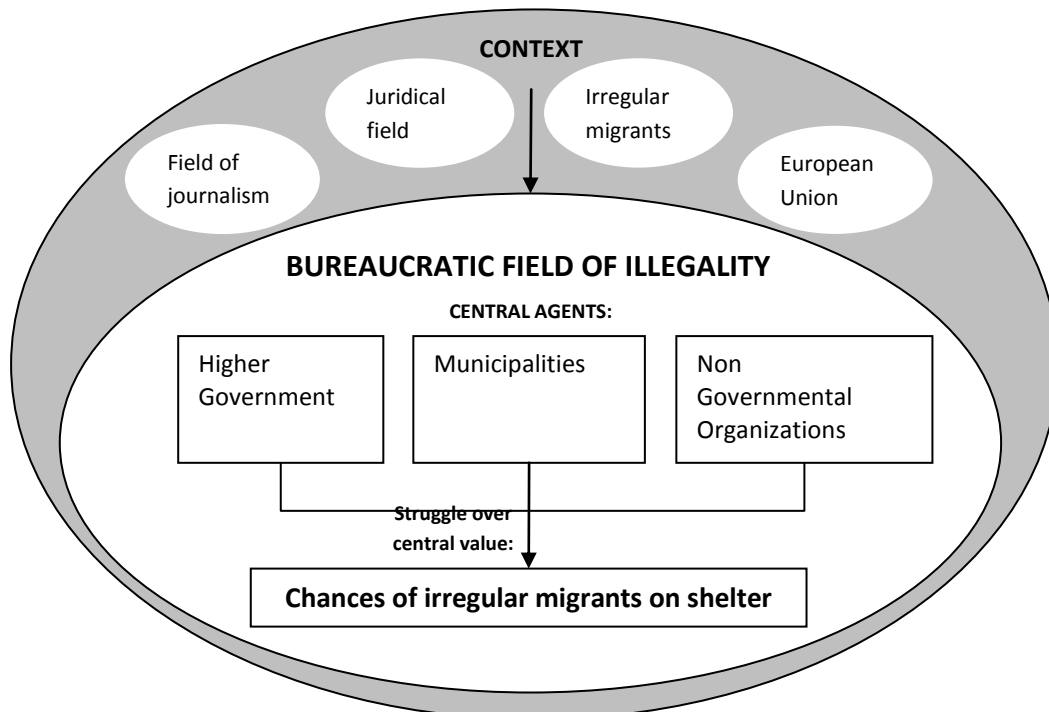
Figure 10: Bureaucratic field of illegality

2.7 Conceptual Model

In foregoing parts the concepts of irregular migrants and NGOs have been defined. Also, theories concerning axes of irregularity consisting of a continuum of illegality and a continuum of deservingness as well as the bureaucratic field of illegality have been discussed. In this final paragraph, the useful parts will be distilled and combined in a coherent agglomeration. To do this in a structured manner, the model is schematically visualized. After displaying the model in Figure 11 it will be explained.

CONTEXT

Field of Journalism

Juridical field

Irregular migrants

European Union

BUREAUCRATIC FIELD OF ILLEGALITY

CENTRAL AGENTS

Higher Government

Municipalities

Non Governmental Organizations

AXES OF IRREGULARITY

Fully deserving

Shelter & Support

Context

Struggle

Central value

Fully illegal

Irregular migrants

Migrants in proces

Citizens

Fully legal

No shelter Only support

No shelter & No support

Continuum of illegality ←→
Continuum of deservingness ↑↓

Fully non deserving

Influenced by the context, agents in the bureaucratic field of illegality struggle over the central value which is the position of irregular migrants on the axes of irregularity.

Figure 11: Conceptual model based on the theoretical framework

In order to understand this summarizing conceptual model, the first thing that should be noticed is the distinction between the central theories and the context, respectively the inner white and outer gray zone. The inner zone exists of three theories which make up the central theory of this thesis. The first, is the bureaucratic field of illegality that is based on Bourdieu's field theory (Bourdieu, 1994). The other two theories are combined in axes of irregularity which exists of two continuums. The first continuum is a continuum of illegality; it focuses on the juridical rights of people and is based on theories of Arendt (1966), Agamben (1998) and Bauman (2004). The second continuum is a continuum of deservingness and is based on the deservingness theory of, among others, Oorschot (2000). The outer gray zone exists of theories and concepts which have an influence on, but are not central to, aspe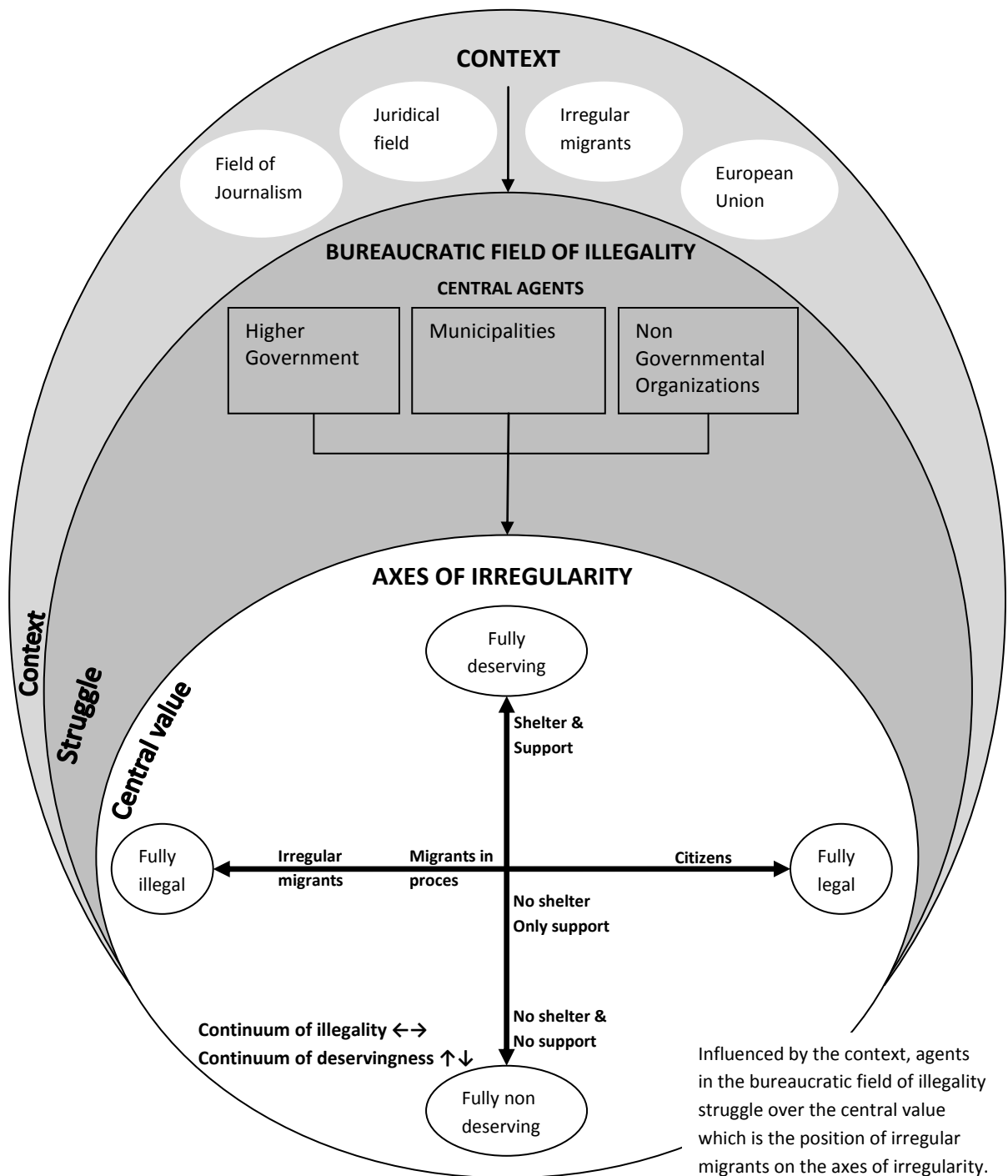cts of the three combined theories. Foregoing theoretical framework will be shortly recapitulated, beginning with the axes of irregularity.

Axes of irregularity

The axis of irregularity is understood as the extent to which irregular migrants deserve shelter. It exists of two axes. The first axis, the continuum of illegality, signifies the juridical status of people. It defines whom and to what extend people deserve help, on the basis of the law. This continuum ranges from being fully illegal and being denied all human rights, to being fully legal and having full rights. Dutch and European Laws constitute the position of people in this continuum. On this axe three juridical categories, which are present in the Netherlands, can be placed. The first juridical category exists of legal citizens which includes irregular migrants who became regular after a process. People in this category are fully legal and have full rights. The second juridical category exists of irregular migrants who are in the process to become legalized or de-legalized. Depending on the kind of procedure, the law knows some arrangement for people in this category; they have some rights but not full rights. The third category exists of irregular migrants who are labeled as illegal by decree. Although the rights of this category are very restricted, they are not fully surrendered to a lawless situation as described by Arendt (1966), Agamben (1998) and Bauman (2004).

Deservingness

The second axis is a continuum of deservingness. This continuum defines whom and to what extend people deserve help on the bases of five deservingness criteria. This continuum ranges from being seen as fully deserving to being seen as fully non deserving, by the one who can offer or withhold help. This continuum is based on the five deservingness criteria of Oorschot (2000). These five criteria are: control, need, identity, attitude and reciprocity. Based on these criteria, it can be said that if somebody closely related to us is in a desperate need of help for which he is not himself to blame and having done much for us in the past and being thankful, he is seen as more deserving of help than somebody who is not related, with a small need which is his own fault and having done nothing for us while he has a claiming attitude. The application of deservingness criteria is limited by the resources of the one who offers help. Although people are seen as deserving, they not always receive help because the means are limited. This is easily visible for Non Governmental Organizations (NGOs) but also true on state level. The characteristics of the welfare system inherently limit the extent to which shelter can be given. Deservingness criteria are therefore applied in the context of the welfare system.

Bureaucratic field

In order to understand the workings and application of the axes of irregularity it is necessary to focus on the ones who are most often confronted with help requests from irregular migrants, namely

NGOs. However, NGOs do not operate in a vacuum. This is where the theory of the bureaucratic field of illegality comes in. The agents in the bureaucratic field of illegality are the higher governments, municipalities and NGOs. According to Bourdieu (1994), agents in a field always struggle over a central value. The central value is that which is seen as reality. Although the central value may regularly change, it can be conceived as a temporary equilibrium. This is where all theories come together. In current study, the position of irregular migrants on the axes of irregularity is understood as the central value – the result of the struggle – of the bureaucratic field of illegality. The agents confirm and contest by their practices the juridical categories and deservingness criteria and in effect, the corresponding rights of irregular migrants.

Just like the NGOs do not operate in a vacuum, the bureaucratic field of illegality does not operate in a vacuum. It is influenced by the field of journalism and the juridical field. The field of journalism influences the bureaucratic field of illegality by agenda setting and influencing the public debate. The juridical field influences the bureaucratic field of illegality by the application and constitution of the laws. Whereas NGOs can only confirm and contest the continuum of illegality by their practices, agents in the juridical field can constitute the laws made by politicians, by their words. Since both of these fields influence but are not central to the bureaucratic field of illegality, they are placed in the context. Moreover, irregular migrants and the European Union are included in the context. Although both parties justify a research on their own and an in-depth study will be too time consuming, their influence cannot be denied and they will be briefly touched upon in current research.

Summarizing

In order to recapitulate the coherence of the theories, foregoing will be summarized and an example will be given. The axes of irregularity, which exists of a continuum of illegality and a continuum of deservingness, makes visible on what basis irregular migrants receive help. The continuums of the axes of irregularity are seen as the central values over which agents in the bureaucratic field of illegality struggle. By their (un)reflected practices, agents confirm or contest these central values. The struggle over the axes of irregularity in the bureaucratic field of illegality should be understood in a context. Both, the bureaucratic field as well as the axes of irregularity, are influenced by the field of journalism and by the laws which are constituted by the juridical field.

Based on the axes of irregularity, the chances of an irregular migrant to receive shelter can be assessed. It signifies the tension with which NGOs, who offer shelter, have to deal. Generally, NGOs do not help irregular migrants who are not in a juridical process. Hence, the continuum of illegality influences the extent to which irregular migrants get help. However, this juridical situation, is not all determent. Regularly, it happens that NGOs help irregular migrants who are not in a juridical process when they are in big need. The axes are clashing and it may happen that a pregnant (big need) raped women (not her fault) has more chance on shelter than a strong single man who is in a procedure with a promising prospect.

In current study the explanatory power of the theoretical framework will be analyzed by using it to study the practice. Firstly, the extent to which the axes and the conceptual model are sufficient in explaining the chances of irregular migrants on shelter will be studied. The extent to which the central values are confirmed and contested by the practices of NGOs and municipalities will be studied secondly.

3. METHODOLOGY

In this chapter the research strategy and methods will be discussed. As mentioned earlier, the field of research is relatively understudied. In order to make sense of it, current study has made use of an exploratory research strategy. To account for this method, paragraph 3.1 will elucidate on exploratory research. Subsequently, the methods used for current study are discussed in paragraph 3.2 and attention is paid to the representativeness of the study in paragraph 3.3.

3.1 Exploratory research strategy

In order to understand exploratory research the book: 'Exploratory research in the social sciences' by Stebbins (2001) is used as a guide. Stebbins gives the following definition of exploratory research.

Social science exploration is a broad-ranging, purposive, systematic, prearranged undertaking designed to maximize the discovery of generalizations leading to description and understanding of an area of social psychological life (Stebbins, 2001, p. 3).

In other words, explorative research seeks to come up with new ideas and understandings of phenomena. It is inductive, because as Stebbins (2001) argues, deductive reasoning alone never leads to new ideas. The ground of existence for exploratory research lies both in understudied fields, concepts, agents and fields as well as concepts, agents and field which have been studied in a controlled non flexible way. Since the way to study these kinds of phenomena is not yet known, exploratory research tries to make sense of these phenomena in an open-minded and flexible way. In effect, the researcher is forced to be open-minded and flexible as to where and how to find information. Eventually, this research approach will lead to hypotheses which are generated from and grounded in the collected data.

Exploratory research is often misunderstood and conceived as ambiguous and simplistic method (Davies, 2006; Stebbins, 2001). The character of exploratory research can probably be best understood when compared with its opposite method, namely confirmative research. Confirmative research seeks to verify and confirm hypotheses with tight and predefined methods while heavily emphasizing on validity, reliability and representativeness (Davies, 2006). Since confirmative research appears to be dominant in social sciences, exploratory research is often met with suspicion and dismissed because making definitive conclusions is not its main goal.

Despite the fact that conducting exploratory research is less predictable and controllable than confirmative research, it does seek generalizations. Exploratory research is in that sense far more secure than pure speculations, serendipity or unsystematic research. Exploratory research is distinct from these, because the researcher is deliberately and strategically putting himself in a position to make discoveries. The critics who say that exploratory research is not valid and reliable are refuted by Stebbins who argues for concatenated research. By doing more exploratory studies on the same phenomenon, the studies will eventually validate each other. Over time the studies become more specific and the results more reliable and generalizeble. So where confirmative research seeks to reach validity and reliability in one shot, exploratory research does this over time by concatenated studies. This approach enables the researcher to be open-minded and flexible in his single study. Instead of aiming at full validity which limits his view and possibilities, he focuses on credibility, plausibility, trustworthiness and representativeness.

Credibility means whether the researcher can get a true impression. Credibility is influenced by reactive effects on the presence of the observer, selective perception of the observer and

limitations to attend all relevant events. Stebbins therefore urges that researchers should discuss their generalizations with people in the field. From the perspective of plausibility the researcher should actively search for opposing evidence. For his trustworthiness he should constantly question his ground of reasoning. Representativeness is reinforced by triangulation of methods and focusing on representativeness of the sample.

Another important way to cope with the messy and inconclusive nature of exploratory research is to avoid too blunt verdicts. Exploratory findings are always hypothetical (Stebbins, 2001) and conclusion should be made with extreme caution (Davies, 2006). In writing, the researcher should speak in vague terms and avoid making quantitative generalizations. On a more practical note, Stebbins (2001) argues that the research should be written in the present tense because that is the usual tense for hypotheses and because the research is a statement about now and not the past.

How to conduct exploratory research then? Stebbins (2001) reinforces that exploratory research is pragmatic and the researcher should attend to as much as is going on. Despite the open-minded character, the researcher should start with defining concepts and limit the field of exploration. Then, depending on what suits the object studied, different methods and means, qualitative as well as quantitative, can be used. In other words, exploratory research does not know strict data collection formulas. So when choosing methods one must be aware of the extent to which they constrain or enable flexibility. For example, observations are more open than interviews. Likewise, Stebbins warns that although the researcher is free to use theory to guide and expand the explorations, he should always be alert that the used theories do not totally constrain the open-minded and flexible character of the research strategy. On a more practical note again, Stebbins advices to establish a file in which all things, whether it be observations or articles, be kept. Moreover he recommends to play with words and phrases, use sociological imagination by for example thinking of extreme opposites of phenomena and never to forget the history.

3.2 Methods

Now the characteristics of exploratory research have been introduced it is time to make the connection to current study. In order to come up with hypotheses that answer the research question, a variety of methods have been employed.

After the brief initial literature study on NGOs and undocumented migrants, a more extensive general literature study has been conducted, of which the goal was twofold. Firstly to generate hypotheses which might answer the main questions and second to find theories which might enable the researcher to ask some specific questions, of course without limiting the open character of the research. The exploration in literature resulted in a schematic overview given in previous chapter which visualized the possible influences on the chances of irregular migrants on shelter from NGOs in the Netherlands.

In order to improve and nuance the literature impression, further explorations have been conducted in the field. These explorations are done by means of observations and interviews. Both ways are used because observations may open up implicit and tacit practices which would not surface in an interview. The observations have been conducted at various NGOs, during consulting hours where undocumented migrants come to ask support from NGOs and during case discussion where the members of an NGO discuss which requests for support to honor and which request to decline. Further discussion on the observations can be found in paragraph 3.2.1

Next to the observations, interviews are conducted to prevent a biased view from the observer as well as straighten possible effects of his presence during the observations. From a perspective of triangulation, the interviews have been conducted with three kinds of people namely, scientific experts, professionals working in NGOs and officials working at municipalities. The experts are useful for their theoretical knowledge, the NGO professionals and municipality officials for their practical knowledge. Further discussion on the interviews can be found in paragraph 3.2.2

Besides these, aforementioned, planned methods the researcher has taken Stebbins advice to heart and attended to as much as is going on. This brought him to meals, actions, tenting camps, an eviction and conferences. The relevant impressions from these planned and unplanned experiences have been noted in a logbook.

