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*Strategies of undocumented immigrants pursuing work and
their working conditions: the case of Gothenburg*

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I am deeply honored to present the Master's thesis completed in the University of Gothenburg (the academic year 2009-2011). While reading this piece of paper, you will realize that it was enormously contributed by various actors. Their life experiences and academic skills have had a huge positive impact on this research.

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Abstract

The situation for undocumented workers is at the forefront of debate all across Europe. Researches reveals that there is a considerable knowledge gap as regards implementation of international, regional and national legal instruments available to ease the vulnerability of undocumented workers. The aim of this research is to explore the life of undocumented workers in Sweden. The focus of the research is to gain insight into who are undocumented workers? What strategies do they use to find work? And under what kinds of working conditions they perform their work? The research is approached from two directions: a study of existing legal instruments applicable to undocumented workers, followed by an empirical study based on interviews with undocumented workers in Sweden and discussions with trade unionists and labour lawyers. The theoretical approach is informed by theories of social capital and human capital theories, as well as the concept of working conditions, which form the platform for analysis of the collected data.

The research findings suggest that social capital significantly contributes to the strategies of undocumented migrants pursuing work. Social capital may be generated by various means, such as social networks established through religious fellowships, ethnic enclaves, private agents, media and/or transnational networks. The research also finds education, work experience and language skills beneficial for undocumented individuals to get work. Furthermore, the findings show that because undocumented workers are excluded from social provisions, their working conditions reflect serious violations of human rights.

As this research adopts the human rights approach, the paper concludes with a number of recommendations based on existing legal instruments for trade unions, politicians and social actors to consider when formulating policy on undocumented workers.

Key words: undocumented workers, third-country nationals, social capital, human capital, work strategies, industrial relations, trade union, EU, Sweden.

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Chapter I. Introduction

1.1. Background

In the political discourse of EU international migration is attributed to a strong challenge hitting on the welfare state regime and social order (Tsoukala, 2007, p. 393). In spite of the intensification of international migration, nation-state regime continues to manage immigration flows. The states' policies in promoting immigration restrictions and reducing opportunities for regular migration have not been effective in preventing migration flows (Djacić, 1997, p. 6). It is especially the case for undocumented immigrants who for whatever reasons are crossing the borders. After the attack in the USA the nation-state borders control, both external and internal, have acquired specific restrictions. And the harder states try to enforce immigration restrictions, the more is migration driven underground (Tsoukala, 2007, p. 394). The combination of restrictive immigration policies and expanding migratory pressure has produced rapid growth in the stock of undocumented individuals in many countries.

Recently conducted estimation indicates that there were between 2.8 and 6 million undocumented migrating persons in the EU in 2005 (Triandafyllidou, 2009, p. 1). However, in 2008 the figure declined to 1.9 to 3.8 million in EU-27 (Triandafyllidou, 2009, p. 105). Swedish researches have estimated that there are around 10.000 – 50.000 persons who are residing hidden in Sweden (Socialstyrelsen rapport, 2010, p. 270).

The common trend for individuals to cross international borders and to immigrate is by utilizing established legal paths, for instance by seeking asylum, applying for tourist, student visas or work permits. Accordingly, the status “undocumented” may not necessarily be gained by crossing international borders without any authorization; rather it may also be gained after some time residing in a host country with appropriate documents. Although, this may be contested, Undocumented Worker Transitions final report (2009) argues that the status “undocumented” is rarely the outcome of a conscious decision on the part of the individual migrant but is determined by factors more usually out of the control of the individual, such as the intensification of migration and asylum policies (p. 11).

The access to social provisions in Sweden demands “*personnummer*” which is 10 numerical digits is provided by the Tax Office to all registered immigrants. It is demanded by every social institution as well as by an employer (Folkbokföringslag (1991:481), §18). Since undocumented migrant workers are not holders of the Swedish legitimation card, they are denied to any social services. Personnummer is of special importance for third-country nationals (hereinafter TCNs). TCNs constitute the group under specific regulations according to Migration Board rules enshrined in the national legislation of Sweden. As it follows, TCN individual is obliged to apply for residence permit in order to immigrate to Sweden. Such a procedure gives immigrants the right to hold four „magic figures“ (See Migration Board's homepage). According to Aliens Act (2005:716), lack of residence permit for TCN is the direct reason for expulsion. As for EU

citizens, the right to residence for this group is upheld. It is emanating from the concept of citizenship in Schengen zone. Since the Area of Freedom, Security and Justice (hereinafter AFSJ) has been implemented, the freedom to migrate within EU was established. Three months of residing in Sweden without registration in Migration Board is allowed, but further staying in the country demands registration. Prolongation of residency may be completed on the ground of employment or study (See Aliens Act, 2005:716). Lack of personnummer for EU-citizen residing in the country more than three months does not directly entail expulsion.

The regulation for asylum seekers significantly differs from the other groups of migrants. They are provided with the special code (ID) that authorizes legal residency and work in the host country. If the Migration board makes decision to reject the case in accordance to the decision of the Court, an appellant is obliged to leave the country. However, by the fear to be prosecuted in their home-lands, rejected asylum seekers often decide to stay over and live underground. After four years living underground they have the right to apply for asylum for the second time.

Consequently, undocumented migration is always referred to TCN individuals who due to various reasons reside in a host country without resident permit. The status “undocumented” can be attributed to an immigrant in case of: arriving clandestinely, overstaying visas (students or tourist’s visas), working without a work permit as well as staying after negative reply of the Migration Board’s Court to asylum seeking case (Guild, 2004, p. 3).

The transitions between regular and irregular status might affect the strategies immigrants develop in order to survive and integrate into a host society. Among others, arrangement of employment is of a crucial value for immigrants, as it is deemed an indicator of economic integration in a collective dimension and of self-realization in an individual dimension. Since undocumented workers are deprived of social rights, access to labour market can obviously be gained only via informal networks. As a consequence, the trajectories of undocumented migrants pertaining to the employment seeking process are limited to closed social networks. Development of work strategies is determined by the necessity-based condition (Engblom, 2010, p. 2), as engagement in an informal labour market is the only way for immigrants without residence permit to survive. Therefore, such networks may not necessarily assure the labour rights for individuals involved.

Unlike legally residing migrants, undocumented immigrants suffer from hard violations and abuse in terms of working conditions. Being involved in so-called “3-D jobs” (dirty, dangerous, degrading), undocumented workers endure violations of the right to fair working conditions including the right to remuneration, acceptable working milieus as well as duration of a working day and weekends.

Moreover, since employment is performed, first of all, by an individual who is criminalized by the Swedish law (See Aliens Act 2005:716) and, secondly, in an informal economy, any disputes with employers are tackled by only few Swedish trade unions concerned. Accordingly, the main impediment to build long-term functioning mechanism to assist undocumented migrant workers by giving them “full package” of the labour rights is “illegal” status stipulating lack of personnummer (Swedish ID).

Bearing in mind paradoxical complexity of the political approach to undocumented migration in Europe, it is necessary to visualize those cases of violations of the labour law in Sweden in particular.

1.1.1. Aim and research questions

The *aim* of the study is to explore and analyse strategies of undocumented immigrants pursuing work in Gothenburg and their working conditions. Within this aim the research pursues to find out how undocumented immigrants being deprived of any legal paths to access Swedish labour market develop and utilize their strategies to find a work. Moreover, working conditions of undocumented individuals are of a significant attention, since the study is based on the human rights approach. Bearing in mind that there are the trade unions in Sweden which endeavour to protect the labour rights on behalf of abused undocumented workers, the paper aims to explore how undocumented immigrants solve the disputes with their employers. Generally, this work is devoted to those the strongest by spirit and the weakest by the system who want to share their life stories pertaining to employment experience in Gothenburg.

This study aims to answer three following *study questions* which in turn are envisaged to assist the researcher to achieve the aim:

1. Why do people migrate to Sweden?
2. What are the strategies of undocumented immigrants pursuing work in Gothenburg?
3. Under what kinds of working conditions do undocumented immigrants perform work?

Disposition

The study consists of six chapters, which are constructed in order to accurately navigate the reader on the field. Chapter I intends to present an overview of the entire paper including aim, research questions as well as conceptualization of the term “undocumented immigrant” and “undocumented immigrant worker”. Chapter I also includes theoretical framework which consists of relevant theories. The theory of social and human capital and the concept of standard working conditions are employed to build the platform for further analysis of the qualitative data.

Previous researches on the undocumented immigrants pertaining to work and human rights in Sweden/Europe are accumulated in chapter II. This part of the paper systematizes empirical knowledge of the scientific articles, international and national reports, academic papers, etc., in regard to undocumented migration. As a consequence, the necessity to undertake this research is stated in this part of the study.

Chapter III is to present current political discourse about how European and Swedish policies approach undocumented migration. Since the study applies the rights-based perspective, international and national legal instruments are valuable to consider.

The steps of the qualitative method applied by the study to collect and to analyse the data, are the subject of Chapter IV. Ethical consideration is given a special concern due to the sensitivity and confidentiality issues of the target group.

Following the structure of the paper, Chapter V visualizes 2 (1 female and 1 male) life-stories of the research’s participants/undocumented immigrant workers. The chapter is continued by analysis of the findings generated from the interviews with undocumented immigrant workers and trade unionists concerned. Chapter VI titled as “Conclusion and discussions” summarizes the entire paper. The chapter discusses the analysed data following the research questions. It is

accompanied by ad hoc recommendations pursuing to facilitate application of labour rights to undocumented migrant workers in Sweden.

1.1.2. Differential conceptualization of undocumented migrants

Since the subject devoted to undocumented migrants has been speculated by different social actors and researchers, the terminology is quite divergent. Thus it is of a significant importance to clarify the usage of terminology for this study. Depending on the perspectives applied by different scholars, terminology can embrace the following variations: “clandestine migration”, “illegal migration”, “irregular migration” “undocumented migration” and “semi-compliance”/“non-compliance”.