3.2.1 Non-participating observations

As already mentioned, non-participating observations have been conducted during this study. As Stebbins (2001) noticed, observations are a very open way of doing research. An additional reason to conduct non-participating observations in this study can be found in the field theory of Bourdieu (1994). According to his field theory, people act unconscious on the basis of their habitus and dispositions. What they say in interviews may be true in their own eyes but may not necessarily give a complete account of their actions. It may not show the un-reflected practices. Non-participating observations are thus held in order to notice possible tacit practices. When conducting non-participating observations, one should be aware that the presence of an observer often influences the situation (Flick, 2009). Observed people will probably be more conscious of how they act and what they say. However, since the dispositions and assumptions are often unconscious it was not expected that the observer's presence suddenly would make them conscious.

The non-participating observations conducted for current study can be characterized in five ways described by Flick (2009). Firstly, the observations were fully overt, the observer bodily joined the meetings and everybody saw that he was present. Secondly, the observer did not participate but only listened, this means that he did not interfere by asking for clarification. Thirdly, the observations were systematized to some extend by an observation scheme. This observation scheme can be found in Appendix 1. Although it focused the observations, it did not limit them and left room for unexpected observations. Fourthly, the observations were done in a natural situation. This means that the observer went to a regular meeting which took place at a regular time in a regular space. Fifthly, the observer observed the others and not himself.

During the research period it turned out that NGOs were somewhat reluctant to a researcher who would observe them. Eventually four NGOs agreed to a researcher being present. These four NGOs are listed in Table 3.

Table 3: Observed supporting organizations

NGO	City	Observation
ROS	Rotterdam	consulting hours
Pauluskerk	Rotterdam	consulting hours
IWAD	Drachten	consulting hours & case discussion
STIL	Utrecht	case discussion

3.2.2 Semi structured interviews

Besides the non-participating observations, semi structured interviews have been conducted. As already mentioned, these interviews have been conducted with three groups, namely: scientific experts, professionals working at NGOs and officials working at municipalities. These groups have

been approached as experts. Expert interviews can be characterized by the fact that not the expert but his knowledge is the purpose of the research (Flick, 2009).

The interviews existed of two parts and the interview guides can be found in Appendix 2. The first part was different for each group. In the first part, semi structured questions were asked beginning very broad, leaving all room for the ideas of the interviewee and becoming generally more specific. The second part, see Appendix 3, was the same for everybody and existed of a preliminary version of the conceptual model, given in chapter 2.7, which resulted from the literature study. In this way the conceptual model became reviewed and more nuanced. It also served as a stepping stone to extricate further thoughts and kindle some discussions

After the interviews had been conducted, the interviews were transcribed verbatim. From a perspective of manageability, readability and interpretability, the words spoken have been transcribed verbatim but extensive sounds and breaks have not been transcribed. Due to high number of pages - over 350 - the transcriptions are not enclosed into current thesis. Instead, the transcriptions are available in a separate document which can be requested from the author. The transcribed texts have been analyzed using grounded theory coding.

Professionals at NGOs

The NGOs that have been interviewed were selected on the basis of their size and activeness. The bigger the organizations, the more requests for shelter they will receive and the more moments on which people are granted or denied help. The ten NGOs which are selected are listed in Table 4. These NGOs are further introduced in paragraph 4.1.1, furthermore, their locations are marked red in the map of Figure 14. Although this is not a 100% sample cover, it is expected that these ten NGOs give a fair representation of all NGOs concerned with emergency sheltering.

Table 4: Interviewed supporting NGOS

NGO	Name	City	Shelter capacity
Interkerkelijke werkgroep AZC	A. Oppewal	Drachten	Occasionally via individuals
Vluchtelingen in de Knel	W. J. Van Wijk	Eindhoven	52
Amsterdams Solidariteits Komitee	P. Pannekoek	Amsterdam	35
Geef Asielzoekers een Toevlucht	F. Houtbeckers	Nijmegen	25
Pauluskerk	D. Couvée	Rotterdam	60
Rotterdams Ongedocumenteerden Steunpunt	T. Miltenburg	Rotterdam	12
Stichting Hulp uitgeprocedeerde vluchtelingen	M. Bathoorn	Emmen	6
Op t stee	J. Berends	Emmen	15
Stichting Lauw-Recht	M. Witzier	Utrecht	Occasionally via individuals
International Network of Local Initiatives with Asylumseekers	H.J.M. Roelofs	Groningen	10

Amongst these NGOs is one NGO called international Network of Local Initiatives with Asylum seekers (INLIA). Whereas the others operate on a local level this organization operates on a (inter)national level. It can be seen as a link between NGOs and municipalities. INLIA cooperates with the municipalities. In this cooperation, the municipalities finance and facilitate local foundations and INLIA checks whether irregular migrants meet the criteria for sheltering. The INLIA director is also director of LOGO which is a platform for consultation between municipality officials about sheltering and return policy.

Scientific Experts

The scientific experts have been chosen on how 'known' they are in the field and on how active they have been recently in publishing about irregular migrants. In Table 5 the five researchers who have been interviewed are listed.

Table 5: Interviewed scientific experts

Name	University	Function	Focus
J. Van Der Leun	Leiden University	Professor in Criminology.	Focus on migration and foreign policy.
- Leun, J.P., van der & Woude, M.A.H., van der (2011) Ethnic profiling in the Netherlands? A reflection on expanding preventive powers, ethnic profiling and a changing social and political context. *Policing and Society*, 21 (4), pp. 444-555. - Easton, M. & Leun, J.P., van der & Kromhout, M.H.C. & Weerman, F.M. (2010) Criminaliteit, migratie en etniciteit. *Tijdschrift voor Criminologie*, 52 (2), pp. 107-121. - Leun, J.P., van der & Kromhout, M.H.C. & Easton, M. & Weerman, F.M. (2010) Criminaliteit, migratie en etniciteit. Nieuwe richtingen binnen een complex en beladen onderzoeksterrein. *Tijdschrift voor Criminologie*, 52 (2), pp. 107-121.			
R. Staring	Erasmus University Rotterdam	Professor in Criminology	Focus on irregular migrants.
- Staring, R.H.J.M. (2012). *Moderne slavernij of gewoon werk?*. Den Haag: BJU. - Staring, R.H.J.M., Beckers, J.J.H. & Roks, R.A. (2011). *Mondiaal wonen. Een voorstudie naar de (juridische) mogelijkheden voor woningcorporaties om vreemdelingen zonder verblijfsdocument te huisvesten. (in press)*. Rotterdam: Erasmus Universiteit Rotterdam - Staring, R.H.J.M. & Aarts, J. (2010). *Jong en illegaal in Nederland. Een beschrijvende studie naar de komst en het verblijf van onrechtmatig verblijvende (voormalige) alleenstaande minderjarige vreemdelingen en hun visie op de toekomst* (OMV-reeks). Den Haag: Boom Juridische uitgevers.			
W. Oorschot	Tilburg University	Professor in Sociology	Focus on social security, solidarity and justices.
- Oorschot, W.J.H. van, Meuleman, B., & Reeskens, T. (2011). De legitimiteit van de welvaartsstaat onder de loep. *Sampol. Samenleving en Politiek*, *8*, 78-85. - Oorschot, W.J.H. van (2011). Waarom we meer solidair zijn met een bejaarde dan met een immigrant. In L.C.J.M. Halman & I.J.P. Sieben (Eds.), *Respect man! Tolerantie, solidariteit en andere moderne waarden* (pp. 169-182). Amersfoort: Celsus - Oorschot, W.J.H. van, & Jeene, M.D. (2011). De truc voor een breed maatschappelijk draagvlak. In M. Blom & D. Scheele (Eds.), *Het profijt van solidariteit: Draagvlak voor herziening in het stelsel van werk en inkomen* (pp. 20-31). Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.			
S. van Walsum	VU University Amsterdam	Professor in Migration Law	Focus on gender and immigration law,
2010: The (Non)Regulation of Domestic Work in the Netherlands, in: Canadian Journal of Women and the Law. (Manuscript accepted for publication). 2008: The Family and the Nation. Dutch Family Migration Policies in the Context of Changing Family Norms. Newcastle Upon Tyne: Cambridge Scholars Publishing. 2007: Respect voor het gezinsleven van asielgerechtigden: een absoluut recht? In: *Migrantenrecht* 1 & 2, p. 32-37			
P. E. Minderhoud	Radboud University Nijmegen	Universitair hoofd docent	
- Minderhoud, P.E. & Guild, E. (2012). *The first decade of EU migration and asylum law* (Immigration and asylum law and policy in Europe, 24). Leiden: Martinus Nijhoff. (XVI, 485 p.) - Minderhoud, P.E. (2011). Directive 2004/38 and Access to Social Assistance Benefits. *Journal of Social Security Law, 18*(4), 153-166 - Minderhoud, P.E. (2010). Social Security Rights of Third Country Nationals. Developments in EU Legislation and in the Case Law of the European Court of Human Rights. *Journal of Social Security Law, 17*(4), 227-239.			

Officials of municipalities

In order to review the struggle between the NGOs and municipalities from another perspective, interviews have been conducted with officials of municipalities as well. During the interviews with NGOs, information was obtained about which official of the municipality is concerned with the situation of irregular migrants in the region of the NGO. Table 6 shows the municipality officials who have been interviewed.

Table 6: Interviewed municipality officials

Municipality	Name	Profession
Amsterdam	S. Bontekoning	Management consultant alienaffairs and discrimination
Rotterdam	W. Nijenhuis	Governance and policy advisor to the mayor (i.e. responsible for immigration policy)
Utrecht	J. Braat	Official for alien matters
Den Haag	M. Heijnen	Official of social affairs
Nijmegen	M. Azzougarh	Official of youth, diversity and social shelter
Emmen	H.G. Humalet	Alderman (i.e. responsible for immigration policy)

In all these municipalities are NGOs that have been interviewed. The choice of the first four municipalities is twofold. Firstly, these municipalities are the biggest of the Netherlands. In their united form – the G4 – they can have a considerable influence on the national policy. Secondly, the municipalities differ in the ways they support irregular migrants. To distinguish and understand these differences all four the municipalities are interviewed.

The municipality of Nijmegen is interviewed for convenient reasons. Finally, the municipality of Emmen is interviewed because two interviewed NGOs which were based here had some interesting visions on the municipality.

3.3 Representativeness

As described in the theoretical chapter, there are 56 NGOs known by Stichting LOS who practically support irregular migrants, only 37 of these are really sheltering people. As introduced in current chapter, ten of these active NGOs have been interviewed. Together these interviewed NGOs represent a little more than one fifth of the shelter beds which are available. In Table 7 these numbers are shown.

Table 7: Total number of shelters known by foundation LOS

Total number of supporting NGOs	56
Total number of NGOs who shelter	37
Number of cities in which NGOs are present	35
Total number of available shelter beds	905
Total interviewed NGOs	10
Shelter beds available in interviewed NGOs	214

As compared to the already introduced estimated number of irregular migrants with an asylum history in the Netherlands – approximately about 50.000 – the number of available beds is minimal. In other words, only for a little less than 2% of all the irregular migrants with an asylum history, there

is shelter available. The number of irregular migrants who actually receive shelter may be somewhat higher because irregular migrants are not forever in a shelter and one bed may shelter more irregular migrants on a yearly base. Still, the fact that shelter is available for only for 2% of the irregular migrants at one time is a serious limitation of current research. At the same time it underscores the invisibility of irregular migrants for the regular shelter channels and thereby the need for this study.

Since the other 98% of irregular migrants with an asylum history are somewhere else, it implies that most irregular migrants succeed in surviving without the support of NGOs. One can think of people who have false documents which enable them to work and rent legally, or of people who manage to work under the radar and sublet a house or of the people who participated in the tenting camps. During the reading of this thesis it is therefore good to remember that most irregular migrants are capable to survive within their own networks. The direct findings of this thesis concerning chances on support are hence mainly valid for a small part of irregular migrants, namely, irregular migrants who do not succeed in managing by themselves.

Although this thesis represents only a small part of the irregular migrants as concerned chances on shelter, it represents the consequence of being irregular of the whole group of irregular migrants with an asylum history. Following Agamben, it can be argued that ''the exception explains the general and itself'' *(in Agamben, 1998, p. 16; Kierkegaard in Schmitt & Schwab, 1985).* In the case of current study, the implications of being irregular most clearly come to light when one is in need of support and not capable of managing in his own network. This can also happen to the people who currently manage themselves, for example when people working with false papers are busted or when they exhaust the possibilities of working under the radar via their own network. In other words, at the moment one becomes vulnerable and depending one starts to know the consequences of being irregular. Consequences which are already there despite the fact that many irregular migrants manage to circumvent them. This becomes all the more significant because NGOs indicate that the number of irregular migrants who ask for support increases alarmingly. As a result the bigger NGOs receive, and have to reject, support requests on a daily basis.

Summarizing

In order to get to hypotheses which answer the main question, an exploratory research approach has been used. Information has been gathered in three ways, firstly a broad literature study, secondly interviews with scientific experts, professionals working at NGOs and officials working at municipalities and thirdly observations at NGOs. The qualitative data gathered in these three ways have been analyzed and led to a grounded theory saturated with examples. Also, it was emphasized that current study is only directly valid for a minimal share of irregular migrants.

4. RESULTS

In current chapter, the results which are mainly based on the interviews and observations – the empirical source in part A of the research model of Figure 1 – will be presented. It answers the question belonging to part C of the research model of Figure 1. These questions focus on the different influences per distinguished agent and the criteria which agents use. The findings have been divided along the bureaucratic field of illegality as well as the axes of irregularity, both of which were introduced in chapter 2. In paragraph 4.1 the interaction of the various agents in the bureaucratic field of illegality will be discussed. In paragraph 4.2 the criteria which these agents use will be described. First, attention is paid to the more objective criteria belonging to the axis of illegality and then to the more subjective criteria belonging to the axis of deservingness. In paragraph 4.3, the chapter concludes by shortly summarizing the results.

4.1 Bureaucratic field of illegality

As mentioned in the theoretical chapters, several agents can be discerned in the bureaucratic field of illegality. These agents are the national government, the municipalities and the NGOs. Moreover, the bureaucratic field of illegality is connected with the juridical field and the field of journalism. Finally, the bureaucratic field of illegality is influenced by irregular migrants as well as the European Union. This paragraph discusses the relevant findings related to the bureaucratic field. First, the different agents are described in some detail. Subsequently the interaction, or struggle, between these agents is described. The paragraph closes with a synopsis of the recent tenting camps.

4.1.1 Agents in the bureaucratic field of illegality

The national government
In this subparagraph, the national government is described as experienced through the eyes of municipalities and NGOs. Although this view may be somewhat biased, it does give an interesting impression and puts the struggle in the bureaucratic field in a more clear perspective.

According to the interviewees from municipalities as well as NGOs, the governmental policy is failing and insufficient. According to them, the asylum policy as well as the return policy is not effective. As a result, municipalities are confronted with sick and deprived people in their streets. According to the interviewees, the government also harms the representation of irregular migrants. Irregular migrants are depicted as criminals, parasites and so forth. The NGOs accuse the government of raising the false impression that every irregular migrant can return while return can be very difficult. This is also recognized by the advisory committee for aliens affairs (Adviescommisie voor Vreemdelingen Zaken, 2012) in general and by the UNHCR for stateless persons specifically (United Nations High Commissioner for Refugees, 2011).

On top of foregoing, the national government is described as very stiff. The political situation seems helpless, unmovable. It is said to be marked with simplism, ignorance and inexperience which is seen as the result of the unstable situation which each new election causes.

Although the negative description of the government seems to be meant for the government as a whole, it should be noted that the government is no single entity. It exists for example of a pure political part – the premier, ministers and members of parliament – and a part which enforces the rules which are made by the politicians. Examples of this last part are the Immigration and Naturalization Office (IND) and the office for return and departure. Moreover, some interviewed scientists indicated that there is a difference between the laws in theory and the laws in practice.

This set of parts which together make up the national government is, according to the interviewees, failing in dealing with irregular migrants.

Municipalities

Due to the failing governmental policy, interviewed municipality officials see themselves confronted with irregular migrants on the steps of their city hall. Since the agreement between the state secretary of justice and the municipalities (Deetman & Albayrak, 2007), municipalities are officially not supposed to shelter irregular migrants. However, unofficially municipalities take responsibilities and help irregular migrants. As explained in chapter 3 the municipalities of Amsterdam, Rotterdam, Utrecht, Den Haag, Nijmegen and Emmen have been interviewed. Per interviewed municipality it will be described how the municipality indicated to deal with irregular migrants.

Municipality of Amsterdam

The municipality of Amsterdam works with a fund called 'Fund consequences alien policy'. From this fund the municipality pays a variety of organizations to shelter irregular migrants. The municipality official considers these organizations as a sieve. The NGOs estimate whether irregular migrants make a chance to receive financial support from this fund. The NGOs then ask the municipality official for money for the individual whereupon the official decides whether or not the irregular migrant gets financial support. The municipality has chosen to organize it in this way because it did not want to be responsible for maintaining a shelter and arrange all the professional help. Another reason is the opinion that irregular migrants have to take their own responsibility and should not be pampered. Finally, an official municipality shelter would cost too much which would be a wrong signal in the current political climate. According to the municipality official it is more effective to arrange it in the twilight because the subject is so highly charged. This is illustrated by the fact that the municipality offers the same support to irregular migrants as before the agreement of 2007 but does not call it emergency shelter anymore, because the use of that term would lead to political discussions.

Municipality of Rotterdam

According to the municipality official of Rotterdam, the municipality does not have an official policy for irregular migrants. It maintains that alien policy is government policy. However, the municipality is confronted with the failing of this government policy. Referring to the duty of care and public order, health and safety, the official indicates that there are some things arranged for irregular migrants. Although the official has daily contact with NGOs about irregular migrants, there is no official policy and it is indicated as incidental. The municipality feeds back to the government that the municipality, under protest, supports irregular migrants for which the government should have taken responsibility. This support exists of a variety of measures. The municipality supports the Salvation Army with 700.000 euro per year. In return, this very broad organization accommodates 25 places for irregular migrants. Another way in which the municipality supports irregular migrants is via private funds with independent directors. The municipality donates money in these private funds. When individual irregular migrants are in need of money the municipality refers them to the directors of these funds and they can decide to give, for example, money for clothes. In this way the municipality indirectly supports individual irregular migrants.

Municipality of Utrecht

The municipality of Utrecht is the most explicit and direct in their support for irregular migrants. The interviewed municipality official indicated that the municipality of Utrecht is, divided over a variety of organizations and projects, spending more than 1.000.000 euro on irregular migrants per year. These organizations officially perform the shelter of irregular migrants on behalf of the municipality of Utrecht. Of these organizations, the 'Foundation emergency shelter homeless aliens Utrecht (SNDVU)' is the biggest and shelters on average 100 irregular migrants per night. Whether irregular migrants are considered eligible for this shelter is assessed by INLIA, the NGO introduced in 3.2.2, on behalf of the municipality. The municipality corresponds with the national government about their actions and is fully open about their approach. In contrast to other municipalities they explicitly call it emergency shelter. By pointing to the failing government policies, the duty of care and responsibility for public safety and health, they urge the government to take action.

Municipality of Den Haag

The official of the municipality of Den Haag describes her municipality as very dutiful and obedient to the national government. Compared with other municipalities, Den Haag has very limited provisions for irregular migrants. Whereas other municipalities have one (Amsterdam, Rotterdam) or even two (Utrecht) alien affairs policy advisors, Den Haag does not have an official who is responsible for the problem of irregular migrants. Instead, irregular migrants are placed as minor subjects in the portfolios of officials from different departments. In effect, not much time can be spent on the subject. As a result, the interviewed official has far less juridical knowledge than her colleagues in Utrecht and Amsterdam and she also states to be emotionally less involved.

In terms of money, the municipality of Den Haag spends 400.000 euro on irregular migrants per year. Although by now it is publicly known how much the municipality spends, the official indicates that for a long time it has been considered as a public secret.

Half of the 400.000 euro goes to a fund called 'Haags financial emergency fund'. From this fund, irregular migrants receive a subsistence allowance with which they are supposed to rent a place to live and buy food. This fund has an independent board of directors which exists of a doctor, a juridical expert and a social worker. This board of directors decides who receives support and who not. Although the municipality of Den Haag has given some broad guidelines, the municipality is not involved in the decision about individual irregular migrants.

The other 200.000 euro is spent on a project with unaccompanied minors. This project is drawing to a close and with the money which becomes available again, the municipality endeavors to start an emergency shelter for irregular migrants who are not self-reliant. Although the municipality has always been obedient to the government, even the municipality of Den Haag is planning to start an emergency shelter for irregular migrants. The official stated that they are increasingly confronted with vulnerable people. There comes a point when the situation becomes unacceptable. Still the municipality maintains distance, who may enter this shelter will be decided by the independent board of directors described above.

Municipality of Nijmegen

Although there is momentarily no official policy for irregular migrants, according to the interviewed municipality official, it is in the making. The reason the municipality of Nijmegen wants to put its policy to paper is to justify why it does things to which it is juridical not obliged. Currently, the municipality of Nijmegen shelters approximately 25 irregular migrants. The irregular migrants do not live in a house of the municipality but receive money to rent a room and buy food. Moreover, they

receive juridical and social support. The municipality of Nijmegen has arranged this by the help of two NGOs, namely 'vluchtelingenwerk' and 'INLIA'. The first organization arranges the shelter and the second organization assesses the requests of irregular migrants and advises whether or not to shelter the irregular migrant. The municipality official estimates that the organizations together receive 210.000 euro, of which the biggest part goes to 'vluchtelingenwerk'. The reasons mentioned for supporting irregular migrants are plural. The first reason given is the failing of governmental policy, the irregular migrants are not cared for and end up on the streets. Since there are vulnerable people among them, shelter is conceived as necessary. As extra reasons to emphasize the necessity of support the official points to its responsibility, namely the duty of care and maintaining of the public order, public health and safety.

Municipality of Emmen

In the municipality of Emmen, there is no public emergency shelter for irregular migrants. Referring to the agreement of 2007, the municipality official stated that this is the official message Emmen conveys. An extra reason for this strict policy is the nearby returncentre Ter Apel. Emmen does not want to pull to itself the expelled irregular migrants from this centre. On top of that, the municipality of Emmen does not want to solve the problems of the national government. Despite this strict attitude unofficially it is arranged that a private initiative, an NGO called 'op 't Stee', shelters irregular migrants. With consent of the municipality council the NGO receives 25.000 euro on a yearly basis from the municipality of Emmen. When irregular migrants end up in the city hall on a Friday afternoon, the official can call the NGO and they will help search for a solution. So although there is officially no public municipality shelter, there is a private initiative which enjoys the favor of the municipality.

Origin of differences between municipalities

When considering the foregoing description of municipalities given by the interviewed municipality officials, it can be noticed that the municipalities differ in their support for irregular migrants. There are differences in terms of spending money, ways of support and involvement in the decision whether or not to shelter irregular migrants. By the interviewees, various reasons are given for these differences between municipalities. The official of Rotterdam seeks the explanation in the history. Over the years, support of irregular migrants has developed in different ways corresponding to the opportunities and needs of irregular migrants. The official states that in Rotterdam there are much more informal jobs than for example in Utrecht. In effect, it is easier for irregular migrant to take care for themselves in Rotterdam and less government interference is needed. Similarly, the history of available NGOs might make a difference. From the late eighties onwards, the Pauluskerk in Rotterdam offered a safety net which did not yet existed in Utrecht. This might explain why the municipality of Utrecht had to get more involved than the municipality of Rotterdam. The official of Den Haag mentioned another reason. She pointed to the orientation of the mayor and executive board, whether the members are from right or left oriented political parties. Utrecht (since 1999) as well as Amsterdam (since 1945) have a PvdA - a left party – mayor, whereas Den Haag has a VVD - a more rightwing party - mayor. The importance of this difference is increased by the political composition of the national government. For the last years there was a VVD premier. It is less likely that a VVD mayor will revolt against his own political party in the national government than that a PvdA mayor will revolt. However, Rotterdam also has a PvdA mayor but the possibilities of the PvdA

in Rotterdam are limited by a very rightwing party called Leefbaar Rotterdam which is a big as the PvdA.

In concluding, although all interviewed municipalities indicate to offer in some way support for irregular migrants there are some interesting differences between them. In Table 8 these differences are shortly recapitulated. Firstly, the amounts of money which the municipalities spend on irregular migrants differ dramatically. This difference becomes especially clear when the amount of money spend on irregular migrants is divided over the inhabitants of the municipality. In Den Haag each inhabitant of the municipality pays 0,80 euro per year for irregular migrants whereas in Utrecht this is 3,16 euro.

Secondly, the ways in which municipalities shelter irregular migrants differ. Some municipalities choose to financially support an NGO who shelters irregular migrants, other choose to financially support a fund from which individual irregular migrants receive money with which they have to arrange housing and food themselves.

Thirdly, there is a difference in the extent to which the municipality officials are involved. On the one extreme is the official of Amsterdam who weighs each case himself; on the other extreme is the municipality of Den Haag who donates money and thus outsources the decision to an independent board of directors and is not interested in who receives support. A variant in between these extremes, which the other municipalities use, is outsourcing the assessment to INLIA or the GGD and follow up on the advice these third parties give.

Finally, there are differences in the way municipalities communicate about the measures they take for irregular migrants. Some of the municipalities are very open about their actions, revolting against the agreement of 2007 and calling their support emergency shelter; others are less explicit about their help offered to irregular migrants and prefer to handle on the sly. The municipality officials explain the above mentioned differences by pointing to the history and by pointing to the dominant political views of the mayor and executive board of their municipality.

Table 8: Findings overview per municipality

Municipality	Inhabitants	Spending on irregular migrants	€ Per inhabitant	Ways of support	Involvement in Decision
Emmen	108.838	€ 25.000,-	€0.23	Funding shelter NGO	Via INLIA
Nijmegen	165.182	€ 210.000,-	€1.27	Funding financial subsistence allowance	Via INLIA
Amsterdam	790.110	€ 300.000?,-	0,38	Funding shelter NGO & subsistence allowance	Via municipality official
Rotterdam	616.260	€ 700.000,-	1.14	Funding shelter NGO	Via GGD
Utrecht	316.275	€ 1.000.000,-	3.16	Funding shelter NGO	Via INLIA
Den Haag	502.055	€ 400.000,-	0,80	Funding financial subsistence allowance	Via independent board of directors of fund

NGOs

In this paragraph various NGOs with which interviews are conducted are described. These NGOs are ''Vluchtelingen in de Knel', 'Pauluskerk', 'Rotterdams Ongedocumenteerden Steunpunt', 'STIL', 'Op t

Stee', 'GAST', 'ASKV', 'SHUV', 'Interkerkelijke werkgroep AZC Drachten' and 'INLIA'. Per NGO the activity, seize and finances, as described by the interviewees, will be rendered.

Vluchtelingen in de Knel (Refugees under pressure)

Based in Eindhoven, this is the only NGO which supports irregular migrants in the municipality. The organization shelters approximately 50 migrants divided over seven houses. When an irregular migrant receives shelter from Vluchtelingen in de Knel, he also gets a subsistence allowance and help with his files. Besides these 50 irregular migrants, the NGO also helps 125 migrants with their files. Vluchtelingen in de Knel also considers itself as an intermediary which makes the medical world more accessible for the irregular migrants. They inform doctors and their clients about the possibilities and make appointments. Finally, the NGO tries to influence the representation of irregular migrants. By raising awareness, the NGO endeavors to raise sympathy for their clients as well as the number of donations. Vluchtelingen in de Knel is financed by private persons, foundations and the municipality of Eindhoven.

Pauluskerk (Church of Saint Paul)

This Rotterdam based NGO is the biggest interviewed independent NGO in the Netherlands supporting irregular migrants. The Pauluskerk has a capacity of 60 beds, but this number is growing. Besides sheltering people for the night, the Pauluskerk gives people financial support, juridical support, language courses, medical care, mediation in case of return and daycare where people can stay and eat. The NGO gets its money from private donors, foundations and funds and receives no finance from the municipality.

ROS (Organization to support undocumented migrants in Rotterdam)

This second organization in Rotterdam shelters and feeds 12 irregular migrants and helps them with their juridical files. They also provide language courses. Just like the Pauluskerk, they do not receive any subsidy from the municipality.

STIL (Foundation lukewarm law)

This organization is based in Utrecht, although STIL does not directly shelter irregular migrants, they do support irregular migrants with their juridical file, give financial support and refer some irregular migrants to organizations and contacts who can give them shelter. STIL has 5 part-time employees (2FTE). The organization is partly financed by funds and donors and partly by a subsidy from the municipality of Utrecht. Donors are informed via a newsletter, funds get a detailed report how their money is spend and the municipality is informed via a subsidy account which updates the municipality about the current situation of irregular migrants in Utrecht.

Op 't Stee

Based in Emmen, Op 't Stee has 17 places to shelter people and gives these people subsistence allowance and juridical support. They are partly financed by the municipality of Emmen and partly by donors and churches.

GAST (Give asylum seekers a refuge)

This NGO, based in Nijmegen, shelters 25 irregular migrants and gives them subsistence allowance. For these 25 and 15 more irregular migrants GAST also gives juridical support. GAST gets its money from donors and actions and does not receive any subsidy from the municipality.

ASKV (Amsterdam solidarity committee refugees)
ASKV has 5 part-time employees, 10 volunteers and 4 trainees. The activities of ASKV can be divided into three parts. Firstly, ASKV supports irregular migrants on individual basis. They give mental, juridical- and social support, referring them to health instances and contacts and they also shelter some irregular migrants. Next to individual help, ASKV also endeavors to improve the situation of irregular migrants as a group by campaigning. Finally, ASKV starts specific projects to help specific groups. The NGO has 16 beds available for irregular migrants and 15 beds for irregular migrants in a specific project which will be explained in paragraph 4.2.2. ASKV is partly financed by the municipality which pays for the beds and maintenance of individual migrants and partly by funds and donors.

SHUV (Foundation helping irregular refugees)
This organization based in Emmen is a bit different than the other organizations. It concerns a woman who shelters, feeds and clothes on average six irregular migrants, mainly ex unaccompanied minors. Together, they form a household and the woman tries to help them with their juridical file. The woman gets no subsidy but survives on her income and what friends or donors give her.

Interkerkelijke Werkgroep AZC Drachten (Inter church working group asylum shelter Drachten)
The NGO based in Drachten does not shelter people. They do support irregular migrants with a monthly subsistence allowance. Besides these fixed amounts of money, irregular migrants receive money on incidental bases for traveling and lawsuits. The NGO does not receive anything from the municipality and gets its money from churches, funds and donors. It thrives fully on volunteers. Next to this financial aspect, the NGO helps with the contacts with solicitors and care givers.

INLIA (International Network of Local Initiatives with Asylum seekers)
As compared to the other NGOs, INLIA is somewhat deviating. Whereas the other NGOs only have a regional component, INLIA operates on national scale. The activities of INLIA can be divided in four groups. INLIA, originating from a Christian background, informs and supports churches who are dealing with irregular migrants. Secondly, INLIA is informing the government; INLIA bundles and summarizes the problems which they notice from the municipalities and NGOs with which they cooperate. In order to do this, INLIA is closely related to the national shelter consult of municipality councils. In this council, the forty municipalities in the Netherlands which are dealing with irregular migrants meet and confer about the situation and how to take action. Thirdly, INLIA manages a local shelter with a capacity of twenty beds for irregular migrants from the region of Groningen. Finally and maybe most interestingly, INLIA assesses on behalf of some municipalities and NGOs whether or not an irregular migrant should be sheltered by the municipality or NGO. After the irregular migrant has requested support from a municipality or NGO, his request goes to INLIA in Groningen. Based on juridical files, IND information and personal details, INLIA checks if the shelter request meets a set of criteria. Subsequently INLIA advices the municipality or NGO a yes or no. After three months, INLIA checks the status with the NGOs and bangs the drum when things are changed or have to happen. In return for this service, INLIA is paid by municipalities. From the municipality of Groningen and the

state, INLIA sometimes receives project specific subsidies. This money goes via another organization in order to remain independent. Other money comes from the church adherents and individual donors.

As is recapitulated in Table 9, the interviews have shown that NGOs differ in size and sources of money. Concerning size, some NGO only shelter six individuals while others have a capacity of 50 or 60 beds. Financially, all the NGOs are, at least for a part, dependent on private donors or churches or other funds, to be able to carry out their proceedings. Some of them also receive money from the municipality, others do not.

Table 9: Differences between NGOs

	Name	City	Shelter capacity	Money from municipality
1	Interkerkelijke werkgroep AZC	Drachten	-	No
2	Vluchtelingen in de Knel	Eindhoven	50	Yes
3	ASKV	Amsterdam	35	Yes
4	GAST	Nijmegen	25	No
5	Pauluskerk	Rotterdam	13	No
6	ROS	Rotterdam	40	No
7	SHUV	Emmen	6	No
8	Op t stee	Emmen	15	Yes
9	STIL	Utrecht	-	Yes
10	INLIA	Groningen	10	Yes

For most of the NGOs, sheltering irregular migrants is their main activity, although not all of the NGOs do this. For example, Interkerkelijke Werkgroep AZC Drachten does not shelter the irregular migrants, but does support them financially and in their contacts with solicitors and doctors. Where sheltering irregular migrants is thus the main activity for most NGOs, most of them also offer support in ways of juridical and social support.

Based on the interviews, the government, municipalities and NGO's are described. These agents are connected with each other in the bureaucratic field of illegality. In this field there is a struggle between the agents over het central value, namely the position of irregular migrants in the bureaucratic field of irregularity.

4.1.2 Struggle between the agents in the bureaucratic field of illegality

NGOs as well as some municipalities indicated in the interviews that they help irregular migrants under protest. Municipality officials state that the government is responsible and NGOs hold the municipality responsible for arranging shelter. However, since the government does not take responsibility, some municipalities feel they have to take responsibility and since municipalities do not take enough responsibility in the eyes of NGOs, NGOs also take responsibility. While taking these responsibilities, NGOs urge municipalities to undertake more action while municipalities urge the national government to undertake action. The ways in which the different agents struggle over the central value in the bureaucratic field of illegality will now be discussed.

How the NGOS influence the municipalities

Before zooming in on the dissensions between NGOs and municipalities, it should be noted that the relationship between the NGOs and municipalities is, from both sides defined as good. NGOs and municipalities are on speaking terms with each other and communicate in a professional way. However, they do have different ambitions, philosophies and superiors. So although the individuals of NGOs and municipalities are on friendly terms, there are regularly discussions and sometimes disagreements. Some interviewed NGOs describe the relationship as fragile since at every new election it is unsure which party is chosen, how influential the officials will be and how their disposition towards the NGO will be.

How close the NGOs and municipalities are to each other seems to differ per municipality. Some municipality councils seem more willing to assist and think along with NGOs than others. This difference between municipalities becomes clear in the money which flows to the NGOs, the regularity of the meetings between municipality officials and NGOs if any, the general interest from politicians and the openness to alternatives suggested by NGOs.

The ways, described during the interviews, in which NGOs try to influence municipalities differ from conventional methods to more unconventional methods. The conventional methods can be placed under the shared header of lobbying. Through contacts with the mayor, alderman and officials, NGOs indicate that they arrange a lot of things for individual irregular migrants. Remarkably, it seems that much happens out of sight. Municipalities are willing to help irregular migrants out, as long as it happens unofficially, in secret. In effect, matters are often not publicly discussed in municipality council but are arranged by a municipality official.

Lobbying has also much to do with informing the local politicians and citizens. NGOs are in daily contact with the irregular migrants and have the most knowledge of the situation. This knowledge is regarded as some form of power. To inform the politicians, NGOs bring out figures and updates. Several times it is mentioned that politicians have a predilection for numbers. Since numbers are abstract and do not show the personal anguish which goes with it, NGOs also try to bring politicians in contact with irregular migrants. NGOs indicate that they are not afraid to play on a feeling of guilt and confront the politicians with the harsh facts. Examples are given of a charming young girl with braided hair who was sheltered by the NGO or a single woman who could not pay the public utility and had to live in a dark house and cook on a camping cooking set. Another example is of a woman who ran away from her husband who had beaten her. The NGO sketched the situation in such a way that if the municipality did not help the woman, she had to go back to her husband who abused her, that the municipality forced her into a situation of domestic violence. In all examples the NGO present the situation to the municipalities in such a way that since the municipalities do nothing, the situation exists. In other words, it is sketched as if it is the fault of the municipality and action should be taken.

Besides these more or less conventional methods, NGOs also use more unconventional methods to raise the pressure on the municipality. In the words of one NGO: 'Sometimes I cooperate and sometimes I thwart'.

One such method is to bring irregular migrants in to the city hall and let the municipality come up with a solution. This method is of course only possible when the irregular migrant cannot be expulsed. In the past this method has been employed regularly. For example: in 2001 in Leiden (De Fabel van de illegaal, 2001), in 2002 in Den Haag (Tussen wal en schip: uitgeprocedeerden hopen op generaal pardon [Blogpost], 2002), in 2003 in Amsterdam (Comité Geen mens is illegaal, 2003) and in 2006 in Raalte ("Vluchtelingen die aankloppen bij de stichting Humanitaire Opvang Dakloze

Asielzoekers (HODA) in Raalte moeten eerst enkele dagen in een koepeltent op straat verblijven voordat ze noodopvang krijgen [Newspaper article]," 2006). During the interviews only one NGO indicated to still use this method nowadays. Apparently something changed in the relation between NGOs and municipalities.