The analysis of the current official policy-driving discourse in the EU shows that undocumented migration is looked upon as a social threat. Such discourse deteriorates the level of vulnerability of this people including their situation on labour market. Therefore, referring to “clandestine” and “illegal” leads to further stigmatization and criminalization of this group and is mainly articulated within the political and legal discourses nowadays (See the homepage of PICUM, p. 1). Such terminological articulation in such international instruments, as Hague program (2004), Stockholm Programme(2009), Directive 2009/52/EC, as well as the Directive on Common Standards and Procedures for returning illegally staying TCNs, does not simply undermine the potential capacity of an individual to access the fundamental human rights, rather it creates a framework where these rights acquire a non-existent form. Media, as the key framing factor of civil society’s attitude and behavior, depicts undocumented migrants’ discourse underscoring danger, criminality, political instability and disorder, high level of unemployment as the consequences of high level of immigration.

Indeed, CHALLENGE¹, CRIMPREV² projects as well as UWT³, funded by the Sixth Framework Programme (FP6) of the DG for Research, highlight the negative implications of using criminal categories or the term ‘illegal’ to describe undocumented migrants. “The articulation of certain terminology has deep implications how the political responses are justified, developed and implemented” (Carrera &Merlino, 2009, p. 11).

¹ The CHALLENGE project “The Changing Landscape of European Liberty and Security” project aimed to facilitate more responsive and responsible judgments about new regimes and practices of the emerging security interface in order to minimize the degree to which they undermine civil liberties, human rights and social cohesion. The information is retrieved from http://ec.europa.eu/research/social-sciences/projects/220_en.html. See the reports on the project on-line: <http://www.libertysecurity.org/auteur432.html>

² CRIMPREV is a Coordination Action proposal. The project aims to produce a European comparative assessment of the issues, such as factors of deviant behaviors; processes of criminalisation; perceptions of crime; links between illegal or socially deviant behavior and organized crime; and public policies of prevention. The information was retrieved from http://ec.europa.eu/research/social-sciences/projects/226_en.html

³ UWT The Project Undocumented Workers Transition: researching migrant pathway in Europe has embraced seven EU countries (Austria, Belgium, Denmark, Italy, Spain, UK and Bulgaria). The project focused on the impact of migration flows on the labour markets. The information is retrieved from: <http://www.gemmaproject.eu/UWT.aspx>

Ruhs and Anderson (2006) develops the terms “semi-compliance” and “non-compliance” where “semi-compliance” is referred to an immigrant who legally resides in the country, but works in violation of some or all of the conditions attached to his/her immigration status (p. 197). “Non-compliant” terminology is used meaning an individual, who has no right to residence, and thus, to work (Ruhs & Anderson, 2006, p. 200).

In social science the terms “undocumented” or “irregular” are usually used to avoid discriminatory connotation, to prevent further criminalization and stigmatization, and, thus, to emphasize that it is not the immigrant who is illegal, rather the mode of entry, residence and employment. Since wording “irregular” focuses on many different aspects in regard to migration status, the term “undocumented” will be applied further in this study in order to specify the target group more precisely. The terminology “undocumented” is relevant to “papperslösa” in Sweden and to “sans papier” in France. In many cases the term “hidden refugees” is applied to identify asylum seekers who failed to meet the requirements to receive international protection.

This research, however, targets undocumented immigrant workers residing in Gothenburg in particular. As is articulated in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 5: “non-documented or migrant worker in irregular situation is an individual who is unauthorized to entry, to stay and to engage in a remunerated activity in the State of employment pursuant to national law and to international agreements to which the State is a party”. According to Swedish legislation, an undocumented immigrant worker is defined as an individual (TCN), residing in the country without residence permit, and working without a work permit (See Alien’s Act 2005).

1.2.Theoretical framework

1.2.1.Social and human capital theory

The theory of human and social capital is deemed to explain people’s behavior to develop and to utilize their social relations. Putnam (1995) defines social capital as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit (p. 66). In other words, the central idea of social capital is that networks and the associated norms of reciprocity have value. “They have value for the people who are in them and they have, at least in some instances, demonstrable externalities, so that there are both public and private faces of social capital” (Putnam, 1995, p. 67). Accordingly, building social networks facilitate an individual to secure personal benefits by virtue of participation in social capital which can be considered as a private return. “Accumulated by an individual social capital rests on the premise that “my connections can help me” (Burt, 1992, p. 28). “Bridging” in social networks is of a significant value. Indeed, for searching for and obtaining resources such as looking for a job or a better job, accessing and extending bridges in the networks should be useful (Lin 1999; Marsden & Hurlbert 1988; De Craaf &Flap 1988; Burt 1992, p. 10). However, the benefits from social capital are not always positive, rather they can be negative and destructive (Putnam, 1995, p. 68).

Moreover, social capital appears to affect an individual indirectly. Social relations are expected to reinforce identity and recognition. Being assured of one’s worthiness as an individual and a member of a social group sharing similar interests and resources not only provides emotional support but also public acknowledgment of one’s claim to certain resources (Lin, 2008, p. 7).

Since social networks are constructed by mutual cooperation between its participants, their development is premised by trustworthy environment (Coleman, 1988, p. 96). As a consequence, the social relations established in a trustworthy environment develop social trust in a long run. Social trust is considered a consequence of reciprocally established relationships between individuals. Moreover, social trust is deemed a proxy making social capital tangible and functional (Putnam, 1995, p. 70). Consequently, trust is used as a building material for the mechanism of social capital as well as it determines the outcomes of this mechanism.

Human capital and social capital are interconnected concepts of social relations. Human capital is created by changes in persons that bring about skills and capabilities that make them able to act in a new ways (Coleman, 1988, p. 111). Typically, human capital is operationalized and measured by education, training, and experience. In addition, language of a host country is deemed an element of human capital, as it can subsequently lead to integration in labour market. In other words, human capital is an individual's investment of himself to gain better economic position (Krzesl, 2009, p. 11). Since OECD endeavors to remove ambiguities by giving the meaning to human capital, it defines it like: «A student studies medicine to heal people, but also because doctors earn more than streets-weepers; a manager trains to learn a new inventory system so she can keep up to date at work but also in the expectation of gaining a promotion and a pay rise» (Keeley, 2007, p. 29).

Functioning as a social capital effectively utilized human capital provides an individual with certain valuable benefits. However, to use human capital beneficially one has to activate social capital. Giving an example of utilization of human and social capital in the family between parents and children, Coleman (1988) underlines that “at whatever human capital exists in the parents, the child does not profit from it because the social capital is missing” (p. 111). By this quoted statement means that until parents build stable and trustworthy social network in the family (among all its members), children won't participate and share its human capital. Accordingly, one might comprehensively benefit only by activating human capital and social capital simultaneously. Human and social capital theory is employed to explain social behavior of undocumented individuals pertaining to the utilization of their strategies pursuing work. Development of social networks appears to be a strategy for an undocumented immigrant to search for a job in informal labour market due to the lack of access to any other legal sources. As alleged above, bridging in social relations significantly facilitates an individual in a work searching process. Nevertheless, accumulated human capital, containing education, work experience, language of the country, etc. may increase the chances to succeed.

1.2.2. The concept of working conditions.

Since globalization processes, particularly in economic sphere, have intensified, the subject of working conditions has been actively speculated by various scholars at international and national levels. However, working conditions have been a major concern of the ILO since it was established in 1919. According to Flanagan R. (2006), measurement of working conditions is conceptualized by the following indicators: pay, hours of work, workplace health and safety, freedom of association, non-discrimination in employment, child labour and forced labour (p. 20). Pay or wage provides the main source of income, which is the key of well-being of individuals and families. Consequently, the distribution of this key measure of well-being provides the

information on the distribution of key working conditions. Hence, Flanagan (2006) assures the obvious link of a wage to working conditions measurement (p. 20). Hours of work is a nonmonetary indicator of working conditions and is managed according to national legislation (Arbetsmiljölagen, 1977:1169). In addition to low wages and long hours, the image of global sweatshops includes working conditions that threaten the health or safety of workers (Flanagan, 2006, p. 23). Risky environments cause health complications and are an obvious violation of the labour rights of workers. Including freedom of association/the right to organize into measurement of working conditions, Flanagan departs from the international instruments pertaining to the labour rights and freedoms. Article 20(1) of the Universal Declaration of Human Rights (1948), (hereinafter UNDHR) states that “everyone has the right to freedom of association,” and Article 23(4) states that “everyone has the right to form and join trade unions for the protection of his interests.” The International Labour Organisation (hereinafter ILO) instruments include freedom of association (collective bargaining right) as one of four core labor rights. As for the non-discrimination employment, it embraces gender, sexual orientation, race, color, religion, national origin, age, political opinion, social origin, disability, and other health conditions (Flanagan, 2006, p. 25). Since the evidence showed the figures of economically active children, child labour is forbidden by all international as well as national instruments, and therefore is included into the measurement of working conditions in the country. Similarly, forced labour as a prohibited practice, is identified as an indicator of working conditions.

While the concept of working conditions may incorporate a broad range of labour and employment issues, international labour instruments on working conditions specifically focuses on three key factors: working time, minimum wages and maternity protection (Nolta & Choschek, 2010, p. 2). Since two first factors are related to the concept of working conditions measured by Flanagan (2006), the last factor may complete the indicators identified above (p. 30). Provisions on maternity protection cover a broad range of subjects, including health protection (of mother and child during pregnancy, childbirth and nursing), maternity leave, leave in case of illness or complications, benefits, safety and health at work, employment protection, non-discrimination and breastfeeding rights (Nolta & Choschek, 2010, p. 3). The maternity protection has been modified into an element of fair working conditions in a modern society.