A more refined example of this method is given by another interviewed NGO. This example concerned an irregular woman with suicidal tendencies. She had tried to take her own life and was cared for in crisis care, a governmental institution. After a few days the immediate crisis was over and the crisis care wanted to get rid of the women. Since she was illegal, there was no governmental institution to go to. The NGOs in the city were contacted by the crisis care to shelter her. However, in the meantime the NGOs had already secretly contacted each other and decided to block this woman from their shelter. In their opinion this woman needed professional care and mental support which the NGOs could not provide. By blocking this woman from their shelters the municipality was forced by the NGOs to find another solution, which indeed happened. Although this is only one example it gives an interesting peek into the twilight in which NGOs have to operate.

Through the discussed methods, NGOs use their own power, as well as external forces to influence the municipality. The two most prominent external forces are the juridical field and the field of journalism. The way in which these forces are used are discussed separately in paragraph 1.3 and 1.4.

To summarize, although NGOs indicated during the interviews that politicians have a preference for figures and numbers, the discussion and influence is not merely objective but appeals to feelings also. So to speak, a young girl probably has more chance than an old single man without teeth. As long as it happens in secret NGOs can make agreements with municipalities for individual migrants. Moreover, NGOs sometimes strategically block their shelter for request from the municipality institution. It seems as if the chances of individual migrants are thus partly based on the lobbying skills as well as the courage of the NGOs.

How the municipalities and NGOs influence the national government

Municipalities urging the national government
As a starting point to understand the struggle between municipalities and the national government, it is worth to pay some extra attention to the agreement from 2007 between the government and municipalities (Deetman & Albayrak, 2007). The probably most important clause in this agreement can be translated as:

With consideration of foregoing, municipalities will not directly nor indirectly cooperate with sheltering of aliens who illegally stay in the Netherlands and municipalities will close the existing emergency shelters (Deetman & Albayrak, 2007, p. 3).

It is interesting that during the interviews, this clause is used by municipalities to defend why they do not support irregular migrants as well as why they do support irregular migrants. The municipalities of Emmen and Den Haag who state to do not much for irregular migrants, point to the part of the clause behind the comma and state that asylum policy is national policy and municipalities are not allowed to interfere.

However, even these obedient municipalities do offer, in some form, support to irregular migrants. Together with more revolting municipalities, they point to the first part of the clause. They state that the government does not succeed in the 'with consideration of foregoing' part, that the government has not succeeded in a proper working asylum and return policy. Since the national government does not keep to the agreement, the municipalities state that they do not have to keep to the agreement either. Having denounced the agreement, municipalities still directly or indirectly shelter irregular migrants in the ways described earlier. This gives an interesting tension between the municipalities and the national government. The municipalities indicate to operate under protest, they refer to their duty of care and responsibility for public order and safety and that they are sometimes even obliged by the judge to take responsibility. In other words, the circumstances force them to take action but in fact they are of the opinion that the national government should take responsibility. To make the government fulfil its duties, namely a proper working asylum and return policy, municipalities employ a variety of methods.

Firstly, mayors and officials talk on regular terms with the minister. All interviewed municipalities indicate that they emphasize the difficulty of their position and directly urge the minister that the government should take action. Secondly, municipalities also indirectly try to urge the minister. This happens via contacts in the parliament. For example, the official from the municipality of Emmen has contacts with members of parliament and is able to attract attention for local problems via this way. Moreover, the official of the municipality of Rotterdam indicates that via such contacts with parliament members it is possible to bring in points of order in the parliament. Thirdly, municipalities also cooperate in a variety of compositions, since together you are stronger. The biggest composition is the Union of Dutch Municipalities (VNG). In this composition all municipalities - over 400 - are presented. Besides an almost infinite range of other topics, the VNG gives its opinion about the alien policy and the situation of irregular migrants during talks with the minister. When necessary, it writes a public letter to the minister urging him to reconsider a decision or solve a problem.

Since the VNG is big, and most of its municipalities have nothing, or not much, to do with irregular migrants, a second association exists. This is 'The national shelter consult of municipality councils' (LOGO). In this consultative body, approximately 40 municipalities which are dealing with irregular migrants are affiliated. During their meetings they share best practices and sometimes take action as a group, for example collectively writing the minister urging him to not criminalize irregular stay. On top of these associations, there is one more association, namely the association of the four biggest municipalities (G4). These four municipalities are Amsterdam, Den Haag, Rotterdam and Utrecht. Although this partnership is concerned with more than only issues of irregular migrants, the four municipalities bring this topic up during meetings with the minister and occasionally in letters. The signal these four municipalities give seems not as strong as it can possibly be. According to the official of Den Haag this ineffectiveness is due to the differences between the approaches and attitudes of the four municipalities towards irregular migrants and the national government. Before the letters can be send there needs to be consensus between the four mayors and the four aldermen. This is a challenge because for example, the municipality of Utrecht likes to put more definite radical phrases in the letter whereas the municipality of Den Haag does not want to go as far and gives a more nuanced view. This makes the message of the G4 slow and less powerful than what is possible.

NGOs urging the national government

NGOs seem to put more effort in influencing their local municipality than in influencing the government. However, some NGOs are actively and structurally initiating chances to influence the government, others do this on a more incidental and reactive base and some do nothing at all. All in all, interviewed NGOs indicate to try to influence the government in a variety of ways.

Firstly, NGOs seek to influence the government by lobbying. On behalf of the affiliated municipalities and NGOs, INLIA states to be very active in influencing the government. They have contacts with members of parliament and political parties. Via these contacts INLIA says to be able to raise awareness for issues when necessary and ask parliamentary questions. Bigger NGOs like ASKV and the Pauluskerk also independently lobby on their own initiative.

A second way is to seek the support of a third party. Op 't Stee indicated to have sought the help of the Ombudsman. ASKV has organized a debate with the help of some other NGOs. INLIA is part of a variety of clubs. Together the members of these clubs have a stronger voice and are capable of drawing the attention of the government. INLIA, for example, is part of the council of churches and LOGO. Both these clubs speak once in a while directly with the minister. When necessary, INLIA also plays a role in ad hoc coalitions. An example of such a coalition is the group who organized the 'no child in the street' campaign. This group existed of Defence for children international, Stichting LOS, Unicef, Kerk in Actie, Stichting Kinderpostzegels and VluchtelingenWerk.

A last way in which NGOs employ, is raising public awareness by organizing events. For example, the Pauluskerk indicates to actively seek publicity and organised as they call it: thunderous debates. A variety of NGOs published a small booklet with the basic rights of irregular migrants in their own city, and INLIA together with Kerk in Actie organized a signature campaign against criminalizing irregular residence.

In summarizing foregoing, interviewed NGOs as well as interviewed municipalities told that they try to influence the national government via contacts with members of parliament, meetings with the minister and joining forces with third parties. Despite these methods, it seems they experience their influencing as a desperate attempt with hardly any effect. The minister is described as unreachable and is several times depicted as a moppet. INLIA speaks in terms of fighting a losing battle. The pastor of the Pauluskerk even talked in terms of giving up on politics. Instead, he planned to influence the public opinion by starting two campaign named: ''they do not evaporate'' and "Bed Bath Bread" see Figure 12. By changing the public opinion he hopes the political climate will be changed as well.

How the national government influences municipalities
Since municipalities do not hold to the agreement to stop supporting irregular migrants, one would expect that the government would take action against them, beginning with the most explicit offender, the municipality of Utrecht. However, during the interview the municipality of Utrecht indicated that the government does nothing to stop them, even that the government is not able to stop them. Although, according to the official of the municipality of Utrecht, every new minister exclaimed: 'this situation should not be possible and we are going to stop them', the government has not lifted a finger so far.

According to the interviewed official, the government has no power to stop the municipality of Utrecht, because the actions of his municipality are lawful and that the municipality of Utrecht stands juridical in its right. The mayor has the authority to maintain public order and the official also points again to the mentioned clause in the agreement of 2007. Moreover, the government has no

means to restrict the municipality of Utrecht. It is for example very hard for the government to cut in the municipality funding. Out of this fund the municipality of Utrecht receives a lump sum of millions which they can spend as they think best. The municipality fund is a matter of milliards and is divided over the municipalities by share ratios like number of residents, number of beneficiaries and acreage. According to the municipality official, it would be unmanageable to cut one municipality on a half million because then every municipality risks to be cut in the costs for every little thing they do which deviates from the norm.

Put briefly, the government seems to acts like a paper tiger. The freedom of municipalities should not be understood as a carte blanche to do whatever they want, but municipalities do seem to have considerable latitude to shelter irregular migrants as they see fit. It would be interesting to see how far they can go.

4.1.3 Interaction with the field of journalism

The idea which arose from the brief literature study was that the media play an undeniable part in the struggle in the bureaucratic field (Bourdieu & Ferguson, 1999). Based on the interviews, it indeed seems that the bureaucratic field of illegality does not operate in a vacuum but is influenced by the media. It becomes apparent that the media are a divided field themselves. The interviewees declared that media are not objective. As a result, they weigh each request for an interview or cooperation with a program carefully. As an indication, they use the jargon these channels and papers have used to describe irregular migrants in the past, whether these channels gave a fair impression or talked in terms of criminals and beneficiaries.

The interviewees did indicate that media attention is relatively easy to attain. The subject is highly charged with political themes for quality press and has many juicy personal details for sensational press. Moreover, the officials of municipalities indicate that the media are very fond of struggles between the municipalities and the higher government. As a result, one of these officials stated to be in the news more often than all his colleagues of other compartments. Some NGOs and municipalities use this media attention very actively. For example, they start media campaigns and contact the media when interesting things happen.

In their struggle with higher government, the interviewed NGOs and municipalities indicated to use the media for a variety of reasons. Firstly, the media make contact between the viewer and the irregular migrants. The abstract threat changes into a human face, one can think of the example of Mauro mentioned in 2.6.3. By means of media the NGOs are able to raise awareness and sympathy for irregular migrants and influence the public opinion. The Pauluskerk for example, is planning a campaign to change the way in which citizens of Rotterdam think about irregular migrants. The Pauluskerk does this by pointing at the history of Rotterdam, a city which is built by seafaring people from all nations and thrives on this fact for ages. In doing so the Pauluskerk hopes to change the jargon from: ''irregular migrant = illegal = criminal = get out, to: irregular migrant = a fellow human being = worthy of respectful treatment''. From unknown makes unloved to known makes loved.
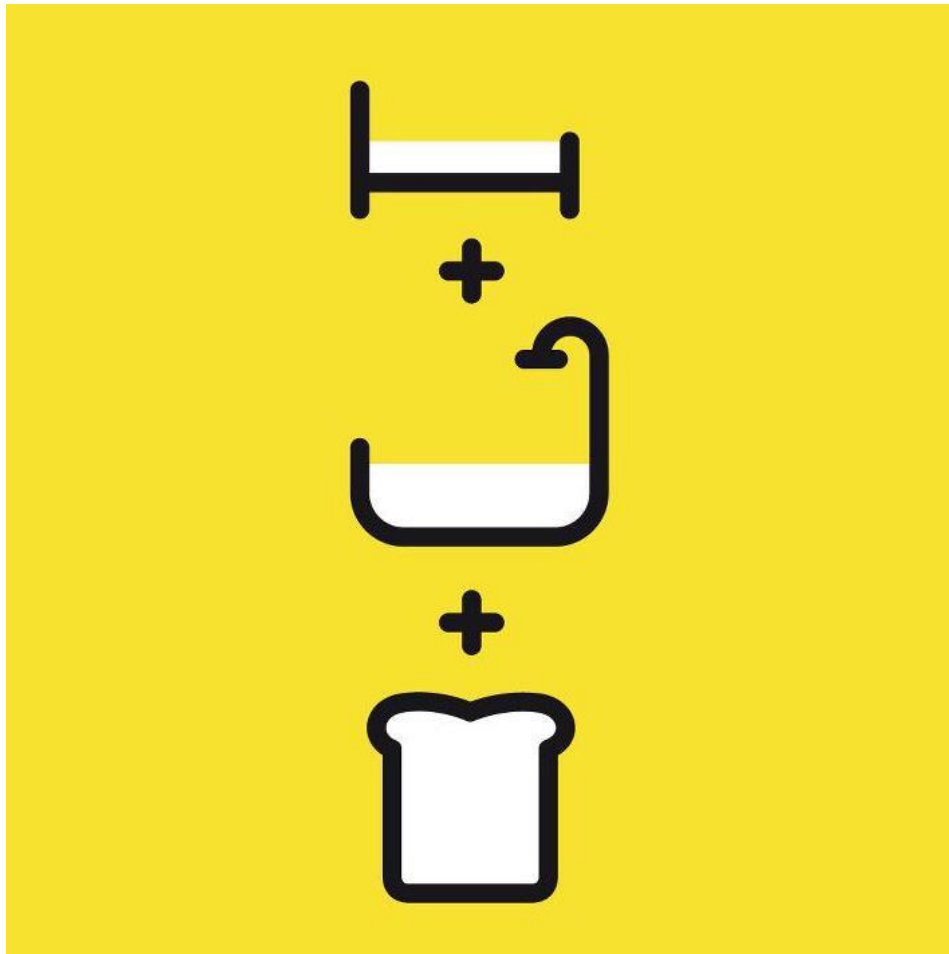
Figure 12: Example of campaign Bed, Bath, Bread
Source: www.pauluskerkvluchtelingenwerk.nl

 Secondly, media is used to raise attention from the public and the politics for specific issues such as as child exemption (www.kinderpardon.nu) and no child in prison (www.geenkindeindecel.nl). To be effective, actions and manifestations need exposure in the media. For example, when NGO STIL organized all kinds of events during the night of replacement – a night in which important people shelter irregular migrants for one night - one aspect which had high priority was finding enough interested press.

The media are also used by NGOs and municipalities to put pressure on the government and even protect irregular migrants. An example of the first is given by the official of Utrecht. He described how a neighbouring municipality, thinking that Utrecht would take care, had send an irregular migrant family with their handicapped son to the municipality of Utrecht. Since this family did not come from Utrecht, the official did not want to take care and sent the family right back to the municipality they came from. At the same time the official contacted some 'good' journalists which would be at the city hall when the family arrived. Under pressure of the cameras, the municipality arranged something for the family.

An example of ways in which the media protect irregular migrants is given by an interviewee who was involved with the first tenting camp in ter Apel. In the starting days of this camp, she asked the media to be present at times she had to go away, because she feared that the irregular migrants would immediately be arrested. Similarly, the author of current thesis observed that the police violence during the eviction of the tenting camp in Amsterdam was much more restricted as

compared to the eviction of the tenting camp in Den Haag. This difference can be partly explained by the considerable difference in the presence of the media. In Amsterdam there where many journalists, in Den Haag there were few and the journalist where kept at a distance during the eviction. In paragraph 4.1.5 the tenting camps are discussed in more detail.

Interestingly, despite the media attention and the perceived effect which the media has on public opinion and politics, the interviewed NGOs seem somewhat reluctant to put individual cases in the media. One NGO was even hesitant in an absolute hopeless case in which all juridical possibilities were exhausted: a young Guinean mother of two children who had lived 15 years in het Netherlands and was deported to Guinea, but was sent back to the Netherlands because Guinea did not accept the children. The result of media attention for individuals seems to be questioned for at least one reason, namely that in the current system much happens hidden, in silence. It is feared that media attention may work contra productive and cancels all low-key possibilities. This is not only observed by the NGOs but also by politicians themselves ("Ferrier: Eerst fractieberaad CDA over Mauro, Mirjam Sterk legt schuld bij media [Newspaper article]," 2011).

Another reason which is mentioned why it is complicated to put individual cases in the media, is the media logic. Media tend to focus on the poignancy of the situation and do not treat it in an objective nuanced way, focussing on the juridical details. In the process media tend to condemn government bodies or even persons from whom the NGOs also need goodwill to arrange cases for other persons outside the radar.

One last reason the interviewees noted is that the higher government also tries to influence the media and the jargon used on a far bigger and more professional scale than NGOs and municipalities ever can. When putting individual cases in the media, they risk that the government counters the sensational story telling of the press by making a statement of consequence.

In concluding, during the interviews it became clear that media attention is easy to obtain because there is a human story as well as a struggle between municipalities and the government. However, the media are used consciously by NGOs and municipalities because not all media tell the same story. The media are used by NGOs and municipalities to connect the public to the irregular migrant, to change an abstract threat into human faces, raise attention for certain problems, put pressure on government and even to protect irregular migrants. However, NGOs are reluctant to put individual cases in the media because too much media attention may work contra effective in a bureaucratic field where most things happen in silence. All the more, since the government also uses the media to convey its opinion and change the human faces back into an abstract threat.

4.1.4 Interaction with the juridical field
Even more than the field of journalism, the juridical field plays a discernible role in the struggle of the bureaucratic field. As discussed in the theoretical chapter, the juridical field has juridical capital (Bourdieu, 1986), the power to constitute reality by performative speech acts (Austin, 1962). Based on the interviewees the impression is raised that NGOs as well as municipalities try to use this juridical power to their benefit. In this light two things are interesting, namely the building up of jurisprudence and the role of the European court.

A variety of interviewed NGOs pointed out that they had started lawsuits against the municipalities with the help of an advocacy firm called Fischer. The interesting point of these lawsuits is that they

indicate a new trend. In the past lawsuits mainly focused on getting a stay permit while since the last five years an increasing number of lawsuits focused on social security. In other words, irregular migrants should have right on basic shelter and subsistence allowance even if they are staying irregularly in the Netherlands and even more if they are rightfully in the Netherlands because they are awaiting the outcome of a renewed legal procedure. The Fischer advocacy firm is especially noteworthy because this firm is systematically building this jurisprudence. With small steps the laws are stretched further and further. Once enough jurisprudence is build up, the Dutch situation may become like the Belgian situation. In Belgium, following the jurisprudence, a range of laws emerged which made exceptions on the exclusion from shelter of some groups of irregular migrants. In effect these groups have a right on (temporary) shelter (Adviescommisie voor Vreemdelingen Zaken, 2012).

As mentioned, the lawsuits are mostly started by NGOs against municipalities. Municipalities seem to react in various ways on these lawsuits. In the twilight lobbying mentioned in paragraph 4.1.2, NGOs use lawsuits as a threat. Besides being bad for the image, lawsuits cost money and time. To prevent a lawsuit municipalities try to arrange things out of sight. On the other hand, some municipalities are in favor of these lawsuits. Utrecht is one of these. When a case seems promising for an individual, when it is likely that the judge will obligate the municipality to officially shelter the individual, the municipality lets it come to a lawsuit. Although this means a burden to the municipality it strengthens the jurisprudence. It enables the municipality to say to the government: 'See! When, for one time, we are as strict as you demand the judge raps us over the knuckles'. Also, other municipalities who have been obliged by the judge to not deny help for individual irregular migrants indicate to feed this back to the government stating things like: 'The judges urges us to support these irregular migrants, we cannot refuse, please pay for the costs we have to make now'.

European Union
Closely related to jurisprudence and of great use for the lawyers arguing in favor of irregular migrants, are the European Court of Human Rights (ECHR) and international treaties. As already mentioned, the government is described by the interviewees in negative terms. Once the Netherlands was perceived as a multicultural and tolerant country but nowadays the interviewees describe it in terms of lagging behind, revoltingly closed and small and fearful. To underline their opinion the interviewees pointed to an increasing body of laws which are very restrictive and rooted in fear. One interviewed scientist noted that it seemed as if sending a message is more important than enforceability.

As an anchor of hope, the interviewees point to the ECHR. Instead of following the philosophy that the society must be shielded from beneficiaries, the European convention and international treaties strive for a society which can be summarized to: each human being is worthy of human treatment. NGOs, as well as scientists and officials pointed out that the Netherlands are increasingly summoned by the European Court of Justice (ECJ) to revise lawsuits because the Netherlands violated human rights. One interviewee esteemed Europe as a warranty and another compared it to a press. Since pushing from beneath appears to be fruitless he hopes that the pushing from above may be more fruitful.

Put shortly, interviewed NGOs as well as interviewed municipalities use lawsuits to put pressure on the national government. There is a tendency to build up jurisprudence which focus on social security for irregular migrants. Although the Dutch laws are increasingly made restrictive by the government, lawyers are backed up by the European court and international treaties.

4.1.5 Tenting camps

During current study, an interesting development took place. Irregular migrants showed their agency and took matters in their own hands and started camping in tents in public to change their situation. Since the strategy of current thesis is exploratory, there was enough flexibility to study and discuss this development to some extent. Based on relevant websites and weblogs as well as visits to the tenting camps in Den Haag and Amsterdam, this subsection discusses the history and preliminary results of the tenting camps shortly.

The tenting camps started on a cold day in November 2011 besides the asylum and return centre in the village of Ter Apel. The direct motive to start this camp was the situation a group of irregular migrants from Somalia, among whom was a man in a wheelchair. These people were expelled from the asylum shelter with the order to leave. Since they had nowhere to go, they decided to camp just outside the return center. Soon other irregular migrants who had been expelled earlier joined the protest. They declared the goal of their action in a press release:

> ''We will stay here until a decision is made to grant us our basic human rights. We want to reach our dream to have our basic humanitarian needs met and get a chance to build our lives''. (Undocumented refugees occupying in front of Ter Apel asylum seekers centre to fight for their basic human rights [Blogpost], 2011)

After a week this camp was evicted by the police and the twenty migrants who were camping got arrested. (Twintig Somaliërs van tentenkamp Ter Apel vanavond opgepakt [Blogpost], 2011). Eventually these arrested people were placed in freedom restricting return centers (Nieuwe acties somaliers [Blogpost], 2012).

The second tenting camp followed in December 2011 and was, again, started by Somalis. This camp resulted in new asylum procedures for 56 irregular migrants, of which only 5 actually received a stay permit (Nieuwe acties somaliers [Blogpost], 2012).

The first and second tenting camp resulted in a big number of campaigning irregular migrants receiving shelter again (Nieuwe acties somaliers [Blogpost], 2012). Although this sounds beautiful, the shelters are freedom restricting return centers with no guarantees. This means that the irregular migrants have a daily notification duty, are not allowed to leave the municipality and can be put on the streets any moment. Still, it can be considered as a better alternative than living on the streets. In May 2012 there was a third camp in Ter Apel, see Figure 13.

Figure 13: Third tenting camp in Ter Apel
Source: http://vluchtelingenopstraat.blogspot.nl/2012/05/geen-mens-is-illegaal.html

This time it was started by 65 Iraqi irregular migrants who were put on the streets (Vrijdag 22 juni update vluchtelingen [Blogpost], 2012). This camp lasted two weeks and grew as big as 388 irregular migrants among whom were 225 Iraqis, 90 Somalis, 30 Afghans, 18 Iranians and some other nationalities (388-388-388-388-388-388-388-388-388-388 [Blogpost], 2012).

The demands of the two biggest nationalities were as follows:

Demands of Iraqis (100 mensen in kamp delegatie naar minister [Blogpost], 2012)

> ''If you do not want to support us, give us a proof on paper that we may go to another country and request asylum and will not be returned to the Netherlands.
> If you say this is not possible because the Netherlands have signed the Dublin treaty and cannot neglect the European agreements, give us permission to stay in the Netherlands and give us a status''.

Demands of Somalis (What we Somalis want [Blogpost], 2012)

> ''1. We are not ready to accept detention camp or freedom restricting centers, which are almost the same as prisons.
> 2. We are not ready to do another interview with the IND about our asylum request, because we have done more than two interviews already. The IND did not respect all the evidence that we collected.
> 3. We are not ready to cooperate with the Repatriation and Departure Service because the situation in Somalia is very dangerous, which means that return to Somalia is not possible''.

1) We are requesting from the Dutch government to recognize us as refugees
Or
2) The Dutch government has to delete our fingerprints from the 'Dublin'- system, so we are able to go to other countries to ask asylum.

3) If all these suggestions are not requested, then the Dutch government has to ask other countries to accept us as refugees such as Germany, France and United States of America. There are also other EU-countries who give over refugees to other countries such as Malta''.

This third camp in Ter Apel was ended in a somewhat complex way. The breakup started after a group of 220 Iraqi people, the nationality who started the camp, accepted an offer from the minister. This offer consisted of three weeks shelter in an asylum shelter under the condition that the Iraqi would cooperate with voluntary return and that the minister would meet with the immigration minister of Iraq and talk about the possibilities of return. After this Iraqi group had left the camp, rumors of an imminent eviction arose. As a result, a big group left the camp to return to their secret lives on the streets. The remaining 117 people got evicted and arrested by the Mobiele Eenheid unity, a special riot unit of the police. These people were placed in various asylum shelters and had to live under a freedom restricting regime. ("Ter Apel moedige vluchtelingen [Blogspot]," 2012). Afterwards it was declared by the judge that the eviction was unlawful (Uitspraak rechtbank ontruiming illegaal [Blogpost], 2012).

As for the Iraqi people who accepted the offer, the immigration minister of Iraq refused to take people back who were sent by force, despite an offer of the Netherlands that Iraq would receive 5.5 million euro in return. The shelter of the 200 people was prolonged until a Dutch minister would pay a visit to Iraq (Vrijdag 22 juni update vluchtelingen [Blogpost], 2012).

After the eviction of the tenting camp, gates were placed around the terrain where the three camps were based making similar actions in the future impossible.

At the end of July 2012, a camp started in another region. Nearly hundred irregular migrants put up their tents in front of the IND office in Den Bosch. Among these were 70 irregular migrants who were placed in a freedom restricting center after they participated in the previous camps. They got fed up with the regime in these centers, which exists of a daily notifying obligation and prohibition to leave the municipality (Somali nationals protest at loss of freedom [Blogpost], 2012). The immediate reason for their action was their replacement to the freedom restricting centre in Ter Apel (More than 50 Somalians came together [Blogpost], 2012). They demanded the following from the minister (Somalische onderhandelingen met de IND Den Bosch gaande [Blogpost], 2012):

''1. We want all Somali to be treated equally, whether they participated in the action, stayed in VBL, on the streets, in the asylum shelters or somewhere else.
2. We want normal shelter in asylum shelters. Moreover, we want that our cause is treated as a whole and not per individual.
3. We want an ID-card and insurance while we stay in the asylum shelters.
4. We want a stay permit''.

After three days the camp got evicted. All 140 participating irregular migrants got arrested and were placed in a freedom restricting location. Eventually, the Iraqi and Somali people who participated in this action were placed in asylum shelters (Actievoerende vluchtelingen Den Bosch [Blogpost], 2012).

Another camp was held in August 2012 at the entrance of the IND office in Zwolle. Iraqi irregular migrants put up their tents. After a few days of protest, they got arrested and imprisoned by the police on behalf of the mayor. The reason the police gave for these arrests was that the protest was not announced on time (Actievoerende Irakezen voor IND Kantoor in Zwolle opgepakt [Blogpost], 2012). This argument is interesting because it was the first time that a camp was evicted based on this reason.

In the end of August 2012, there was yet another tenting camp. This time behind the town hall of Sellingen, the municipality to which Ter Apel belongs. 20 Iraqis put up their tents (Somaliers verliezen rechtzaak tegen VBL-regime [Blogpost], 2012). After three weeks, the irregular migrants, without their situation being changed, voluntarily stopped their protest after the mayor set an ultimatum to leave ("Betogende asielzoekers breken kamp op," 2012).

Currently (November 2012) there are again two camps which both have been visited. There is one in Amsterdam (www.wijzijnhier.nl) and one in Den Haag (www.rechtopbestaan.nl). The tenting camp in Den Haag started at the end of September 2012 after some juridical twists. Although the municipality was unwilling, the judge declared that a protest by means of tenting camps was legal and that the municipality should give permission (Tentenkamp in Den Haag gaat van start [Blogpost], 2012). At this point, around 40 irregular migrants have lived in the camp for almost two months. Some of these migrants had also been in one of the previous camps. During this period, they protested on places varying from the city center, the town hall, at the doorstep of the parliament, the Repatriation and Departure Service, the office of the IND and various political parties.

They demanded: *"We are without rights. We want a humane alien policy and the right to be human." (Over ons [Blogpost], 2012).*

An interviewed Dutch activist who has been active in the occupy camps and now camps with the irregular migrants in Den Haag indicated that the effects are questionable, especially on short term. Still, he deems it necessary because the current situation is impossible. In answering the question as why the camps did only start last year and not earlier, he believed that the earlier occupy tenting camps have shown that pitching a tent can function as a means of protest.

The camp in Amsterdam got evicted after two months. The researcher has spent a night in the camp and witnessed the eviction. Most stunning detail of the eviction was that almost all the arrested migrants were released the same day. It can be argued that this shows the ambiguous situation in which these irregular migrants are. According to the law, they have to go and do not have right on shelter. However, they do not want to go and cannot be deported by force. The law prescribes that people who cannot be expelled should not be detained. As a result, the police do not know what to do with them and puts them back in the streets from which they were evicted the same morning. The eviction as well as the almost immediate releases received much media attention. Two days

after the eviction, the irregular migrants got shelter in a squatted church by the help of various churches, organizations and individuals.

Considering the brief history of the camps, it can be stated that the development brings an interesting energy into the bureaucratic field of illegality which concerns all its agents. For example, these camps can be seen as a cry for help, according to one NGO (Stichting Hulp voor Uitgeprocedeerde Vluchtelingen in Drents Diep [Blogpost], 2012). This NGO stated that NGOs cannot cope with the amount of irregular migrants who seek help. The tenting camps also rekindled the political discussions about government responsibility and municipality responsibility. Referring to the agreement of 2007 (Deetman & Albayrak, 2007), it was proposed in the parliament to make the municipalities reconfirm this agreement (van Hijum, 2012) and to cut municipalities in their finances when they do not hold the agreement (Fritsma, 2012). These motions were rejected by the second chamber, and instead other interesting motions were accepted (Tweede kamer der Staten-Generaal, 2012). It was agreed that the government should discuss with the municipalities how they can help municipalities to fulfill their duty of care for irregular migrants (van Ojik, 2012) and that irregular migrants should not be put on the streets during very cold periods (Schouw, 2012).

As related to the field of journalism, the tenting camps received all sorts of media coverage. This media coverage gave the migrants a sense of security (Door televisiecamera's durft burgemeester niet te ontruimen zegt Iraanse woordvoer [Blogpost], 2012). As one activist stated, due to the high media presence, the police used remarkably little violence during the eviction.

As already described, the juridical field was also involved. Some of the evictions were declared unlawful by the judge and in the case of Den Haag, it was the judge who forced the municipality to allow the tenting camp.

In short, we can state that irregular migrants – more specifically irregular migrants from Somalia and Iraq – are showing their agency and are taking matters into their own hands. So far the tenting camps have resulted in shelter in freedom restricting centers and in some case asylum shelters for individual irregular migrants who participated in the actions. Although the characteristics of these centers do not seem very ideal, they are considered as a better alternative than living on the streets. The actions seem not to have led to big structural changes of the alien policy or improvement for the group of irregular migrants as a whole yet, for example regarding stay permits. However, the actions generated a lot of media attention and clearly show the ambiguity of their situation. They are no longer invisible which rekindled the political debates of which the effects are not yet known.

4.2 Criteria used to distinguish between irregular migrants

The struggle about the central value in the bureaucratic field of illegality described in foregoing paragraph results in an equilibrium. As discussed in the theoretical chapter, this equilibrium may be understood as the position of irregular migrants on the axes of irregularity and becomes visible in the shelter which irregular migrants - often on behalf of municipalities who are in various degrees influenced by the national government - effectively receive from NGOs.

As mentioned in the theoretical chapter, NGOs cannot help every irregular migrant asking for shelter. In effect, they have to discern between who can be helped and who cannot be helped. Based on the interviews conducted with professionals from NGOs as well as the observations, it can be stated that NGOs use a broad range of criteria to measure if someone qualifies for their support.

These criteria can be separated into two categories; the first category is more objective and clear whereas the second category is more subjective and vague. Criteria belonging in the first category are regional ties, perspective and practical criteria. Criteria belonging in the second category are the already mentioned deservingness criteria (Oorschot, 2000). The various criteria will now be discussed.

4.2.1. Objective criteria

The first set of criteria indicated by the interviewed NGOs, are conceived as objective criteria. With this shared header it is meant that these criteria are clear and measurable.

Regional ties

Unexpected, every interviewed NGO uses regional ties as a criterion. An irregular migrant is only welcome if he has lived in the region where the NGO is located. The irregular migrant should have lived in the nearby asylum shelter or in illegality in the city. The interviewees stated that they maintain this criterion pretty strictly. If an irregular migrant has not lived in the region of the NGO, he is not welcome, his request for help is denied and he is referred to a NGO in his region. NGOs indicate that they have to reject fairly often on the basis of this criterion.

Although it is only one statistic of one organization, INLIA gives an indication of how many times this criterion is used to deny support to an irregular migrant. From the support requests which they grant on other criteria, 75% is still denied shelter by municipalities and NGOs because the migrant does not come from the region.

The interviewees gave a variety of reasons for the use of this criterion. Some interviewees stated that helping everybody will have a pull effect and draw too many irregular migrants to the region. Others maintained that it is undesirable to take irregular migrants from another region because this is impractical, takes him out of his network and isolates him. At the same time, NGOs try to spread the load evenly over the country. At the root of this criterion lies the question of money. If NGOs, which are limited in their resources, help everybody the chances are high that people from within the region cannot be helped anymore. Moreover, the funding which NGOs receive from municipalities is in all cases explicitly for people from that region. The reason officials of the municipalities give for this specific subsidies is that they do not want to pay the full bill of failing government policy. In their opinion every municipality has to take care of its own irregular migrants.

Although the reasons mentioned for the regional ties criterion seem sensible at first sight, the criterion remains very strange at second sight. Not every region has an NGO who shelters irregular migrants and moreover, irregular migrants cannot control in which asylum shelter they are placed and replaced. In addition it should be noted that the last asylum shelter is not necessarily the asylum shelter where irregular migrants have spent most of their time and have their regional ties. Figure 14 visualizes the misbalance in dispersion of NGOs who actively offer shelter and asylum centers (COA Locations).

Figure 14: Map of NGOs who actively shelter irregular migrants in relation to COA Locations
Source for map with COA locations: http://www.coa.nl/nl/opvanglocaties

Some of the interviewed municipalities are very outspoken and maintain the agadium that admission policy is governmental policy. This makes the chances on shelter very random and depending on luck in which asylum shelter the irregular migrant is placed. Having been dealt bad cards at the lottery of birth, these irregular migrants fleeing from a poverty stricken or war torn country, arrive in yet another lottery named the postal code lottery of shelter.

On a very small scale the regional ties criterion is countered or bypassed. INLIA, the organization which checks support requests from irregular migrants on behalf of municipalities and NGOs, stated that in some very distressing cases the municipality of Utrecht and Groningen are willing to take in irregular migrants from outside the region. Also, some NGOs indicate that they sometimes help irregular migrants who come from a region where there is no NGO. This only happens when the situation is very poignant and these cases are exceptions rather than the rule.

Perspective

Another relatively objective criterion is perspective. At the start of current study, it was assumed that perspective only meant legal chances on asylum or a stay permit. During the interviews it became clear that return is also seen as a perspective. At the basis of both perspectives lays the circulation time. NGOs as well as municipalities seem more willing to shelter irregular migrants for a definite period than for an indefinite period of time, in the words of one NGO: 'there must be an end to it' or: 'we cannot help in eternity'. Moreover, NGOs indicate that after the period of shelter something must have changed for the better. With this shared root in mind, both perspectives will be discussed further.

Legal chances as a perspective

The juridical chances are assessed on the bases of file. The interviewed NGOs employ persons with juridical knowledge who can make these assessments themselves or outsource these assessments to INLIA or solicitors. NGOs vary in the way they weigh the juridical possibilities. For example, one interviewee stated that whenever there is a change, no matter how small, they will help whereas others were more reluctant and stated that they are not willing to flog a dead horse.

There is also an interesting difference between the interviewed NGOs in how they deal with juridical cases with big chances on a status. Although some NGOs admit that they like the promising cases because these are easy wins and promote the circulation time, other NGOs indicate that they rather help less promising cases. This last group stated they rather helped someone with a less promising perspective because the challenge is bigger and the need higher. One interviewee declared that if they know someone has a good lawyer and a promising case, the NGO will not help him which also gives him less chance on shelter. It is also noted that complete absence of perspective may work counter wise on the deservingness criteria which will be described later.

Return as a perspective

Return is also a perspective with most NGOs. If irregular migrants can prove they cooperate voluntarily and actively in their return process they are often admitted in the shelter. On this point there is also much variety between the interviewed NGOs. Some NGOs indicate to only help with return when the initiative comes from the migrant, others hold that if it is possible to return, the irregular migrant should return. This last group of NGOs actively talks with the migrants to make them willing to return. As one municipality official said: 'by intensive support and intensive discussion we succeeded in getting six irregular migrants to return, who originally did not intend to return.'