The concept of working conditions is employed by the study to indicate and visualize the conditions of undocumented immigrants at a work place. The related indicators discussed above should facilitate the researcher to collect and categorize the most necessary information pertaining to the working conditions of undocumented individuals. However, since the study does not focus specifically on child migration neither on working pregnant women, child labour and maternity protection as indicators of working conditions will be omitted. Consequently, the indicators of working conditions, among which are payment, hours of work, safety, freedom to association, nondiscrimination, forced labour, are to be employed by this research.

Chapter II. Previous researches

2.1. Transition to status “undocumented” and its effects on employment outcomes.

In recent years the issues concerning undocumented migrants have gained *ad hoc* attention among politicians as well as non-governmental organizations, scholars, media, etc. In Sweden investigations about livelihood of undocumented migrants has been intensified since 2009. Several projectstargeting work conditions, as well as the labour rights, were conducted at the international level. Continuing to discover new aspects pertaining to undocumented individuals, this research does not intend to review all recent studies concerned rather it provides reader with a comprehensive overview about those related to labour conditions of the target group.

Among others, Khosravi (2010) has made a considerable input into the entire migration process of an individual. He problematized the concept of the border as a construction of the nation-state regime. “We live in the era of “world apartheid”, where borders differentiate individuals, while, for some, the border confess a “surplus of rights; for others it is a “colour bar” (Khosravi, 2009, p. 34). As the access to global mobility became the form of social stratification, undocumented immigrants are the brightest representatives of the “bottom” of this stratification.

State’s political endeavors to curb and to deter “unwanted” immigration vis a vis human rights are also explored and analyzed by Guild (2004). She departs from the idea that heightened levels of irregular migration may be largely attributed to the restrictions put on regular migration, however, others believe that restrictive measures have some effect in reducing “unwanted” migration (p. 4). (Castels&Miller, 1996, p. 42). Notwithstanding these reservations, the crux of the point is that the state’s interests in curbing and deterring irregular migration have been taken for granted by the literature. It is argued that from the state’s perspective, undocumented migrants are offenders of migration laws: they are “outsiders who have no right to be here”, since they do not possess the necessary authorizations concerning entry, residence and employment or they cease to fulfill the conditions that state has attached to their entry, residence and employment. The approach implemented by a state is based on the principal of absolute territoriality, sovereignty or private ownership of the land (Cohen, 2003, p. 43).

Significant contribution into the political debates pertaining to undocumented migrants and human rights were made by Sergio Carrera and Massimo Merlino, researchers from Center for European policy. The scholars discuss considerable discrepancies between the migration policy and the results of scientific researches related to the rights of undocumented migrants. The scientific findings, revealed by UWT³ CHALLENGE¹ and CRIMPREV² projects, visualize the cases of violations of human rights of undocumented immigrants in terms of working conditions, the access to trade unions, as well as to health and education. It concludes that the official

discourses and policies on “irregular immigration” foster undocumented migrants’ invisibility in the EU and their non-entitlement to basic social and economic rights by the restrict measures (Carrera, 2009, p. 24).

As is alleged above, being a “by-product” of intensified restrictions of migration and asylum policies, undocumented migrants are totally excluded from any social rights. In his paper Cholewinski (2005) explores present discourse in respect to undocumented migrants’ entitlement to human rights. Since the *ad hoc* working group on undocumented migrants was created in December 2003, it was observed that “alleged arguments based on social cohesion and solidarity are politically less persuasive today in promoting migrants’ human rights in the context of a weakened welfare state” (Cholewinski, 2005, p. 73). Curtailments for irregular migrants to enjoy social rights in host countries appear to be essential components of restrictive immigration policies. In fact, exclusion from any social provisions for undocumented migrants is a side effect of the migration status and a tool to diminish the “pull” factors for new immigration flows.

The correlation of migration status to the position of undocumented migrants on the labour market in Austria, Bulgaria, Denmark, Belgium, UK, Italy and Spain is addressed by researchers McKay & Markova (2009). The study reveals considerable correlation between migration status and position of an undocumented worker on the labour market is direct and obvious (McKay & Markova, 2009, p. 13). Following migrants’ transitions from regular to irregular status and its impact on employment outcomes, the project corroborates that indeed, tightening political regimes in the countries concerned has resulted in increasing of undocumented migrants as well as in worsening their already exploitative working conditions (McKay & Markova, 2009, p. 9). Nevertheless, the study reveals how the structure of labour market of each country alongside the economic crisis can affect the marginalization of migrants and undocumented individuals in particular. According to the findings, the established human and social capital can not necessarily assure better working conditions neither it can guarantee an access to the labour market (McKay & Markova, 2009, p. 24). Possession of human capital, incorporating education and professional skills does not bring related employment rewards. Language of a host country, deemed an element of human capital, does not assure the access to employment either (McKay & Markova, 2009, p. 12). The report also notes that social capital, as a support safe net, is not of a valuable commodity for economic integration (McKay & Markova, 2009, p. 64). It is necessary to note that in this report social capital incorporates social co-ethnic networks as well as networks of state’s organizations. The scholars consider trade unions engagement to be an essential element of social capital. Furthermore, the findings of the study approves that gender is definitely given a priority to human and social capital during the employment process.

Further overview of the issues concerning employment outcomes of undocumented migrants was achieved by Gavanas (2010). The scholar points out that social exclusion and marginalization of immigrated individuals makes them be an object to economic and sexual exploitation (p. 74). Indeed, among others undocumented migrant workers definitely constitute extremely socially excluded group (Bill & Duvell, 2002, p. 35). Alongside the correlation between migration status and position of an undocumented individual on a labour market, Gavanas specifically focuses on the latter as well as its impact on the strategies assisting undocumented immigrants to get employment and their working conditions. Discussing the dynamics of informalization processes in Swedish labour market, in domestic service sector in particular, the researcher comes to the

conclusion that “informalization from above” constructed by state and private businesses can affect the possibilities for migrants to find work and their working conditions (Gavanas, 2010, p. 75). The informalization of economy is particularly explored and analyzed by Slavnic (2007). He attributes informalization of the economy to two processes: informalization from above and informalization from below. While the first is related to the structural dimensions of labour economy, constructed and governed by state and private businesses, the latter is directly connected to undocumented workers activities and the position they take at a certain labour market segment. As it follows, Slavnic (2007) points out that the “informalization from above” which is attributed to the state’s policies and new market trends can be regarded as a strong factor for undocumented workers to end up in a particular branch of economy (p. 147).

Bearing in mind the lack of possibilities for such marginalized workers, the scholar considers informal market as a single way for those to survive (Slavnic, 2007, 140). This idea is underpinned by the argument of Engblom, a labour lawyer from TCO. Engblom highlights the necessity-based condition of undocumented migrant workers meaning that their engagement in an informal market departs from the fundamental need to survive (Engblom, 2010, p. 2). On the other hand, as informal labour market plays the role of the pull factor for undocumented workers due to the necessity-based condition to work, irregular immigration increases (Torsöz, 2007, p. 186). Torsöz (2007) explores the context of development of informal economy and the demand for labour taking Southern Europe and Turkey as examples. The scholar finds out that the mobility of workers between formal and informal markets is a common process in those states where migration policy does not respond to the real labour demand. The stance taken by the scholar proposes that the demand for labour should be thoroughly evaluated in order to manage international labour migration. Moreover, the researcher recommends that at the same time new channels for legal migration should be provided, as the traditional restrictive measure to curb irregular migration have failed.

2.2. Work strategies and working conditions of undocumented immigrants.

Position of undocumented migrants on a labour market is investigated by Erdemir and Vasta (2007). According to the scholars, work strategies of undocumented individuals are developed in both formal and informal economies. The scholars argue that “irregularity begets irregularity”, implying that migration status determines the position of a worker on the labour market (Erdemir & Vasta, 2007, p. 296) As it follows further, the work strategies of undocumented migrants are constructed differently. The scholars find out that the solidarity within community is considered to be the best possible mean to develop the work strategies and thus to integrate (Erdemir & Vasta, 2007, p. 300). Solidarity acquires a special importance within ethnic communities (the example of Turkish community) which are managed by the mechanisms of cultural and traditional relationships. However, it is discovered that albeit the strong solidarity such social networks within ethnic enclaves are characterized by exploitative conditions and informalization processes, especially for undocumented immigrants (Erdemir & Vasta, 2007, p. 311). In addition, the scholars came to conclusion that Turkish undocumented workers mostly find themselves in the construction or hotel business according to the results of surveys done in London. The results of

the testimonies show that due to the mobility of immigrants within formal/informal economy, they obtain legal status by time passing and, thus, face fewer risks being involved in an informal labour market (Erdemir & Vasta, 2007, p. 312).

Another researcher Vuddamalay (2007) has studied the connections of irregular migration with ethnic enclaves and networks. Taking into consideration the intensified mobility to Western countries in general and to France in particular, the ethnic structure of big cities has acquired new dynamics. The established ethnic communities in Paris, one of the biggest capitals in Western Europe, pose new challenges to the urban politics to curb migration flows (Vuddamalay, 2007, p. 286). According to the researcher, ethnic communities and established trades are of a considerable value in the integration process of irregular immigrants into civic society of a host country (Vuddamalay, 2007, p. 290). Moreover, the scholar especially underlines the role of trust among irregular immigrants when interacting with ethnic networks. Building trust relationships with the ethnic community entails partly integration into the host society. Nevertheless, the scholar sums up that due to the new dimensions of geopolitical discourse in Europe, the research on irregular immigrants, their social networks and strategies is of a high necessity as it might facilitate the process of understanding of the daily life of ethnic enclaves (Vuddamalay, 2007, p. 295).

Engagement and position of undocumented individuals in a labour market is addressed in the project (See the report of Doctors of the world, 2009). The findings reveal that undocumented workers are engaged in particular branches of employment, among which are cleaning and individuals' care (such as looking after children, older persons or individuals who are ill in their homes) (approximately 43%); the construction industry (15%); hotel and restaurant services (9%) and prostitution (11%). The carried out interviews also uncover extremely difficult working conditions migrants find themselves in. According to the findings of the research, 37% of the participants said they worked more than ten hours a day, 20% worked night shifts (especially women) and 8% have been the victim of a work-related injury (See the report of Doctors of the world 2009, p. 65).

The study by Hviid (2010) explores social strategies of Ukrainian trainees and their working conditions. According to the findings, the social network which consists of other Ukrainian trainees is a source of information about their labour rights, new job opportunities and help to solve the occurred disputes with their employers. Social capital was found out to be of most importance for female workers. In addition, "social capital is a prerequisite to the sustainability and functioning networks linking immigrants across borders and connecting social, economic, cultural activities between sending and immigration countries" (Hviid, 2010, p. 180). Hence "transnational networks provide social safety nets and possibilities of getting information, jobs, documents and vital loans" (Hviid, 2010, p. 193). Moreover, the starting recruitment process is often managed by "expensive" private agents in cooperation with farmers/employers. Facing exploitative working conditions undocumented workers are compelled to use private agents who do not however assure the fair reward either. Working conditions are characterized by long working hours, unsafe work environment, unfair payments. In addition, gender plays another significant role in shaping the employment relationship with Ukrainian female trainees. As the findings show, some of trainees experienced sexual harassment by their male employers. The cases are usually left unknown for police due to the fear of losing the job and deportation. Due to the restrict migration policy, trainees are obliged to keep a present work albeit exploitative

working conditions. As for the disputes solution, it was observed that the “trainees had limited or no contact to any organization to seek assistance with a dispute with an employer occurs” (Hviid, 2010, 192). The attempts to contact United Federation of Danish workers (3F) resulted in the loss of jobs for some trainees. Such an isolation of an abused worker from any safe bets leaves him face to face with an employer causing asymmetrical relationships. As a researcher argues in the paper: “The more irregular the migrants, the more asymmetrical their relationship with their employers” (Hviid, 2010, p. 200). Applying this to the study, it is obviously the case for undocumented migrant workers. As was mentioned by interviewees, one of the strategies to solve the dispute with employers is silence, “implying to endure and accept the poor working conditions without complaining to anybody” (Hviid, 2010, p. 200).

The Book of Solidarity by Verbrugge & LeVoy was released to assist social actors/front workers who directly cooperate with undocumented immigrants and their rights. The collected data contains considerable information about the situation of undocumented migrants in Sweden, Denmark and Austria. The study reveals that the working conditions of undocumented migrant workers are much more deteriorated than those with appropriate documents (Verbrugge & LeVoy, 2003, p. 56). Moreover, it emphasizes that it is extremely difficult to be an undocumented migrant in Scandinavia. “It is not like in the rest of Europe because it is a much more regulated society, if I may say so. You cannot practically exist without having a social security number. That’s the thing. And also there are no private schools, and for the health sector everything is provided by the government, so to be an undocumented migrant means that there is no way for proper health care or education for the children or for themselves” (Verbrugge & LeVoy, 2002, p. 34). The Book concludes that it should be deemed of a huge necessity to assist this marginalized group of immigrants, promoting the usage of the rights-based approach.

2.3. The labour rights of undocumented workers.

Labour rights’ violations of undocumented migrants directly cause the disputes with their employers concerned. The RITA (Rättvis ingång till arbete/Fair entry into work, 2007) project, led by Sten-Erik Johansson, currently working in “Center för papperslösa” (Stockholm), aimed to explore the position of Swedish trade unions toward undocumented workers. The sample of the project is TCNs, who work and have been working in Sweden. EU-citizens who reside and work in Sweden without Swedish ID were also included into the sample. The project discusses various perspectives of the trade unions, such as LO and SAC, to manage cases of undocumented workers. It reveals that the promotion of labour right of undocumented migrants to organize, as well as to collective bargaining, is deemed rather contradictive and problematic (Holmgren, 2009, p. 44). One of the impediments highlighted by the author is criminalization of the target group of migrants. PICUM, the Platform for international cooperation for undocumented migrants, one of the most powerful NGO at the arena of human rights for undocumented migrants in Europe, reports that extreme measures of criminalization of undocumented migrants, such as extending the detention period, introduction of fines recently presented in Spain, Italy, France, jeopardize thousands people’s lives (PICUM, 2010, p. 68). In response to such policies Council of Europe Commissioner for Human Rights, Hammarberg T., expressed grave concerns about criminalizing renting to undocumented migrants: “Regardless of their legal status, migrant workers must be

protected against discrimination in their terms and conditions of employment.” (PICUM, 2010, p. 9). The other concern of the report is the right of undocumented individuals to join and get help from trade unions as well as to uphold their labour rights. As it is indicated, some European trade unions have opened their doors welcoming those unprotected and excluded, those who face exploitation and harassment at a work place.

A special attention towards undocumented migrant workers in Sweden was drawn by a legal scholar, Engblom currently working in TCO (the Swedish confederation for professional employees). In his studies presented at the conference Undocumented Migrants and the Stockholm Programme – Assuring Access to Rights? Centre for European Policy Studies and at the seminar Misuse of Migrant Labour, Engblom argues for the application of labour law to undocumented immigrant workers. The main goal is to prove recognition of the status of undocumented immigrant workers as employees. It would automatically entitle them to certain labour rights. He departs from the concept “employee/employer” analyzing the relationships between an undocumented immigrant worker and an employer, taking into consideration the forthcoming Directive (2009/52/EC). This concept is explored in the next report “Regulatory Frameworks and Law Enforcement in New Forms of Employment. National Report: Sweden” (Engblom, 2009). He emphasizes the necessity-based condition of undocumented immigrants to be involved in an informal economy. Departing from this concept, the right of all workers despite migration status to join trade unions and to be organized is to be assured.

The idea that undocumented workers are right-holders is also underpinned by the assistant professor of Business Law from Linnaeus University, Inghammar. The scholar states that the labour rights of undocumented immigrants are clearly underpinned by the international instruments and, hence, should be respected at the national level (Inghammar, 2010, p. 211). The researcher argues that according to the private law (employment law), the employment contract is also valid for undocumented workers. It is declared by the forthcoming European Directive 2009/52/EC, making “contract” between an employer and an employee despite of migration status to be possibly legally recognized. This kind of employment cannot be considered equal in relates to “full legislation” but can be regarded valid in relates to “semi-legislation”. Moreover, the scholar claims the necessity to promote the right of all migrants, and undocumented in particular, to join trade unions due to the asymmetry of power between the parties (Inghammar, 2010, p. 211). Accepting individual contractual rights, as well as collective rights of undocumented migrant workers, will foster the development of coherence within both international and national levels of jurisdiction.

Another researcher Mirosavic (2009) derives from three levels of legislation related to migration management and labour market: international, regional and national. She acknowledges that the human rights approach promoted by all related international instruments fails at the stage of its implementation at the national level (Mirosavic, 2009, p. 35). She points out that lack of accessibility for undocumented workers to join trade unions precludes them the right to justice ((Mirosavic, 2009, p. 1). Indeed, by recognizing the labour rights of all migrant workers without any distinction whatsoever the human rights approach can be upheld and the justice can be assured. Nevertheless, already mentioned in this paper scholar, Cholewinski (2005) also argues for the recognition of the rights of all migrants to education, health, housing, social security and other welfare services. In addition, the right of all workers regardless migration status to fair working

conditions, the right to fair remuneration; the right to compensation for work accidents; the right to defend these rights in the labour courts of the country of employment and the right to organize, - are explicitly guaranteed by the series of international legal instruments, and therefore are to be recognized at the national level ((Mirošavić, 2009, p. 53).

In order to diminish violations of working conditions of undocumented immigrants, number of international organizations' reports has made enormous contribution into manifestation of the fundamental human rights of all migrants despite the migration status. Emanating from most of the international reports, the international covenants must be of a significant value to tackle undocumented immigrant workers. Among others, ILO's report, Rights-based approach (2010) promotes the rights for all undocumented workers underpinned by the International Bill of human rights comprised the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. Moreover, every member state of the ILO is obliged to comply with the core Conventions regardless of whether it has ratified them or not. The right to join trade union is one of the most essential and should be given priority. As Juan Somavia, the International labour organization Director claimed: "The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity" (See the Report of the Director-General: Decent Work, ILO, 1999, p. 1).

Chapter III. Political discourse and human rights of undocumented immigrants in Europe and Sweden.

3.1. Undocumented migration in current political discourse of EU and Sweden.

The global approach to migration characterized by promotion of common immigration and asylum policy in the EU endeavors to reach two conflicting aims: to prevent illegal immigration and to encourage legal migration (Jorgensen, 2010, p. 103). Within this trend an important step toward comprehensive immigration and asylum policy is the European Pact on Immigration and Asylum (2008), followed by the Communication on A Common Immigration Policy for Europe: Principles, actions and tools (COM (2008:359) and the Policy Plan Asylum – as Integrated Approach to Protection across the EU (COM (2008:360). The core targets of the Pact is promotion of a common asylum system, enhancing attractive factors for high-skilled labour, eradicating illegal migration as well as restricting low-skilled immigration (Jorgensen, 2010, p. 104). The endorsement of the Blue Card Directive (Council Directive 2009/50/EC) also sets up more favorable conditions of immigration for high-skilled workers (Jorgensen, 2010, p. 104). However, pursuing the harmonization of migration policy aiming to strengthen the EU as a “competitive and knowledge-based economy”, the enhanced actions against undocumented migrants are deemed a part of such harmonization (Jorgensen, 2010, p. 104). “The issue of irregular migration is interlinked with a range of other issues, both internal to EU member states, such as an informal labour market, and external to them, such as relations with transit and source countries and development cooperation” (Triandafyllidou & Ilies 2009, p. 14). The measures to curb and to deter undocumented migration by penalizing not only migrants but employers offering them jobs are prevailing in the new political discourse of the EU. Recently adopted legal instruments known as The Stockholm Program: An open and secure Europe serving and protecting citizen (2010); EU Directive on Common Standards and Procedures for returning illegally staying TCNs (2008) and Directive 2009/52/EC Providing for minimum standards on sanctions and measures against employers of illegally staying third-country national, constitute the forthcoming content of a mechanism to tackle undocumented migration in the EU and, consequently, in Sweden as the EU-member state.