This is an interesting criterion because, according to municipality officials, the willingness of NGOs to stimulate return has grown over the past two decades. According to him, in the past most NGOs were reluctant to cooperate to send irregular migrants back. However, the living situation of irregular migrants in the Netherlands is currently so bad that even NGOs think them better off in their country of origin. A factor in this change of opinion may be that the subsidies from municipalities for NGOs lay a focus on return. It is noted by some NGOs that the meetings with the municipality often resolve around the return question, too much to their liking.

Other perspectives

Besides legal prospective and return, interviewed NGOs mentioned three other issues which they understand as perspective. Firstly, the mass regularization of 2007 was perceived as a perspective. Some people have been allowed to stay for ten years in the shelter after the initial procedures had

proved fruitless because the NGO counted on the general pardon. Although it is not likely that another mass regularization is in view, the same idea seems to be present with the elections. Even if a case is juridical hopeless, NGOs indicate that they shelter some people hoping that after the elections a new government constitutes, which can create new chances for the irregular migrants. Another perspective is migrating to another country; since the Dublin agreement this happens on a small scale but is now and then a reason to shelter people for some time to help them prepare further migration. Even more exceptional is return in illegality, in the past this happened often but currently not so much because people tend to show up at an NGO after a while and the climate for illegal living is very hard. However some people foresee that return to illegality will increase again because it becomes harder and harder to get a stay permit.

Finally, NGOs sometimes give irregular migrants shelter if the perspective is unknown. One NGO gave an example of a man who said, 'shelter me for three months so I can arrange some things'. The NGO housed the man despite the fact that they did not know the details but after three months the man indeed disappeared.

Situation depending criteria

Next to these more or less stable criteria, another set of criteria can be discerned. These criteria may be described as more dependent criteria. Different interviewees indicated that the choice whether or not to shelter a certain irregular migrant is namely also dependent on other irregular migrants.

Firstly, and most clearly, there is the concept of a stop of taking in new clients. This was the case with two NGOs, namely STIL and KNEL. These NGOs indicated that they were working above capacity. In order to support the people whom they were already helping it was not possible to take in more clients. Only in really urgent cases the NGOs are willing to make an exception. Likewise foundation GAST indicated that when their maximum capacity is reached no more people can be sheltered because then the already sheltered people are at risk.

Secondly, NGOs try to asses if an irregular migrant fits in with the already sheltered irregular migrants. The interviewees indicate to pay attention to origin, culture and mental health. Foundation ROS indicated that irregular migrants should not bring each other in danger. He gave an example of a blind schizophrenic irregular migrant who was constantly smoking in his room. Considering the fire safety and well-being of the others he could no longer be sheltered. SHUV likewise indicated that one irregular migrant had to go away because he was constantly denigrating other irregular migrants because they had become Christian.

Thirdly, one NGO indicated that whether or not a request of an irregular migrant is granted depends also on requests of other migrants. On a weekly basis this NGO decides who gets shelter and who does not get shelter. It happens regularly that somebody who meets the criteria does not get shelter because another irregular migrant meets the criteria even more. Would he have put his request a week later or earlier it would have been possible that there was nobody else who met the criteria and he would have received shelter.

In summarizing, in the first category of semi objective criteria, three others can be discerned. Firstly, regional ties which neigh to a postal code lottery. Secondly, perspective in the form of a legal status or return. And finally, depending on the situation: whether there is place, whether the irregular migrants fits in with the other irregular migrants already sheltered and whether other request of migrants are seen as more pressing. Having described this first category of criteria given by the

interviewees it can already be noticed that there is no uniformity. Although the NGOs maintain the same criteria, there seem to be differences in how these criteria are maintained.

4.2.2 Subjective deservingness criteria

As mentioned in the theoretical chapter, irregular migrants often have few rights. Still they receive shelter from municipalities and NGOs. This cannot only be explained by the already mentioned criteria like perspective and regional ties. Interviewed NGOs indicate that not everybody who meets these criteria can be helped. At the same time, people who do not meet these criteria are sometimes helped instead. To understand this situation, deservingness criteria as discerned by Oorschot (2000)were introduced: control, need, identity, attitude and reciprocity. Per deservingness criterion will be discussed if and how the interviewed NGOs applied these criteria.

Control

Control of the situation of irregular migrants can be explained by the responsibility for te situation. A big difference which can be made is the difference between children and adults. It is very hard to distinguish between adults by judging them on the extent to which they are responsible for becoming irregular. There are many reasons for becoming irregular and there is always an interplay of circumstances and own fault. Whereas with adults it is hard to determine the amount of responsibility for the situation, children are always perceived not responsible. As Oorschot emphasized in the interview, it was certainly not in their power to decide whether or not to move, so children are never to blame and are perceived as deserving. Although NGOs did not put explicitly in words that they helped children because of this reason, they showed a big zeal and stated that families with children should never be in the streets and are almost always sheltered. This zeal may be understood on the bases of the control criterion.

The control criterion shines an interesting light on the concept of own responsibility. It is for example remarked by the interviewed NGOs that our society is very much focused on own responsibility. According to one of them, the dominant agadium during meetings with the minister, 'Immigration and Naturalization Office' and 'Repatriation and Departure Office' is that people have own responsibility and if they do not take this responsibility they are cast out on the streets. One municipality official defined this common opinion as almost a kind of faith. According to this official, the focus on own responsibility is too simplistic and works counterproductive. Instead of saying 'figure it out for yourself', governmental organizations should start the conversation. Even the willingness to return is not fully dependent on the migrant themselves. 'Of course you do not want to return to Darfur'. The official compared it to an addiction treatment. People do not change their habits or opinions overnight. Only with sensitive and professional attendants people become willing to return. This opinion makes return not only the responsibility of the irregular migrant but also of the government.

Finally, own responsibility can sometimes play a distinguishing role when the irregular migrant does not cooperate with the NGO. Examples are given by the interviewees of irregular migrants who do not appear at appointments or spend all their living money on beer. For such behavior, irregular migrants themselves are to blame and NGOs become less willing to help them (however even here one can blame intercultural differences or the desperateness of the situation).

Need

As opposed to the other deservingness criteria, need is an explicit criterion. It can add significance to the perspective and regional ties criteria but can also be a reason to shelter people despite the fact

that they have no perspective or are not from the region. By the interviewed NGOs, need is understood as the extent to which the situation of the irregular migrant is harrowing, poignant and urgent. Although need is not defined on paper, NGOs indicated a variety of factors which influence the measure of need.

A first factor is the alternatives of the irregular migrant. Someone who is sleeping rough (in the streets) has more chance on shelter than someone who is staying with friends or relatives. To discover whether the irregular migrant faces his situation alone or has a network to fall back onto, NGOs asked many questions during the observations. For example, they asked: 'where have you slept last night', or: 'how did you come here'. It happens regularly that friends are waiting outside in a car.

Another factor which influences the need is urgency. This is most clearly put into words by the official of the municipality of Rotterdam who stated that if someone will die within three months when he is left on his own, he deserves shelter. An NGO indicated that they first helped a suicidal woman and only afterwards looked at the other perspectives.

The medical situation is also a factor which influences the need. Someone who is sick has more chance to be helped than someone who is healthy. Although the medical situation is often assessed by physicians or health organizations, it often is not clearly defined what is sick enough. According to ROS, the municipality of Rotterdam only recognizes physical sickness and not mental sickness. Although Posttraumatic Stress Disorder was in the beginning recognized as a reason for shelter, it is not so anymore because too many irregular migrants have traumatic experiences. Another NGO indicated that having the flu is also not sick enough. An interesting project in this context is started by the ASKV. They noticed that irregular migrants with mental problems were entangled in a vicious circle. These psychiatric patients could not get a legal status although their mental state gives them right to it. The reason that they cannot get a legal status is that they are not in treatment. However, the reason that they are not in treatment is that health services do not want to help them because they state that it is fruitless to treat someone who does not have a stable living condition. The circle is round as the instable living conditions are caused by being irregular. To break this vicious circle ASKV started a shelter project especially for these people, giving them a stable place to live from which they can start a treatment and then start a juridical procedure to get a legal status.

A last factor by which the need to shelter is measured is vulnerability and self-sufficiency. Most NGOs and municipalities explicitly state that children cannot be in the streets. According to NGOs women are more vulnerable than men because they are more likely to fall into prostitution and be a victim of human trafficking and abuse or domestic violence. NGOs indicate that they shelter a woman more quickly than a man. This can be underscored by the fact that there exist special houses and organizations for irregular women but not for men.

In short, need is understood by the interviewees as lack of alternatives, urgency, medical condition and vulnerability. Although these are some clear aspects by which to measure the need, no clear definition exits of when a person is needy enough, in other words deserving enough. As one NGO declared, the situation of each irregular migrant is poignant. Thus, it is not very clear when the need is big enough to get granted shelter.

Identity
Although all irregular migrants are foreigners, it might be easier to identify with some than with others. The interviewed NGOs indicate that they shun to handle out of prejudices but still catch

themselves and others doing so. Examples are given of reluctance to help Armenian men because they would be lazy, hanging around all day letting their wives do all the hard work. Another example given by an NGO was of Somalis who were not helped because it was said they do not cooperate and cause lots of problems.

Besides these prejudices, negative experiences with certain peoples may also be a reason not to help people with specific identities. One example was given that due to negative experience with Iraqis - they behaved arrogant and not cooperative - an NGO was less willing to help Iraqis in general.

Besides these nation bound identities, a broader cultural gap seems to have influence. This cultural gap exposes itself in the language barrier and discussable topics. People at a NGO indicated that an Iranian man who speaks English perfectly is closer to the western culture than a veiled woman sitting in a corner. They find it easier to identify with and understand the problems of the first than the last. As a result, the first is seen as deserving sooner than the last. Another NGO indicated that people who do not master the language tend to say 'you must, you must' instead of saying 'I need shelter, please be so kind to help me'. This lack of language knowledge may cause irritation instead of helpfulness. Moreover, in some cultures people do not talk about certain topics, for example depression, because they do not exist or because they are laden with shame. This makes it harder to notice and do something with it.

As said, interviewees are aware and are alert that general sayings of a group may not count for an individual at their doorstep and should be avoided. However, they do notice that identity plays a role in deciding whether someone is deserving of shelter.

Attitude

During the interviews, the impression was raised that the attitude or behavior of irregular migrants asking for shelter makes a big difference. Somebody who is assertive and persistent appears to have more chance on shelter than somebody who is hesitant and shy. This attitude seems not only important because it directly influences the aid worker at the NGO but also because it influences his chances on perspective. For some legal procedures as well as for return, it is important that the irregular migrant himself shows initiative and has a proactive attitude. The attitude has much to do with conveying your situation. One NGO indicated that a woman who comes every week in tears telling very dramatically that she should be helped is probably helped quicker than somebody in exactly the same situation who comes once a month and does not say much.

Although a persistent attitude can turn into a claiming attitude, the interviewed NGOs indicate that for the irregular migrant an actively persisting attitude is more preferable than a very timid and insecure attitude. Although a claiming attitude can irritate the people at an NGO, the irregular migrant often gets an explanation which he would otherwise not have received. However, a too assertive and proactive attitude can also influence the chances on shelter negatively. Such a person is seen as somebody who can run his own affairs and does not need the help of an NGO. One NGO defined such persons as shopping everywhere and taking the best things. As mentioned, a too assertive and proactive attitude may turn into very claiming behavior. The reaction on this behavior may vary per NGO and even per aid worker. One NGO indicated that she mostly responds very allergic 'you cannot boss me around' to a claiming attitude by keeping at bay such persons. However, she also indicated that a trainee or less secure aid worker may be more easily influenced to help.

Remarkably one NGO indicated that attitude does not matter at all. Even if somebody is very claiming and throws bricks and bikes trough the windows because they are angry, the NGO is willing to help. This faith based NGO esteems all people as worthy and good 'as Gods children'. The

violently claiming behavior is explained as resulting from the desperate situation in which people are or from sickness and traumas.

Although a proactive and persisting attitude may have a negative effect if it is conceived as claiming, NGOs seem to asses that such an attitude has better results for the irregular migrant. Still the less preferable, very timid and dependant attitude may eventually have a positive influence on the chances of shelter as well. This attitude puts a request on the heart of the aid worker.

Reciprocity

Reciprocity seems of small consequence during the first request for shelter. According to the interviewed NGOs, whether or not the irregular migrants can do something for the NGOs does not make a difference. Only one NGO indicated that it helps if somebody is thankful, and picks flowers from the side of the road. According to one interviewed scientist, NGOs do expect from migrants to cooperate with actions or in the garden. NGOs themselves state that this does not play a role. To discover the truth of this statement it would probably be better to talk with irregular migrants themselves about their experiences with the NGOs.

Although it does not seem to play a role at the entry, the reciprocity criterion is interesting in two ways. Firstly, reciprocity seems to come into play when irregular migrants have been sheltered by an NGO for some time. Various NGOs indicate that irregular migrants who are active by for example translating or helping with manifestations, receive sometimes extra money for travel. Secondly, reciprocity seems to play an important role by extending the shelter period. This becomes most apparent in the issue of return. Municipalities and some NGOs say: 'I give you shelter and in return you should return'. People do not have to cooperate immediately. Municipalities give irregular migrants who have to return first a time to breathe again. Because they are sheltered, irregular migrants do not have to be busy with questions like where am I to sleep tonight or what am I going to eat. Instead they can begin to think of return. Over time, municipalities have experienced that when people do not need to worry about their first necessities of life they indeed become willing to return. Even when people are not willing to return, municipalities try to give them shelter in the hope that over time they change their mind. The reason municipalities give is when somebody is out of sight there is no control anymore. In a way, it can be understood that in return for shelter the municipalities get some control over the life of the migrant.

Conclusion deservingness criteria

The deservingness criteria are used and applied in a variety of ways by the interviewees. The first criterion, control, does not seem to play an important role. For example, NGOs find it hard to discern between irregular migrants because there is always interplay between own fault and circumstances. According to the interviewed NGOs, the prominent opinion that irregular migrants are responsible for their own situation, or are responsible for not returning, is too simplistic, the government also has a responsibility. However, the control criterion is very helpful to differentiate between children who are never responsible and adults who can be. Another way in which the control criterion plays a slight role is when irregular migrants do not show up at appointments or spend all their money on beer.

The second criterion is the need criterion. This criterion seems to make much more difference in assessing if someone deserves shelter. The need is measured by the lack of alternatives and self sufficiency of an irregular migrant in combination with the urgency of his request, his medical situation and his vulnerability.

Identity also plays a role. This is the third criterion. Although interviewed NGOs are aware of

the effect of prejudices and negative experiences, they sometimes catch themselves being influenced by them. The role of identity also surfaces in the cultural gap which is caused by a language barrier and cultural taboos. For example, someone who can be understood more easily because he speaks English is helped sooner than someone with whom it is hard to communicate.

The fourth criterion, attitude, is seen as very important. To be seen as deserving it seems more useful to be proactive, almost claiming, than timid and shy. Even though a too proactive attitude may work irritating and may be understood as a sign of a self sufficient person. So despite the danger of seeming too demanding and self sufficient, a proactive attitude is seen as a sign of deservingness.

The last criterion, reciprocity, does not seem to play a very big role, certainly not with first requests. Still, it happens that irregular migrants who are very active and helpful are sometimes rewarded with, for example, extra traveling money. Moreover, this criterion sheds an interesting light on the issue of return. Municipalities raise the impression to shelter people who, reciprocally, have to cooperate with their return.

The different deservingness criteria given by the interviewees, share that they are not defined, that it is not put on paper how to measure the criterion. It is not plain when one is needy enough, or what attitude or identity one must have. Still these criteria do play a big role in the decision whether or not an irregular migrant receives help from municipalities and/or NGOs.

4.2.3 Ways of deciding

As described in current paragraph, there is a broad variety of criteria which, to a more or less extend, risk to cause unequal and unjust treatment of irregular migrants. To avoid these consequences, the decision to grant or deny shelter is made in various ways. To start, most NGOs indicate to have regular meetings during which they discuss the requests of irregular migrants. Such requests are for example for shelter or for large sums of money to pay the lawyer. The NGOs indicate that these meetings serve to filter prejudices and personal preferences. Moreover, via these meetings the responsibility becomes shared.

As already described, other NGOs outsource the decision to INLIA. Based on the juridical dossier and other relevant information which the NGO sends to INLIA, a decision is made. This way of making the decision has two sides. The first side is positive. Such a distant assessor is more objective because it is not confronted with the actual irregular migrants whose request is assessed. Alternatively, this way of deciding can also be explained as negative. INLIA, based in the far north of the country, does not see the irregular migrants. Because of the big distance, INLIA does not know the characteristics of the specific irregular migrant and the migrant cannot really influence the decisions. To mark the importance of distance, one NGO stated that he rejects 99% of the requests for shelter which are requested by telephone. Only when a migrant physically visits the NGO - shows his face (Lévinas, 1985)- and asks for support, he makes a chance that his request will be considered. Thus it seems that distance decreases the chances on shelter for irregular migrants.

Another reason why this way can be seen as negative is that, this procedure is very time consuming, on average three weeks, and NGOs can pass their responsibility to a third party. As one municipality official said about an NGO who started cooperation with INLIA: *First the NGO was very busy with all the irregular migrants who demanded support and wanted to know why they did not get it. Now this NGO can say: we do not decide; you have to go to INLIA in Groningen.*

4.3 Conclusion results

In this paragraph the interview based results which have been discussed will be shortly recaptured. This conclusion is divided along the lines of this chapter. Firstly the bureaucratic field is summarized, secondly the criteria which are divided over the axes of irregularity.

Bureaucratic field

In this chapter, the players of the bureaucratic field of illegality have been described. In the eyes of the interviewed NGOs and municipalities, the national government is seen as failing, restrictive and very stiff. Referring to their duty of care and responsibility for public safety and health, municipalities take care for these irregular migrants in different ways. Some interviewed municipalities do this in the twilight, others do this in the open, but all do it indirectly via NGOs. The NGOs shelter irregular migrants, support them financially and give them juridical support. These NGOs differ in size, varying from six beds to a hundred beds. Besides the money from the municipalities which some NGOs receive, all NGOs are supported by donors or other funds.

In the bureaucratic field various ways of struggle are present. For example, one struggle mentioned by the interviewees exists between the NGOs and municipalities. NGOs urge municipalities to do more for irregular migrants by lobbying, which exists of talking, informing and sometimes anticipating on feelings of guilt. It is observed that as long as what happens for irregular migrants is not made public, much can be arranged. To some extent this can be understood as cooperation, but NGOs sometimes thwart. An example was given of NGOs who collectively closed their shelters for an irregular migrant of whom the municipality sought to be disposed of.

The second struggle is between municipalities and the national government. Municipalities try to urge the national government to take responsibility. They do this via contacts with members of parliament, meetings with the minister and joining forces with third parties. Although the national government seems unmovable, it is also not able to stop the municipalities supporting irregular migrants. According to a municipality official interviewed in this context, the government has no means, juridical or financial, to cut the municipalities.