The Stockholm Programme, premised by the European Pact on Immigration and Asylum, was endorsed by the European Council in December 2009 for the period 2010 - 2014. The core concept of Stockholm Programme is promotion of the Area of Freedom, Security and Justice as a sustainable arena guaranteeing the human rights for EU citizens. Generally, the Programme is focused on combating illegal migration and promoting restrict control of external borders (Jorgensen, 2010, 106). According to the findings of Center for European policy studies, combating illegal immigration is carried out by giving priority to sovereignty of EU and to

fundamental rights of EU citizens, rather than to human rights of all residing in the EU individuals (Carrera & Merlino 2010, p. 10). Despite the results from series of researches, such as UWT³, “L'accès aux soins un droit non respecté en Europe”⁴, CHALLENGE¹, CRIMPREV², which confirm severe exploitative working conditions of undocumented immigrants, as well as the violations of their labour right to organize, the Stockholm program still does not consider abused individuals (undocumented workers) vulnerable (Carrera & Guild 2010, p. 4). Moreover, prioritizing control-oriented measures, the final version of the Stockholm Programme omits two important initiatives that had previously been recommended by the Commission's June 2009 Communication: a) the common EU standards on non-removable irregular immigrants and b) the common guidelines for implementing regularizations (Carrera & Guild, 2010, p. 4). Accordingly, the Programme undermines the accessibility and even recognition of fundamental human rights for undocumented immigrants in EU adopting the approach, which has not proved its effectiveness since early 2000s.

The measures on return, removal, detention and re-entry of undocumented immigrants are enshrined in Directive on Common Standards and Procedures for returning illegally staying TCNs. Combating undocumented migration, the EU enforces its measures concerning improvement of border controls especially in the Mediterranean shores as well as deportation of illegally residing TCNs. It is reasonable to point out that non-voluntary return underpinned by the Directive (2008) raised a lot of debates in the EU civil society due to its controversial nature in regard to the principles of human rights and fundamental freedoms and the principle of non-refoulement according to Geneva Conventions⁵ Therefore, “volunteerism is highly preferred and is supported by a financial incentive for asylum seekers who accept to return to countries that have made bilateral agreements with Sweden” (Jorgensen, 2010, p. 111).

The readmission agreements⁶with developing countries were introduced in order to combine more resources to cope with undocumented migrants. Establishment of partnership with non-EU countries is known as the “global approach to migration”. Introduction of readmission agreements facilitates combat with illegal migration by cooperating with the developing countries and by offering relaxing visa requirements for partner countries⁷ (Jorgensen, 2010, p. 110). The

⁴ The project was focused on the access of undocumented migrants to health care in EU. The surveys involved round 1,200 undocumented migrants living in 31 towns in 11 European countries (Belgium, France, Germany, Greece, Italy, Netherlands, Portugal, Spain, Sweden, Switzerland and the UK). Retrieved from: http://www.mdm-international.org/index.php?id_rubrique=1

⁵ According to Geneva Convention on the status of Refugee, 1951, Article 33 (1): ”No Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social or political opinion”.

⁶ Readmission Agreements have been signed by EU with: Hong Kong, Sri Lanka, Macao, Ukraine, FYROM, Serbia, Bosnia-Herzegovina and Montenegro, Moldova, and the Russian Federatio, Pakistan, Marocco, Algeria, Georgia.

⁷ Agreements on visa facilitation are in force between the European Community and the Russian Federation, Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Serbia and Ukraine.

relaxing visa requirements construct mutual relationships between the countries partners involved in tackling undocumented migration cases.

The presented above external measures to decrease cases of unauthorized immigration intersect with the internal endeavors which target undocumented individuals already residing in a country. One of the internal measures concerned is the forthcoming Directive 2009/52/EC, which is in the process of transposing into the national level.⁸ The Directive aims to combat irregular immigration through imposition of sanctions on unscrupulous employers who hire an individual without a work permit. The law was launched in order to eradicate an informal labour market which is considered a “pull” factor for undocumented immigration. The Directive *inter alia* reaffirms the right of an undocumented worker for fair remuneration. However, it does omit clear recognition of an undocumented immigrant as an employee and therefore the labour rights including the right to safe working conditions, the right to collective bargaining and to organize. Nevertheless, “the Directive omits the definition of severely or seriously exploitative working conditions and therefore undermines the procedures concerning granting workers with the temporary resident permits during court proceedings” (Alonso, 2010, p. 14). Indeed, the implementation of the Directive 2009/52/EC together with the Directive on Common Standards and Procedures for returning illegally staying TCNs intends to block any access for undocumented workers to employment. This may diminish the “pull” factors as well as intensify measures of deportation of undocumented immigrants. Furthermore, employers would acquire a new authoritative role of a “checking desk” for all immigrant workers.

Obviously, predominant approach introduced by the EU to harmonize immigration and asylum policy is characterized by enhancing of already restrictive measures to combat undocumented migration. Moreover, such approach is accompanied by diminishing acceptance of regularization programs. This means that “undocumented migrants will have a little hope of changing their life conditions and will be forced to live and work in a precarious state” (Jorgensen, 2010, p. 113).

The respond of Sweden to undocumented workers

Harmonization of the EU migration and asylum policy affects the response of Sweden to the series of issues pertaining to undocumented workers already residing in the country. However Swedish approach toward undocumented migrants still departs from the humanitarian principal. The significant attempts to promote the right of undocumented workers seek assistance in trade unions concerned have been and are undertaken by Fastighets fackförbundet⁹, LO¹⁰ and SAC¹¹ as

⁸ The hearings in the Swedish Parliament is planned for the January 2012 according to the interview with Samuel Engblom, lawyer in TCO.

⁹ The decision to organize undocumented immigrant workers has been enshrined by the trade union since December, 2008. The measures primarily aim to fight with the economic crimes as exploitation of individuals without appropriate documents is considered to be (the information is retrieved from <http://www.fastighets.se/home/fast2/home.nsf/d8d07c37d9beb6ac412569d9004bff04/34af0779e9296afdc125752300327893?OpenDocument&Highlight=0,pappersl%C3%B6sac>

¹⁰ Arguing for decriminalization of undocumented workers, Landsorganisationen (LO) officially refused to organize them. However the trade union supports the implementation of strict sanctions imposed on employers involved in

well as Center för papperslösa in Stockholm. Unlike many other trade unions, only SAC and Fastigheest fackförbundet actively attempt to intervene into disputes that occur between undocumented workers and their employers partly providing the former with temporary protection. The Collective Agreement is taken as a legal basis when tackling the disputes (the interview with Bengt Sandberg, a lawyer from Fastighets fackförbundet, 2011/04/19). However, the undertaken endeavors, as well as future “intentions of the Swedish trade unions to manage such cases are ambiguous and incoherent” (interview with Yacine Asmani, the project leader in ABF trade union, Stockholm, 2011/04/17). Albeit the most flexible measures toward undocumented migrants in Sweden comparing to other Scandinavian countries, the present debates about the comprehensive mechanism to work with undocumented individuals are overwhelmed with reluctance of trade unions to intervene. According to the argument of Yacine Asmani, the trade unions are not comfortable with the idea to provide “full package” of labour rights including work accident insurance and sick insurance. One of the reasons for such reluctant intentions to intervene on behalf of undocumented workers may be criminalization of workers in accordance with the national law. As is stated in Aliens Act, Chapter 20, Section 2 and Section 3, an alien is prosecuted in the form of fine or imprisonment in case of “intentionally residency in the country” and/or work without work permit (See Alien’s Act 2005). In addition, an employer, who hires an individual without a work permit, is prosecuted according to the Section 5, Chapter 20 of Aliens Act, which is obviously coinciding with the forthcoming Directive 2009/52/EC. Therefore, trade unionists concerned insist on decriminalization of undocumented workers (Holmgren, 2009, p. 43).

Since “the fundamental rights of undocumented immigrants are not fully recognized in European policy responses, and thus result in a vacuum which, as time passes, increasingly undermines the legitimacy of the entire AFSJ project, as well as Europe’s commitments to fundamental rights protection for all its residents independent of their migration and citizenship status” (Carrera & Merlino, 2010, p. 2). One of the special rapporteurs on the human rights has emphasized the “new concept of migration management containing the human rights as its’ integral part”¹² In addition, UN High Commissioner for Human Rights, Navanethem Pilla, has

exploitation of workers concerned (the information is retrieved from <http://www.temaasyl.se/Documents/Organisationer/Ovriga/RITAr%C3%A4ttvis%20ing%C3%A5ng%20till%20arbete.pdf>

¹¹Since 2004 the discussions concerning organizing undocumented workers have been started by Sveriges Arbetares Centralorganisation. In 2009 the trade union succeeded in four cases raised by undocumented workers who received help in terms of full remuneration after the intervention of trade unionists (the information was retrieved from <https://www.sac.se/Aktuellt/Nyheter/Papperslo%CC%88sa-arbetare-vann-mot-villaa%CC%88gare-i-Go%CC%88teborg>

¹²UN, ESCOR, CHR, 59th Session, Item 14 (a) of the provisional agenda, Migrant Workers: Report of the Special Rapporteur, Ms. Gabriela Rodríguez Pizarro, submitted pursuant to Commission on Human Rights resolution 2002/62, UN Doc. E/CN.4/2003/85 (30 December 2002), paragraph 65: “The Special Rapporteur would like to stress that the phenomenon of irregular migration should be addressed through a new concept of migration management with human rights as an integral part. Migration management is in fact an extremely complex series of processes which go well beyond unilateral punitive measures and control. States of origins, transit and destination, international and regional organizations, financial institutions, NGOs, the private sector and the civil society at large share responsibility in this regard (Carrera & Merlino, 2010).

strongly emphasized ineffectiveness of current political responds to the challenges of undocumented migration” by posing further threats to the rights of those involved”.¹³ Since allegation of labour rights of undocumented workers is of a significant value, UN Committee on Migrant Workers has proposed a Day of general discussions on undocumented migrant workers, involving the wide range of stakeholders.¹⁴

3.2. Legal basis

Undocumented immigrant workers are rights-holders (See the homepage of PICUM). As it is stated in the report of the Secretary-General: “The benefits of international migration, not only for migrants themselves, but equally for receiving societies, are contingent on the protection of migrant rights. Labour rights are the mainstay in the prevention of exploitation and ought to be fiercely safeguarded” (General Assembly, 2006). Therefore, “Migration status and compelled engagement in an informal labour market should not be necessarily the reasons to preclude undocumented workers the labour rights. Since undocumented individuals perform work, they are in employment relationships with employers albeit the lack of a work agreement” (Inghammar 2010, p. 210). The position of undocumented migrant workers is explicitly addressed at the international and national judicial levels.