The third and last struggle is between the NGOs and the national government. NGOs also try to urge the government via contacts with members of parliament, meetings with the minister and joining forces with third parties. Despite these methods, it seems they experience it as a desperate attempt with hardly any effect on the national government.

The struggle in the bureaucratic field of illegality is enriched by the field of journalism and the juridical field. The media are used by interviewed NGOs and municipalities to connect the public to the irregular migrant, to change an abstract threat into human faces, to raise attention for certain problems, to put pressure on the government and even to protect irregular migrants. Interviewed NGOs, however, are reluctant to put individual cases in the media because too much media attention may work counterproductive in a bureaucratic field where most things happen in silence. Moreover the government also knows how to use the media and may cause a negative result for irregular migrants and NGOs.

The interviewed NGOs and municipalities also use the juridical field. They use lawsuits to put pressure on the national government. There is a tendency to build up jurisprudence which focuses on social security for irregular migrants. Although the Dutch government makes the laws increasingly restrictive, lawyers are backed up by the European court and international treaties to treat irregular migrants more humanly.

Criteria

Two sets of criteria which influence the decision of NGOs whether an irregular migrant receives shelter, have been discerned. The first set given by the interviewees consists of somewhat more objective criteria belonging to the continuum of illegality and the second set consists of deservingness criteria. In the first category of semi objective criteria, three criteria can be discerned. Firstly, regional ties which neigh to a postal code lottery. Secondly, perspective in the form of a legal status or return. And finally, depending on the situation whether there is place, whether the irregular migrant fits in with the other irregular migrants already sheltered and whether other requests of migrants are seen as more deserving. Having described this first category of criteria it can already be noticed that there is no uniformity. Although the NGOs maintain the same criteria, there seem to be differences in how these criteria are maintained.

The second set of criteria, the deservingness criteria, are used and applied in a variety of ways. These criteria were: control, need, identity, attitude and reciprocity. Some criteria have more influence on the assessment of deservingness than others. The first criterion which does not seem to play an important role is control. This is the case because there is always interplay between own fault and circumstances. However, it is helpful to be able to discern between a child who has no control over the circumstances and an adult who does have this control to a certain point. Identity, the third criterion, also does not play a big role in assessing the deservingness for help of a migrant. NGOs try not to take into account the identity, or the cultural background, of someone who asks for help. However, they are aware of the effect prejudices and negative experiences in the past can have. Lastly, the criterion of reciprocity seems not important in deciding whether someone deserves help or not. It does happen that a migrant is rewarded for his active and helpful attitude, but this is always after some time and it has no effect in the decision to help someone or not. Interestingly, municipalities do sometimes shelter people with the hope that these migrants will in return go back to their home country.

Two criteria do seem to play a big role in deciding to offer an irregular migrant help or not. The first is the need criterion. Need is measured by lack of self sufficiency and lack of alternatives. Also, the urgency of his request, his medical situation and his vulnerability are taken into account. Thus, when an irregular migrant is in much need of help, based on previous measurements, his chances are bigger than when a migrant seems to have alternatives or when the request is not that urgent. The other criterion which greatly influences the decision to help an irregular migrant or not, is the attitude a migrant shows. It is most useful to be proactive, almost claiming, to receive help. Timid and shy irregular migrants are seen as less deserving of shelter than proactive migrants. This may derive from our own cultural viewpoint that when you are in much need, you will stand up for yourself and almost demand what you need.

The different deservingness criteria given by the interviewees, influencing the assessment of deservingness on various scales, share that they are not defined, that it is not put to paper how to measure the criterion. It is not straightforward when one is needy enough, or whether one has the precise attitude or identity desired. Still all criteria do play a role, big or small, in the decision whether or not an irregular migrant receives help from municipalities and/or NGOs.

5. DISCUSSION

In this chapter the results will be discussed. Firstly, the question posed at the start of this study – part D of the schematic research model of Figure 1 - is answered based on the results. Secondly, the answer and results are linked to the discussed theories about illegality. After this theoretical part, the practical meaning of this study will be discussed resulting in recommendations for the NGOs, municipalities and national government. Finally, the chapter will be closed by discussing the limitations which lead to suggestions for further research.

5.1 Influences on the chances of irregular migrants on receiving shelter

At the start of current study, the following question was posed:

What influences the chances of irregular migrants on receiving shelter from NGOs in the Netherlands?

To answer this central question, theory and practice have been studied by means of an explorative research strategy. In order to gather information, five interviews have been conducted with scientific experts, 10 with professionals working at NGOs and 6 with municipality officials. Moreover, two tenting camps have been visited as well as other relevant events.

As described in foregoing chapter, there are many influences on the chances of irregular migrants on shelter in the Netherlands. These influences come from within NGOs as well as from outside. The question is therefore answered by addressing two main themes; firstly the bureaucratic field of illegality and secondly the axes of irregularity. In the following, these themes will be described and linked to the reality and topicality in the Netherlands. Next to that, the research findings will be linked to the more broad theories of illegality of Arendt, Agamben and Bauman.

However, before foregoing themes are addressed it should be noted that current thesis mainly focuses on irregular migrants with an asylum history who receive shelter from NGOs. As compared to the total group of irregular migrants, this is a minimal share. This is a serious limitation and at the same time, it is also an important conclusion. The large share of irregular migrants remains invisible for the regular shelter organizations; this makes it hard to understand the consequences of policy for irregular migrants and stimulates every form of research on the subject.

5.1.1 Influences from the bureaucratic field of illegality

In the theoretical chapter, the bureaucratic field of illegality was derived from bureaucratic field theory (Bourdieu, 1994). Bourdieu's theory understands society as existing of various fields. Each field can be understood as a hierarchical network of specialized agents who strive to define the dominant values of the field. Current study focuses on agents who endeavor to influence the situation of irregular migrants in the Netherlands, hence the bureaucratic field of illegality. The influence of the agents is assessed by their capital – their power – which knows different forms namely economic capital (financial recourses), cultural capital (education), social capital (networks), juridical capital (to make laws), and symbolic capital (recognized, granted power).

The agents who are active in this bureaucratic field of illegality have been mapped on the basis of literature study and initial talks with professionals in the field. The central agents which are distinguished are the national government, the municipalities and NGOs. Besides these central agents, it was assumed that the field of journalism (Bourdieu & Ferguson, 1999) – the media – as well

as the juridical field (Bourdieu, 1994) – lawyers and judges – where interrelated and had a big influence on the bureaucratic field of illegality. Moreover, irregular migrants and the European Union where seen as parties who, in the context, have an influence on the bureaucratic field of illegality.

As described in the results based on the interviews, the agents in the bureaucratic field of illegality try to influence each other in a variety of ways. For the general public there is some struggle noticeable. Municipalities write letters urging the national government to act more humane and to take responsibility for the irregular migrants. NGOs sporadically organize discussions and campaigns on behalf of irregular migrants. However, the biggest part of the agents influencing each other happens unofficially, in the twilight. NGOs indicate that it is possible to arrange matters with the municipalities for irregular migrants in secret. Municipalities also indicate to support irregular migrants in a variety of ways, but most municipalities do not give much publicity to these actions.

When understanding the bureaucratic field of illegality in terms of powerful and less powerful agents, it seems that the national government – the higher state nobility – is the agent with the most symbolic capital. The state has also drawn much of the juridical capital to itself. As an effect, NGOs as well as municipalities experience their efforts to influence the national government as fruitless. However, municipalities – the lower state nobility– are not altogether powerless. Although they are not supposed to support irregular migrants in any way, they still offer support. As shown by this habitus, they revolt, albeit not always openly, against the disposition of the state. Interestingly, the national government does not seem to have means to stop the municipalities from doing so. Still, municipalities often act in the twilight and shelter irregular migrants via indirect ways.

Finally, NGOs also have some power which can best be understood as social capital and economic capital. Although some NGOs are financially dependent on the municipalities, other NGOs aim to be financially independent. This financial independence gives them some autonomy and freedom to support irregular migrants whom the national government and municipalities do not want to be supported. NGOs receive money from churches, funds and individuals. This economic capital enables the NGOs to struggle. Still, NGOs do not really revolt against the municipalities; instead, using their social capital, they try to cooperate to improve the situation of irregular migrants by their political contacts.

Considering foregoing, the bureaucratic field of illegality seems to be in twilight equilibrium. As one interviewed scientist (van der Leun, 2012) put it, the current situation seems a workable compromise between a strict national policy and humanistic gestures which are profitable for everyone as long as these gestures are not political. In other words, it seems like an equilibrium of which the weights are partly invisible. As a result, the lobbying skills as well as courage of the NGOs and municipalities become important for the chances of irregular migrants on receiving shelter.

This twilight equilibrium is sometimes influenced by the juridical field as well as the field of journalism. NGOs, by means of lawyers sometimes force municipalities to support irregular migrants. Similarly, the media is sometimes used to improve the chances of irregular migrants on support. Although the influence of the European Union remains shady, it became clear that the European laws and conventions are seen as a positive influence which restricts the possibilities of excluding irregular migrants by Dutch law. Similarly it was observed in current study, that the restrictive border-regime of the European Union creates excluding categories of 'good' welcome migrants and 'bad' unwelcome migrants.

As concerned the agency of irregular migrants, the tenting camps showed an interesting development. By tenting the migrants succeeded in gaining much media attention, and at least

temporarily improved their shelter situation. The long-term consequences of their actions are not yet clear.

5.1.2 Chance on shelter assessed by means of the axes of irregularity

The dispositions of the national government, the municipalities and NGOs construct a social order (Bourdieu, 2004). In the theoretical chapter it was argued that this social order becomes visible in the way irregular migrants do or do not receives support. It becomes visible in the criteria which are used to asses if an irregular migrant deserves shelter. These criteria indicated by the interviewees are divided over the axes of irregularity.

In the theoretical chapter the axes of irregularity was described as existing of two axes which represented the continuum of illegality and the continuum of deservingness. Briefly put, it stated that irregular migrants had more chance on shelter according to their legality and according to how deserving they were considered. In current study it is endeavored to make the criteria used within these continuums more clear. Per continuum, the most interesting criteria will shortly be discussed.

- **Criteria belonging to the continuum of illegality**

The continuum of illegality is understood as ranging from being fully recognized and protected by the law to being fully denied a right of existence by the law. In other words, it ranges from being a citizen, being considered as legal, to being completely without rights, being considered as illegal. In the theoretical chapter it was argued that although irregular migrants have some rights they can be placed on the illegal side of the continuum. Moreover, it was argued that irregular migrants who still had a chance on a stay permit could be considered as closer to legality than irregular migrants who were not in a juridical process to obtain a stay permit. Subsequently, it was argued that the first kind of irregular migrants probably had a bigger chance on shelter from NGOs. During the interviews, it became clear that this is indeed the case. NGOs rather help someone with chances on a legal status because in that case the supposed length of shelter is finite, which shortens the circulation time and enables the NGO to help more irregular migrants.

Besides the perspective on a legal status, NGOs indicated that other, more or less legal perspectives also influence the chance for an irregular migrant on shelter. The most important of these perspectives is return. If an irregular migrant is willing to return, he has more chance on shelter. For example, the disposition of the national government is that an irregular migrant who has been refused by the judge to build a life in the Netherlands after exhausting all legal options, should leave the country in 28 days by his own means (Terugkeer vreemdelingen, n.d.). During these 28 days the irregular migrants can stay in an asylum shelter funded by the national government. After this 28 day period, irregular migrants are officially allowed to stay for three months in a freedom restricting centre under the condition that they cooperate with their return; unofficially they can sometimes stay longer which results in an average stay of 15 weeks. However, if they do not succeed in returning or do not cooperate enough, the shelter eventually stops and people are put on the streets. This happens regularly because obtaining all the papers which are necessary to return is hard and in some cases even impossible.

Rejected asylum seekers who are cooperating with return are often sheltered by municipalities and NGOs. They thus hold other standards; when an irregular migrant actively and demonstrably cooperates with return he receives shelter as long as is actually needed. The previous is an interesting example of agents in the bureaucratic field who have different concepts of criteria in the continuum of illegality. By their disposition they influence what is seen as just and create social

order. The central value of the field, the result of the various dispositions, is that irregular migrants who are willing to return often receive shelter from municipalities and NGOs.

- **Criteria belonging to the continuum of deservingness**

The other distinguished continuum is the continuum of deservingness. Whereas the previous criteria had much to do with the juridical situation of irregular migrants, the criteria in this continuum have more to do with how deserving a migrant is considered (Oorschot, 2000), in other words how much sympathy an irregular migrant raises.

Since the national government states that irregular migrants have no right on support, irregular migrants increasingly end up on the streets and ask municipalities and NGOs for shelter. As a result municipalities and NGOs have to decide whom to grant and whom to deny shelter. NGOs as well as municipalities make use of a broad range of criteria to decide. The most interesting examples of used deservingness criteria are need and attitude.

The need criterion exists of various factors. Depending on the self-sufficiency, presence of alternatives and the vulnerability of the migrant, chances of shelter are determined. However, it is not written down when the need is big enough and what need leads to what support. Moreover, the need criterion is marked with inconsistency, the same need does not always lead to the same support.

The attitude criterion is neither explicit nor official. Still, NGOs indicate that attitude heavily influence the chances on shelter. In effect somebody who is proactive has a bigger chance on shelter than somebody who is very shy and hesitant, even though his need may be bigger.

In contrast to the need and attitude criteria, the reciprocity criterion seems of less importance. In effect, not all deservingness criteria are equally important. During the interviews another criteria which does not fit the five deservingness criteria became apparent. Namely, the regional ties which municipalities and most NGOs demand. If an irregular migrant has lived in an asylum shelter or illegally in another city than where he requests shelter from an NGO or municipality, he virtually has no chance on receiving support. Instead he has to go to the city where he has lived and ask for shelter there. Problem with this arrangement is that not all cities have an NGO offering shelter. Moreover, this criterion seems unfair since irregular migrants often have no influence on in which asylum shelter they spend their days, making this criterion a kind of postcode lottery.

All in all the position of irregular migrants on the axes of irregularity can only be understood when the different agents of the bureaucratic field of illegality and their capital are taken into account. In order to influence the central value – the chances of irregular migrants on shelter – agents in the bureaucratic field struggle with each other in open as well as in more hidden ways. Although this makes it hard to trace the direct effects of this struggle on the chances of individual irregular migrants on shelter, it helps to understand the force field in which irregular migrants as well as NGOs and municipalities operate. This brings us to the last set of theories discussed in the theoretical chapter namely the theories concerning illegality.

5.2 Consequence of being irregular as seen from the perspective of illegality theory

In chapter 2 it has been described that irregular migrants do, to a far extent, fit in the marginalized categories of stateless persons (Arendt, 1966), Homo Sacri (Agamben, 1998) and redundant people (Bauman, 2004). It is also been described how their explanations of illegality become visible and practical in the geopolitical border regime of the European Union. Rooted in fear and xenophobia, the European Union defines who is welcome and who is unwelcome. People are no longer treated as human beings but are primarily treated as citizens or non citizens. Since excluding them on the external border of the European Union proves unsuccessful, irregular migrants are also excluded within the country. The interviewees declared that the Netherlands increasingly implement policies which rigidly exclude irregular migrants from support. Based on the perspectives of the three thinkers on illegality, it will be discussed how their belonging to the illegal end of the axes of irregularity influences the chances of irregular migrants on shelter in the Netherlands.

A first consequence becomes clear when considering the notion of Arendt (1966), that since the stateless person has no rights, the stateless person becomes dependent on the ''benevolence of law executive'' (Arendt, 1966, p. 283). The same tendency became visible during current research. Since the national government excludes irregular migrants from official support, except them from the national laws which give them right on support, irregular migrants move in a gray world. As a result of their twilight existence, they have become dependent on charity, on the mercy of municipalities and NGOs. Although some municipalities and all NGOs seem benevolent towards irregular migrants, they are limited in their resources. In effect, not all irregular migrants can be helped and by means of the already discussed criteria some irregular migrants do get support and others do not. However, these criteria as well as their application are often unclear, which raises the impression that chances of irregular migrants are not always fair. One can think for example of the already mentioned regional ties criterion as well as the need criterion. This impression is affirmed by various NGOs and considered as a difficult subject.

One NGO indicated that the shelter request of many irregular migrants are rejected because giving support to one migrant would imply that other irregular migrants in similar situations should also receive support, which is impossible because means are limited. Some NGO professionals explicitly stated that even when each case is carefully assessed, it is impossible to treat everybody in the same way. Another NGO declared in first instance to not have criteria with the reason that ''if you have criteria everybody, migrants and organizations alike, start whining: 'but I meet your criteria'''. To illustrate this complexity still another NGO used the following illustration. A situation was described of four people who were fallen into the water, but weren't able to swim. Without help they would drown but you have only means to save one. In a way it is unfair for the other three if you only save one and let the others drown. Still, it is better to at least rescue the one who accidently is the closest to you.

The problems concerning fairness and equal treatment essentially comes back to equality before the law. NGOs have more latitude to distinguish between irregular migrants than the national government would have. For example, NGOs are free to provide shelter only to women, whereas if the national government would do this, it would probably be marked as discrimination of men.

In a way this feeds back to Agamben (1998, p. 118) who stated that since the Jews were reduced to bare life, killing them was not seen as murdering but as extermination of unwished life''. Although it is not on such a devastating scale, the same principle is at work. Put briefly, since the

government denies irregular migrants the right on shelter, they become dependent on the mercy of NGOs. And although the work of NGOs is necessary, noble and praiseworthy, it results in a situation in which people are unequally treated in a gray sphere on the grounds of arbitrary criteria whereas they should be treated based on their human rights.

A second consequence which became clear during current study is that most support for irregular migrants is arranged in the political twilight. By means of Arendt's (1998) notion of the public and private sphere as well as Bauman's (2004) notion of a humanity that does not want to know, this practice may be understood.

Firstly, in describing the human tendency to control, Arendt (1998) contrasts the private and the public sphere. In the private sphere we cherish the difference; in the private sphere it is possible to love a stateless person. However, in the public sphere there is a need for equality and order. Although this understanding does not justify, it sheds an interesting light on the notion that most things in the bureaucratic field of illegality happen in the twilight. The public national government does not take care for irregular migrants but the private NGOs do.

Secondly, in describing the implications of being redundant, Bauman (2004) states that humanity as a whole does not feel responsible for the redundant people; humanity does not want to know of their existence and wants to do away with human waste. From this perspective it is not so strange that irregular migrants are cared for in secret.

Although both perspectives make it understandable why shelter to irregular migrants is offered as it is, it is alarming because it signifies that the position of irregular migrants is pushed into the margins of the continuum of illegality. Moreover, it may be feared that being invisible only worsens this position on the illegality side of the continuum.