3.2.1. *The International Bill of Human Rights.*

Indeed, the series of labour rights of all migrant workers despite the migration status are upheld and promoted by International Bill of Human Rights which comprises the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966). The principle of universality is underpinned by these legal instruments implying that every human being is protected, while human rights are linked not to citizenship but to a “common humanity”

¹³ Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights: “Policies against irregular migration that focus on border control, return, and at times criminalisation, have not only been ineffective but in some cases have posed further threats to the rights of those involved. Government measures, such as the imposition of fines on private individuals renting their houses to irregular migrants; the imposition of a duty to report on health professionals; the criminalisation of the provision of aid and assistance to irregular migrants, can have unintended negative implications on migrants’ labour rights, and their access to housing, health, education and food. The collective interception and return of migrants at sea without due procedure may seriously harm their rights and wellbeing”. The statement was retrieved from: <http://www.unhchr.ch>

¹⁴ The United Nations Committee on Migrant Workers Human Rights, the treaty body for the International Convention for the protection of All Migrant Workers and Members of their families has confirmed to hold a Day of General Discussion at its 15th session in Geneva. The two week session will take place in September 2011 and the Day of General Discussion will most likely be organized during the second week of the session (between 19 and 23 September). Representatives of Migrants’ Rights International (MRI), including Platform for International Cooperation on Undocumented Migrants (PICUM), Migrant Forum Asia (MFA) and National Network of Immigrants and Refugee Rights (NNIRR) presented their proposal to the Committee in April 2011 in Geneva, during its 14th session. On-line: <http://www.migrantwatch.org/index.html>

(Grant, S. and Grant, H., 2005). Universal Declaration of Human Rights (1948) as a pillar of the entire rights-based approach is embedded into the customary law. As it is alleged in the UDHR: *“All people are born free and free in dignity and rights”*(Article 1). The Declaration recognizes all individuals as equal before the law and thus equalizes the labour rights of all workers without any distinctions. The rights to fair working conditions, as well as the right to favorable remuneration, are accordingly declared by the Article 23 of UDHR (1948). In addition, in 1971 Sweden has ratified ICESCR (1966) which entries into force in 1976 (See official website of United Nations High Commissioner for Human Rights). Being legally binding for Sweden, the Convention does guarantee the right to safe and fair working conditions for everyone. The Article 7 promotes fair wage and equal remuneration as well as safe and healthy working conditions. Moreover, gender aspect of the equality in terms of remuneration is upheld: *“Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work”*(Article 7).

3.2.2. International Convention on the protection of the rights of all migrant workers and members of their families (hereinafter ICMW) (1990).

ICMW is comprehensively reaffirming the rights of all migrant workers upheld by the International Bill of Human Rights together with the ILO instruments. The new treaty has entered into force in the 1st of July, 2003. None of the European countries has ratified the Covenant, neither did Sweden. Hence, the Covenant (1990) has no judicial power for Swedish case. Notwithstanding this fact, the reason to bring this essential instrument to the agenda is its' potential significant input into the development of international protection of human rights of migrant workers and all members of their families albeit the migration status. This study considers the Covenant's principals valuable and wise to approach forthcoming migration influxes and enhance a state's capacity to recognize human rights of undocumented workers.

Overall, the Covenant assures *“non-discriminative treatment of all migrant workers and members of their families associated to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status”*(Article 7). The equality of the rights in terms of favorable working conditions, fair remuneration, as well as termination of employment period, among all migrant workers and nationals, is declared by the Article 25(3). *Any case of irregularity cannot entail deprivation of the rights of migrant workers. “States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment”* (Article 25(3). Nevertheless, the right of all migrant workers regardless migration status and members of their families to join trade unions and/or associations, as well as to seek aid and assistance, is declared in the Article 26 of the Covenant. Accordingly, the right to participate in trade unions guarantees recognition of undocumented immigrant workers as employees and thus underpins their labour rights. By assuring of undocumented workers the right to join trade unions, the right to justice is envisaged.

3.2.3. *Convention for the elimination of all forms of discrimination against women (1979).*

The historical evidence has shown that very often women are subjected to different forms of discrimination and abuse. However, vulnerability is even worse for undocumented female immigrants being exposed to harassments by employers or other similarly positioned owners. Therefore the study considers it necessary to employ the Convention for the elimination of all forms of discrimination against women (1979). Sweden has ratified the Covenant in 1980 which stipulates its' legal binding and direct applicability in the Swedish practice (See official website of United Nations High Commissioner for Human Rights). According to the Covenant (1979), the right to equal remuneration and to equal treatment in respect to work, social security and maternity provisions; to health and safety in working conditions for women as equally as for men are assured (Article 11). The Covenant (1979) underpins acknowledgment of the human rights for women without any distinction corroborating the applicability of the law for the protection of female undocumented immigrant workers.

3.2.4. *ILO instruments.*

International labour instruments guarantee all workers regardless of legal status equal treatment and fair working environment. The recent ILO Plan of Action on Migrant Workers, adopted by the International Labour Conference in June 2004 responds in this respect:

“Consistent with effective management of migration, consideration should be given to the particular problems faced by irregular migrant workers and the vulnerability of such workers to abuse. It is important to ensure that the human rights of irregular migrant workers are protected. It should be recalled that ILO instruments apply to all workers, including irregular migrant workers, unless otherwise stated. Consideration should be given to the situation of irregular migrant workers, ensuring that their human rights and fundamental labour rights are effectively protected, and that they are not exploited or treated arbitrarily”(International Labour Office, 2010, p. 285).

ILO instruments envisage the series of rights and freedoms of workers including undocumented migrants. Sweden is one of those countries which has ratified ILO Convention No. 143 (1975). Consequently, it is legally binding for Sweden, as well as all members of ILO. In principal, legal obligations to fulfill the ILO instruments despite the ratification procedures emanate from the membership in ILO. ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers was adopted in 1975 and came into force in 1978. “It was the first attempt to deal with undocumented migrant workers alongside the traffickers” (International Labour Organization, 2010, p. 129). Indeed, Convention No. 143 contributes into further recognition of undocumented migrant workers as employees. It states that *“all migrant workers without any distinctions should enjoy the basic human rights”* (Article 1). Such a statement obliges the state to look upon migrant workers via prism of employment derogating the approach based on migration status. Nevertheless, the Convention guarantees *“equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment”*, emanating from the Article 12 (g). Equality of treatment of all workers is also reaffirmed by the Article 9.1 of Convention No. 143 stating below that:

“Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits”.

The right to join trade unions regardless engagement in an informal economy and migration status is underpinned by the Article 7. It states that disputes concerning all migrant workers should be solved with the assistance of a representative organization of workers and employers or a trade union:

“The representative organizations of employers and workers shall be consulted in regard to the laws and regulations and other measures provided for in this Convention and designed to prevent and eliminate the abuses referred to above, and the possibility of their taking initiatives for this purpose shall be recognized”.

This right is also enshrined by the ILO Convention 87 (1950) which states the following:

“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorization”(Article 2).

3.2.5. European Convention on Human Rights (1950).

In order to maintain fundamental rights and freedoms in the EU, the Council of Europe has launched European Convention on Human Rights (1950). Incorporation of the ECHR into Swedish law entered into force in 1995. Accordingly, the Covenant is embedded into the national legal system (Cameron, 1999, p. 30).

As it is corroborated by the Resolution 1509 (2006) emanating from the Article 14 of the European Convention on Human Rights and under Protocol No. 12 to the Convention undocumented workers should be included into the scope of the Covenant (Thij, 2006, p. 4). Consequently, the right to freedom of association in the Article 11 of ECHR is to be applied for all workers despite migration status. It states below:

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interest”.

In addition, ECHR does not only protect individual’s right to form and join trade unions, it also places an obligation on the ratifying states to facilitate the option of the individual to activate these rights in relation to any trade union violating its dominant position in the national labour market (Inghammar 2010, p. 197).

3.2.6. National legislative respond to labour rights of undocumented immigrants

Therefore, bearing in mind that undocumented workers are deemed as employees albeit the migration status, presented above international and regional legal instruments are of a significant

value when advocating for their labour rights. Alongside international and regional legal instruments, national legislation does not exclude undocumented workers. In fact, according to Co-Determination in the Workplace Act of Sweden (1976:580), an “*employee shall also include any person who performs work for another and is not thereby employed by that other person but who occupies a position of essentially the same nature as that of an employee*” (Section 1). Since Swedish labour law does not contain statutory definition of employee, the concept is considered as fairly wide (Engblom, 2009, p. 9). Hence, the full application of Swedish labour law is also the main rule in the case of foreign workers that work in Sweden without residence permit (Engblom 2009, p. 15).

Moreover, the employment of an undocumented migrant worker would not release an employer from the duties and responsibilities upheld in Work Environment Act (Arbetsmiljölagen 1977:1160) (Inghammar 2010, p. 206). Similarly, a legal advisor at TCO, Samuel Engblom argues for the responsibilities for the occupational health and safety of other than the employer’s own employees which do not depend on the existence of a contract between the employer and the worker, to be necessarily considered applicable. According to the law “*an employer is responsible in prevention of an employee from being exposed to health hazards and accident risks*” (Arbetsmiljölagen 1977:1160, Section 2).

In addition, the human rights of undocumented workers are to be assured by Discrimination Act (Diskrimineringslagen 2008:567). The law targets discrimination associated to “*sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age*” (Section 4). Harassment and sexual harassment in particular are given a significant concern as it is directly connected to discrimination. Nevertheless, undocumented migrant workers will be subject to discrimination under the employment contract if the employer pays them less or harasses them in relation to the employment situation (Inghammar 2010, p. 209).

Concluding, the legislation on human rights of undocumented immigrant workers overviewed above is employed by the study to visualize the cases of violations of the labour rights of undocumented immigrants in Gothenburg as well as to protect their human rights and freedoms. Application of the legal instruments is also taken into account when presenting certain recommendations for Swedish trade unions as well as politicians and case managers in charge of migration and asylum.

Chapter IV. Methodology.

4.1. Documentary research method.

Application of related documents has made a significant input into the data collection, proceeding and analysis. Generally, the use of documentary method refers to the analysis of documents that contain information about the phenomenon of the study (Mogalakwe, 2006, p. 223). Since this research targets certain issues in regard to human rights, application of the legal instruments is necessary. International, regional and national legal instruments appeared to be the essential sources of information pertaining to the labour rights of undocumented workers in Sweden and the EU. In addition, public records have provided the researcher with statistics, current political discourses, and prognoses pertaining to human rights of immigrants.

4.2. Qualitative research

Departing from the aim of the study, personal experience of undocumented migrants to search for a work in Gothenburg, as well as their working conditions is the most valuable information. The study focuses on *why* and *how* an individual makes a choice and *what outcomes* can this choice have. Accordingly, the qualitative method was employed to achieve the goal of the research. Indeed, in social research qualitative methods have long tradition to gain an insight into people's lives and to understand the meaning that people attach to their lived experience (Fielding & Thomas, 2008, p. 125). "Qualitative interview is a key site for eliciting narratives that inform us of the human world of meanings. It has a unique potential for obtaining access to and describing the lived everyday world" (Kvale & Brinkmann, 2009, p. 26). The data for this research was collected by interviewing individuals, the sample of the study, as well as during discussions with professional staff of trade unions in Gothenburg and Stockholm. The collected testimonies have provided with the most valuable information about the studied subject.

The case-study was undertaken in Gothenburg (Sweden) during February – August (2011). Choice of the city was determined by several significant reasons. First of all, Gothenburg does not have wide enough labour market comparing to the capital's one. Therefore, it has limited opportunities for immigrants to integrate in terms of employment. Moreover, according to the previous researches about integration of immigrants into the Swedish society, Gothenburg is the most segregated city in Sweden and one of the most segregated cities in Europe. It might indirectly affect strategies of undocumented immigrants pursuing work as well as their working outcomes. Alongside these reasons, the established contacts with NGOs responsible for assistance of undocumented immigrants in Gothenburg partly determine the choice of the city. In addition, the fact that neither trade unions nor NGOs concerned are actively engaged in promotion of the labour rights of undocumented immigrants motivates the researcher to make a study in Gothenburg.

4.2.1. Interview method.

“Semi-structured research interview focuses on the subject’s experience of a theme, providing a researcher with spontaneous answers which take the form of a story” (Kvale&Brinkmann, 2009, p. 26). “It gives an opportunity to adapt to the respondent’s level of comprehension and articulacy” (Fielding & Thomas, 2008, p. 124). Therefore, semi-standardised interview method was employed by the researcher to collect the data. The interview guide based on this method of interview gave an opportunity for the interviewees to express themselves freely. Moreover, the art of second questions was used in order to grasp deeper understanding of the “meanings”. Generally, all interviews of the study were conducted according to the seven staged process (Kvale& Brinkmann, 2009, p. 99).

In addition, informal interviews/discussions were conducted with professional staff of four trade unions in Gothenburg and Stockholm. The intention to contact trade unions derived from the assumption that they are the key actors involved in lobbying the labour rights of workers including immigrant labour vis-à-vis employers. Embarking of several trade unions in promotion of labour rights of undocumented immigrants has motivated me, as researcher, to travel to Stockholm for further discussions concerning their gained experience. As a result, the total number of conducted interviews is 12, accordingly consisting of 8 interviews with undocumented workers in Gothenburg and 4 informal interviews with the professional staff of trade unions.

4.2.2. Sampling process.

The first step of sampling was defining the population from which the needed sample was drawn. For that reason the international and national legislation in migration and asylum was carefully studied aiming to find out how undocumented immigrants are defined by the law.

Clustering or multi-stage selection of sample units (Arber, 2008, p. 79) was employed in this research. Because the study targets very precise sample representing undocumented immigrants with work experience in Gothenburg being undocumented at the moment of employment, clustering would help me to identify particular organizations and/or communities in order to reach individuals. Hence, identification of entry points where undocumented individuals could be found was the necessary step to start. Based on the assumption that some undocumented migrants may receive assistance from the churches, the first entry point was accordingly identified (Brunovskis, 2010, p. 49). For that reason, I have contacted one of the churches in Gothenburg which further led me to the key informant (1). In this case the key informant was a priest who connected me to another key informant (2) who was in close relationship with a big community of undocumented immigrants in Gothenburg. As a result, I have followed the demonstration of Iranian undocumented immigrants who hold the status “stateless”. The protestors were demonstrating against the Migration Board’s politics in Sweden and Iranian’s political regime. As it was mentioned above, I have got an opportunity to establish incredibly important contact with the leader of Iranian community (key informant 2), one of the organizers of the protest. Since the protest endeavored to involve as many influencing figures as possible: researches, politicians, lawyers, NGOs, etc. in order to get essential support, the intention of the community to help me was motivated by its aim. Hence, with the assistance of key informant (2) who was an

undocumented immigrant by himself, I established contacts with the potential participants. Since he (the name is not announced for the confidential reasons) had the knowledge about life stories of all the protestors, the key informant (2) helped me to choose the individuals I needed for this research. In order to avoid biases of any kind, I would first of all personally talk to the participants in order to find out if they qualify to the study. As a result, I have got the testimonies from three individuals, two men and one woman.

The second entry point bridging me to the participants was NGOs: “Inga människa är illegal” (“Nobody is illegal”) and Rosengrenska Hospital. Both are involved in a various assistance projects for undocumented immigrants in Gothenburg in particular. After I contacted the representatives from NGOs, I would explain the aim and the research questions of the study, providing them with the Letter of Introduction signed by three sides concerned. Since Rosengrenska is specialized in medical assistance of undocumented immigrants, the medical examination is offered one time a week in the church of Gothenburg (the name is not exposed for the confidential reasons). Therefore, the cooperation with NGOs was of a significant value, as I have got the contact with a key informant in the church concerned. The next step was to establish the contact with the key informant, the priest of the church. As I have found out, the references are always of an incredible value, as it makes a researcher more reliable and trustworthy in the eyes of key informants and participants. It is especially important in this study, which on one hand targets sensitive issues, but on the other can cause dangerous outcomes. Consequently, referring to the professional staff of NGOs, I have established the contact with the priest of the church. As a result, he connected me to four participants, accordingly three men and one woman, who provided me with their testimonies.

In addition, snow-balls method was employed by the study. However, the snow-balls method was used very carefully because of the specific criteria required for the participants. I used my personal contacts to reach one undocumented immigrant worker residing in Gothenburg, who provided me with another contact, her colleague. As stated above, referring to the first respondent, the process of establishing contact with another participant was easier and faster.

Concluding the sampling process, 8 undocumented workers, accordingly 3 women and 5 men were identified and contacted. Since it was declared above in the Chapter I that undocumented immigrants are referred only to TCNs, the sample is represented by individuals from Mongolia, Moldova, Iran, Georgia and Afghanistan. The variety of nationalities is regarded as a merit since it provides researcher with an opportunity to compare different ethnic groups’ strategies assisting them to find job in Gothenburg.

Alongside the interviews with the participants of the study, some of professional staff from related organizations was interviewed. Such informal interviews more resembling discussions helped to understand the position of undocumented workers on the labour market and the approach used by trade unions to uphold their labour rights. Accordingly, the staff from the Centre for undocumented migrant workers in Stockholm (“Fackligt Center för Papperslösa”), consisted of representative of the center and trade unionist from Swedish transport workers’ union, were involved in the discussions. Among other participants of informal interviews was professional staff from the trade union in Gothenburg. The representative from Byggnads trade union assisted by a colleague, Polish-Swedish interpreter, was involved. Moreover, valuable information was collected during the meetings with trade unions in Stockholm. Among them

were one of the staff from Trade Union Corporation (TCO), who is a labour lawyer and a trade unionist; one of the staff from Fastigst trade union, currently advocating for the labour rights of undocumented individuals; and a representative from ABF trade union of Landsorganisationen (LO), who works as project leader in the related field. As the representative from ABF was an undocumented person in his past, he provided me with an essential material including current political discourse concerning migration in Sweden and Europe. The three last interviews were of a significant value due to their high professionalism complemented by an incredible experience in the related field.