Both consequences, that irregular migrants are dependent on charity and that support is arranged in the twilight, show that NGOs fulfill an important role. From this perspective, it may be seen that the more NGOs exist to support a group in their basic needs, the more this is a sign that the supported group is without rights.

As described, NGOs often receive financial support from municipalities. This is very interesting because it signals that exclusion on a high level does not necessarily lead to exclusion on lower levels. National exclusion does however seem to revive regional exclusion.

In the light of these consequences, the recent tenting camps discussed in 4.1.5 are very noteworthy. Irregular migrants showed agency and took matters into their own hands and became, at least for short periods, very visible, showing that they exist and that their precarious situation is caused by a flaw in the asylum policy of the national government.

Based on the three authors, it is possible to actively point to the national government as a cause for the consequences for irregular migrants. The interviewees indicated that the general adagium of current politics is that irregular migrants are responsible for their own situation. Following Agamben (1998), we can state that the sovereign power acts in not acting and includes in excluding. Following Bauman (2004), we can state that ordering the social system creates chaos. In short, the authors show that the chances of irregular migrants on shelter are blurred and that they are interconnected with and influenced by the actions of the national government. This theoretical interconnectedness is also visible in practice. For example, one can think of the money flows. Either directly or indirectly, most NGOs supporting irregular migrants are partly funded by municipalities. In their turn, the

municipalities are funded by the national government. Thus, the amount of money national government and municipalities can use for irregular migrants influence the chances of these people on receiving help.

All in all, the chances of irregular migrants on receiving shelter from NGOs in the Netherlands are influenced from many sides. Firstly, a variety of different agents in the bureaucratic field of illegality increase and decrease the chances of shelter in open and hidden ways. These central agents are the NGOs, municipalities and national government. In the context, the juridical field, the field of journalism and the European Union are influencing this field. Moreover, irregular migrants individually and by organizing themselves have agency to influence their chances on shelter.

Secondly, the chances are influenced by ambiguous criteria which NGOs use. These criteria can be placed in the axes of irregularity and can be divided over a continuum of illegality and a continuum of deservingness. The more irregular migrant have a gray juridical status and the less they are seen as deserving, the less their chances are on shelter.

In summarizing foregoing, it can be concluded that the exclusion of basic needs of irregular migrants by the national government leads to unfair treatment of irregular migrants and pushes them in the shadow, worsening their chances on shelter.

5.3 Recommendations

Based on the results and discussion, the following recommendations are given to the various agents.

As described, the current policy has detrimental consequences for irregular migrants as well as for municipalities. A first recommendation to the national government would therefore be to develop a working return and asylum policy which gives irregular migrants access to basic facilities and as a result, enables the municipalities to keep the agreement of 2007 (Deetman & Albayrak, 2007). Alternatively, the government can decide to give municipalities more means and freedom to take care for irregular migrants. Secondly, it is strongly recommended to consider human rights more seriously when developing policy for irregular migrants, especially the right on housing as part of the right to an adequate standard of living.

To the municipalities it is recommended to support irregular migrants more openly. It seems that national government does not restrain municipalities in offering support for irregular migrants. This implies that municipalities are free to keep supporting irregular migrants. However, when municipalities offer support to irregular migrants in the twilight, the policies will probably not change.

As noticed, the role NGOs play is very noble and necessary. Still, it can lead to unfair treatment. Therefore it is recommended that NGOs to monitor very closely on what basis irregular migrants support requests are granted or rejected. Such an overview may enable NGOs to work more consistently and fair. Moreover, such an overview may be a powerful instrument to signal to the national government that the current policy has undesirable consequences. However, caution should be taken that the increase in bureaucracy which often goes hand in hand with exclusiveness does not shut out the inclusiveness of an arbitrary but caring heart.

Another recommendation to NGOs is to increase and use their power. As described, much of the media as well as public opinion are positively disposed towards irregular migrants. This implies that NGOs have strong social capital. Moreover, it might be useful to put more effort in raising money, making NGOs less dependent of municipalities and increasing their economic capital.

Finally, to irregular migrants it is recommended to show agency and step out of the twilight. The tenting actions have shown that raising your voice may indeed improve the situation. When requesting shelter from NGOs and municipalities it is recommended to be bold and persistent. Moreover, it is recommended to go to an NGO or municipality in the region where you have lived. When language is a problem, it is strongly recommended to bring a contact who masters the Dutch or English language.

5.4 Limitations

As mentioned several times in this study, the world of irregular migrants exists in the twilight. This means that it is necessary to penetrate deep into the matter. In current study many interviews and some observations have been conducted. In retrospect, it had been wiser to turn the ratio around and do some interviews and many observations. Although the interviewees were very friendly and open, it is still a narrated secondhand story whereas the observations could show the uncontrolled reality.

Moreover, as described in chapter three, the research strategy of current study was explorative. Although it has been attempted to be as credible and representative as possible, it is desirable that this study will be followed up by other studies focusing on the same theme. In this way the studies become concatenated and can gradually come closer to the crux of the matter.

Furthermore, it might be interesting to talk with irregular migrants themselves for two reasons. Firstly, irregular migrants play a bigger role in the bureaucratic field of illegality than assumed at the start of this study. The tenting camps which evolved during the time this research took place, gave an interesting twist to the dynamics of the field. Although in current study some attention is given to these camps, this phenomenon deserves a study of itself. Secondly, interviews with irregular migrants may shed an interesting light on the criteria used by NGOs and municipalities. When interviews are conducted with irregular migrants whose support requests are accepted or rejected by NGOs, a more refined picture of deservingness criteria like reciprocity may be gained.

Finally, given the limited length and specific character of this master thesis, this research mainly focused on irregular migrants with an asylum history who recieve support from a NGO. As described in chapter 3, this is a minimal group, only 2%, as compared to the total group of irregular migrants.

Although this small group represents the possible implications and consequences of being irregular when one comes into a situation of need, the large share of irregular migrants remains invisible for researchers as well as NGOs. Therefore, studies on the characteristics of irregular migrants and the implications of rigid exclusive laws for this big group are strongly recommended.

5.5 Conclusion

What readers should take away from this study is that the position in which irregular migrants are placed as a result of the struggle in the bureaucratic field of illegality is one with few rights. The national government's rigid exclusion of irregular migrants of basic support leads to negative

consequences for irregular migrants, NGOs and municipalities. These consequences essentially mean that irregular migrants are pushed into a sphere of secrecy which makes them vulnerable for arbitrary and unequal treatment. Their chances on shelter in the Netherlands are influenced by the agents in the bureaucratic field of illegality, the objective and subjective criteria they use to decide to offer shelter or not and the juridical, journalistic and European context in which the field of illegality exists. To counter these consequences, NGOs as well as municipalities are recommended to struggle more openly. Irregular migrants are encouraged to step out and use their agency. The national government is recommended to improve their return and asylum policy as well as taking human rights more seriously into consideration, especially the right on housing as part of the right to an adequate standard of living,.

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Appendix 1: NGO observing scheme

Observation scheme: Location: Date: Organization

Time	Irregular Migrant	Mood	Support	Support	Deservingness Criteria	Juridical Status	Other Aspects	Other Agents	Limitations	Media	Juridical field
			Requested	Given	*Control, Need, Identity, Reciprocity, Attitude*	*Hope/ Process*					

Figure 15: NGO Observing scheme

How to use this observation scheme? When a non participating observation is made, this observation scheme will be filled. I will constantly, sentence after sentence, write down what happens. For each sentence I will place a thick in the box to which the sentence means something.

As is visible, the scheme has four kinds of boxes. The first kind signifies practical issues like 'time', 'characteristics of irregular migrants' and the general 'mood' in which the observation takes place. The second kind of boxes are also practical and signify the practical 'request' at the start and the result, the support 'given' at the end. The third box is more theoretical and signifies the central theoretical aspects. It represents the two continuums, 'deservingness' and 'juridical status', as well as the field theory 'other agents'. It moreover has a box for other unexpected aspects. The last kind of boxes signify the issues which are placed in the context, these are: 'limitations', 'media' and 'juridical field'.

These boxes make the analyzing easier and steer the observation. They are however not all determent, it is possible that an observation applies to two or more boxes as well as it is possible that it applies to none. To illustrate how this observation scheme works, the scheme is partly filled in for an observation of a hypothetical observation of a support request of the Migrant A. Nonymus.

Observation scheme: Location: Utrecht   Date: 10-05-2012   Organization: Unkown

Time	Irregular Migrant	Mood	Support	Support	Deserving Criteria	Juridical Status	Other Aspects	Other Agents	Limitation	Media	Juridical f
			Question	Given	*Control, Need*	*Hope/ Process*					
13:00	Anonymus comes in										
	He is unhappy										
13:05	He ask for shelter because he is iraky and has been put on the street										
13:07	Employee says he will try to find something but that places are restricted										
13:08	the employee aks for his juridical history										
13:09	Anonymus says he has proceeded 3 times and got rejected each time										
13:10	The employee asks for friends or family										
13:11	Anonymus is very claiming										
13:12	Anonymus refers to the media attention for iraqis camping at ter apel										
	and so forth and so forth										
13:30	Anonymus can stay for two weeks at an organization to wait what will be the result of the iraqi camping action										

Figure 16: Example of a filled NGO observation scheme of a hypothetical observation

Appendix 2: Interview guides, Part A

NGO interview guide, part A

Algemene informatie

Datum interview: Plaats interview: Duur interview:

Naam geinterviewde:

Organisatie geinterviewde: Beroep geinterviewde: Werkt sinds:

Introductie

Bedankt dat ik u mag interviewen.

Ik onderzoek ''*de invloeden op de kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties''.* In mijn thesis is hulp vooral beperkt tot onderdak.

Om hier meer inzicht in te krijgen zou ik graag eerst algemeen beginnen en vanuit daar steeds specifieker worden. Eerst wil ik graag uw mening inzichten horen en daarna wil ik graag met u een paar van mijn bevindingen tot nu toe bespreken.

1) Middelen

Welke middelen heb je beschikbaar om hulp aan te bieden?

Waar komen deze middelen vandaan? Hoe zijn ze gefinancieerd?

Zitten er condities/vereisten aan die financiering?

    Voorbeeld?

2) Relatie gemeente

In hoeverre ervaar je strijd/strubelingen met de locale gemeenten?

In hoeverre ervaar je strijd/strubelingen met de landelijke overheid?

    Voorbeeld?

In hoeverre voel je je ingeperkt door de locale gemeente/landelijke overheid?

    Voorbeeld?

In hoeverre ga je tegen het beleid van de gemeente in?

    Voorbeeld?

3) Onderscheid

Op welke basis maak je onderscheid tussen ongedocumenteerde migranten?

    Voorbeeld?

Is dit onderscheid voldoende?

Wat gebeurt er als je nog steeds meer hulpvragen krijgt dan je kunt geven?

    Voorbeeld?

Hoe maak je dan onderscheid?

    Voorbeeld?

Waarom, wanneer en hoe? Beeindig je hulp?

    Voorbeeld

Scientific expert interview guide, part A
Algemene informatie
Datum van interview: Plaat: Tijd & Duur:
Naam geinterviewde: Organizatie geinterviewde:
Beroep geinterviewde: Werkt sinds:

Introductie
Bedankt dat ik u mag interviewen.

Ik onderzoek *''de invloeden op de kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties''.* In mijn thesis is hulp vooral beperkt tot onderdak.

Om hier meer inzicht in te krijgen zou ik graag eerst algemeen beginnen en vanuit daar steeds specifieker worden. Eerst wil ik graag uw mening inzichten horen en daarna wil ik graag met u een paar van mijn bevindingen tot nu toe bespreken.

Vragen
1) Wat beinvloed de kansen van ongedocumenteerden migranten op hulp van NGOs?
   Wat nog meer?
   Voorbeelden?

2) Hoe beinvloeden ongedocumenteerden migranten hun kansen op hulp van NGOs?
   In hoeverre denkt u dat character en rol speelt?
   In hoeverre denkt u dat hun juridische situatie een rol speelt?
   Waarom?
   Voorbeelden?

3) Hoe beinvloeden NGO de kansen van ongedocumenteerde migranten op hulp?
   Wat voor criteria gebruiken NGOs?
   Hoe denk je dat deze criteria gebruikt worden? Strict of arbitrair
   (Deservignness criteria   (schuld?/ Nood?/ Houding?/ Wederkerigheid?/ identiteit?)
   Waarom?

4) Welke andere partijen beinvloeden kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties? En hoe?
   Hoe beinvloeden NGO, gemeenten en landelijke overheid elkaar?
   Hoe worden NGOs beinvloed door gemeenten en landelijke overheid
   Hoe beinvloeden NGOs de gemeente en landelijk overheid?
   Voorbeelden?

5) Wie heeft volgens u de grootste invloed op de kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties? Zijn dat: de NGOs, de migranten, hun juridische situatie, de gemeenten, de landelijke overheid of de persoonlijke eigenschappen?
   Waarom?
   Voorbeelden?

Context
6) Wat is de invloed van de media op de kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties?
   Voorbeeld?
7) Wat is de invloed van de juridische aparaat op de kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties?

Municipality official interview guide, part A

<u>**Algemene informatie**</u>

Datum van interview: Plaats: Tijd & Duur:
Naam geinterviewde: Organizatie geinterviewde:
Beroep geinterviewde: Werkt sinds:

<u>**Introductie**</u>

Bedankt dat ik u mag interviewen.

Ik onderzoek *''de invloeden op de kansen van ongedocumenteerd migranten op hulp van non governmentele organizaties''.* In mijn thesis is hulp vooral beperkt tot onderdak.

Om hier meer inzicht in te krijgen zou ik graag eerst algemeen beginnen en vanuit daar steeds specifieker worden. Eerst wil ik graag uw mening inzichten horen en daarna wil ik graag met u een paar van mijn bevindingen tot nu toe bespreken.

<u>**Vragen**</u>

1) Gemeente en ongedocumenteerde migranten?

      Hoe staat de gemeente tegenover ongedocumenteerde migranten?

      Wat doet de gemeente voor ongedocumenteerde migranten?

      Welke middelen zijn daarvoor beschikbaar?

           (in wmo/ buitenwettelijk/ vrouwenopvang/

      Wat voor criteria zijn daaraan verbonden?

2) Relatie NGOs

      Welke NGOs zijn in uw gemeente actief voor ongedocumenteerde migranten?

      Hoe omschrijft u uw relatie met deze organisaties?

      In hoeverre bestaat er onenigheid met deze organisaties?

      Waar gaat die onenigheid over?

      Wat doe je als er onenigheid is?

           (geld/criteria/ publiek/ geld intrekken?

      Voel je wel eens onderdruk gezet door NGOs?

           (hoe doen ze dat? Wat is het resultaat)

3) Relatie landelijke politiek

      Stopzetting noodopvang

4) In hoeverre speelt de media een rol?

5) in hoeverre speelt het juridische apparaat een rol?

Appendix 3: Interview guide, Part B

What do you think of this conceptual model?
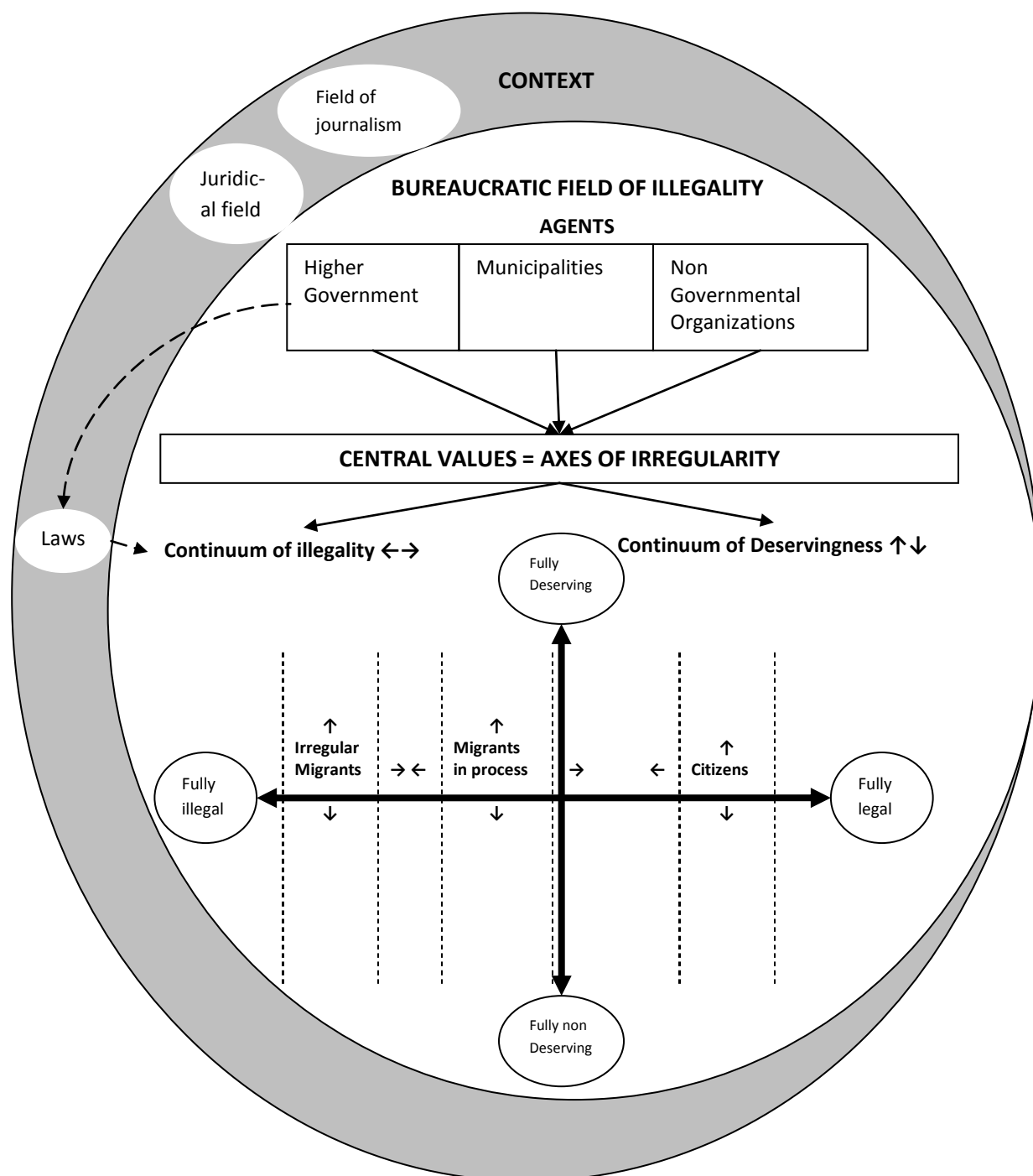What should be nuanced/added/deleted?

Figure 17: Preliminary version of the conceptual model based on the theoretical framework