4.2.3. Themes of the interviews.

According to Kvale (2009), interview process should start from the thematizing and designing the interview guide. As the process of thematization derives from the applied theories, the themes for the study were built on the theory of human and social capital and the concept of working conditions. Consequently, there are the following themes identified below:

- Reasons to migrate
- Social connections
- Trust
- Education/professional skills
- Knowledge of the language
- Work experience
- Conditions at work place:
 - Payment
 - hours of work
 - workplace health and safety
 - freedom of association/the right to organize
 - force
 - non-discrimination

The themes were initially identified to construct the content of the interview guide. According to the themes, the study appeared to be divided into several invisible parts. The first part is devoted to the reasons of immigration. It was of essential concern to discover the reasons for immigration to Sweden, as it is an essential aspect of entire migration strategy. Following the second part, it focuses on the work strategies utilized by the participants to search for job in Gothenburg. The theme concerning working conditions of undocumented immigrants forms the third part of the study. Nevertheless, because the awareness of the labour rights among undocumented immigrants may considerably influence their working conditions, the theme pertaining to the interaction with trade unions was given a special attention in the theme of working conditions.

4.2.4. Interviews' conditions.

After 4-5 months when the sample was clearly identified and trustworthy relationship with the respondents was built, I entered in the phase of listening to the testimonies. Face-to-face interviews were accomplished in the familiar for the participants' social environment. The reason for this was to let them feel safer while revealing their experiences and feelings. As a result, two

interviews were conducted at their residence places and the rest six interviews - at the prayer rooms in the churches they were attending. The right to choose a place for the interview was given to the participants. It explains the choice of a prayer room determined by active involvement in Christian livelihood. The interviews conducted at the participants' residence places were started with the informal conversation and drinking tea. Each interview was started with a short introduction accompanied by description of the study's purpose and the interview guide. Recording of the testimonies was refused by 7 participants, except of one. Hence, all 7 interviews were written by the hand of a researcher and translated and typed after. The recorded testimony was accurately transcribed. Interviews were conducted in Russian, Swedish, English languages, as well as in Persian language, assisted by an interpreter, key informant (2).

4.2.5. Trust.

The study corroborates a significant value of trust as a pillar of the entire research. As is alleged above, building trust relationships with key informants and participants was one of the main steps of the interviewing process. As was found out, the main obstacle to build trust with the participants was fear to be expelled in case if I(researcher) will expose the information to polis or other authorities. The fear to expulsion was caused by the bias of false perception of me as a representative from the authorities (Migration Board in most cases). During the first meeting, the participants would several times emphasize this feeling. Therefore, building trust demands from a researcher to solve two obstacles: proving the identity and reliability and trustworthy. Another issue is that building trust is very time-consuming. It took for about four-five months to get the desired testimonies from 8 individuals. Almost every day I would follow them to the church for prayer meetings, to the camp at Adolf Torget Street in Gothenburg, to medical services. As I have discovered, spending more time with them has increased chances to get closer. In addition, in order to minimize the gap between me and the participants, I have used peer interviewer from the same ethnic community. The use of same-ethnicity interviewers, regardless of legal status, is an approach that should be used cautiously with "irregular" migrants, as they can provide a substantial source of support (Brunovskis, 2010, p. 49). Such a peer interviewer was the key informant (2) from Iranian community, who were assisting me during first contacts. This key informant helped with translation of the interview questions. Concluding, it is considerable to note that trust should be upheld before, during and after the interview is conducted, especially taking into consideration further possible researches.

4.2.6. Methods of analysis.

The analysis of the data was accomplished by the process of categorization. Well-defined categories based on the theoretical background, help a researcher to structure the data according to the used theories (Kvale& Brinkmann, 2009, p. 201). Since the study pursues to explore how individuals utilize the social capital in order to find the work, the meaning interpretation was employed. It goes beyond what is said directly to work out structures and relations of meanings not immediately apparent in the text (Kvale& Brinkmann, 2009, p. 71). Every interviewee was given a number(IP1, IP2...) to mark quotations which would ease the process of presenting and analysis of the data. Moreover, such numeration of the participants would allow reader to follow

each of the life-stories. In addition, the life-stories of two participants were chosen to present for the reader. Therefore both of the interviewees were given new names according to the principal of confidentiality.

4.2.7. Validity, reliability and generalization.

The study upholds the criteria pertaining to validity and reliability of the findings. The qualitative data was collected through semi-standardized interviews, having been accomplished according to seven staged process (Kvale & Brinkmann, 2009, p. 99). The principal of validity was attempted to uphold at each stage of the study. One of the factors to assure validity and reliability of the findings is trustworthy relationships established between researcher and respondents. Building trust was of a significant value for both sides of the research. As it was found out, the more a participant trusts to researcher, the more information s/he can reveal during the testimony. The fact that several participants shared the life stories at their homes obviously signalizes about trust and, therefore, increases the percent of validity of the data. Moreover, in order to conduct the interviews in more convenient way for the participants, it was of essential importance to use different languages: Russian, Swedish, English, and Persian (assisted by an interpreter). It allowed individuals to express their thoughts and feelings not being afraid of language's inefficiency. Nevertheless, it can also be regarded as a merit in terms of communicative validity.

Taking into consideration the variety of participants' nationalities, one may argue that it is difficult to make generalization of the found results. Different groups may have very different options and structures available to them, depending for instance on the size of the minority population (Brunovskis, 2010, p. 49). However, bearing in mind the migration status of the participants which is the strongest factor affecting their work strategies, the process of searching for the job will not significantly differentiate from one ethnic group to another. Although, bearing in mind social connections with established ethnic groups successfully embedded into Swedish labour market, employment outcomes among various ethnic communities may differ. Therefore, the final findings will be carefully generalized taking into account the aspects of ethnicity and gender.

4.3. Ethical considerations.

The ethical regulations were taken into serious consideration when approaching undocumented individuals, conducting the interviews and analyzing the data. Human being's dignity and privacy must be of the highest priority (Bulmer, 2008, p. 45). According to the Research Ethics Framework (See Framework for Research Ethics) there are six principals which have been fulfilled:

1. The integrity and quality of the research. The researcher has attempted to follow the all necessary stages related to conducting of qualitative research. Knowledge gained during the entire study, as well as previous experience in the research field, was accurately accumulated in this paper.
2. The doctrine of "informed content": all participants without any distinctions were diligently informed about the purpose and further usage of the research in general and collected data in particular (Kvale & Brinkmann, 2009, p. 68).

3. Research participants were participating in a voluntary way, free from any coercion (Bulmer, 2008, p. 49). The participants have decided the place, time and duration of the interviews.
4. The principle of confidentiality. The research avoids disclosing of any detailed information about the participants in regard to name, address, working place, etc. in order to avoid identification. Before the interview was started up, the principle of anonymity was guaranteed. Nevertheless, each interview was to start by an introduction letter which contains the aspect of ethical considerations. 7 respondents rejected recording in order to avoid any evidence, which consequently enhances the principal of confidentiality.
5. The principal of independency from any political, religious, gender or other preferences is guaranteed.
6. Any harm to participants was avoided by assuring that the collected data would be used only for the current study and underpinning the principle of confidentiality and anonymity.

Chapter V. Findings and analysis.

Based on the interviews the findings are to answer the research questions of the study. Accordingly, this chapter presents voices of the participants and explores their reasons to migrate, personal experience of searching for job in Gothenburg, their working conditions and apprehension of trade unions. Alongside the results from the interviews with undocumented immigrant workers, the data collected during discussions with trade unions concerned is analyzed and embedded into the entire paper. The analysis of the findings is not biased by gender, political, religious, ethnic, or other preferences.

5.1. The life-stories of two undocumented workers.

Among other interviews, Rose's and Ivan's life-stories were chosen for public presentation. Both respondents are undocumented workers currently residing in Gothenburg. The reason to choose these particular testimonies is the extent of fulfillment of the interview questions. Among other respondents, Rose and Ivan were much more opened for the public discussions of the issues pertaining to their work experiences in Gothenburg. Despite the fact that each story of a migrant is unique, it might be inappropriate to make generalization. However, it is possible to generalize the testimonies of the sampled group of the study. Since the migration status predetermines employment outcomes, I argue that all undocumented migrant workers end up in unfair working conditions which might slightly differ from each other. In addition, international migration is not a chaotic process of human beings' fluxes, rather it follows certain established tracks via transit countries to a host land. Therefore, undocumented migrants are not only following similar established tracks if it comes to departure/arrival, they also established strategies in a host country: its' migration policy, labour market structure, social welfare, etc. Consequently, it is possible to argue that all undocumented migrant workers may have similarities in regard to their strategies pursuing work as well as their apprehension of trade unions' role.

5.1.1. *The life-story of Rose.*

“I am 45 years old and I came from Mongolia. I was very tired of life in my country and I decided to move. It is about 4 years I am in Sweden and I really like living. It is very safe country, not so much discrimination like in other European countries. It is quite hard to live in Europe if you have black hair but it is much easier (...) in Sweden. Moreover, there are more possibilities to find work even without the Swedish language. There are possibilities to appeal the asylum decision for the second and even the third time. It is much better here, believe me (smiling). We just need to work and we don't do anything that violates the Swedish law.

Before i made my mind to migrate, I have sold my car because I needed money. It is a common practice for people in my country to sale everything they own, because the tickets and visa are very expensive. So, I have sold the car and I had got some money. I had a Mongolianfriend who was working in Sweden and she persuaded me by saying that there are a lot of possibilities to work there. This has pushed me to leave everything and follow her advice. I moved to Sweden with one of my friend (in 2007). I applied for tourist visa which authorizes to stay in the country for 10 days. When my tourist visa expired (...) I stayed over. I have come to Sweden not knowing anyone and anything except just one friend. I didn't go to Migration Board, for what reason if I would? According to my friend, Iwould easily find job in Stockholm. However, it didn't happen so easy and so fast as she was promising.

I stayed with her (a friend from Mongolia) and her husband. He is working in the polis office by the way (laughing). They were very kind to me. Her husband was concerned aboutmy situation. Despite the fact that I had accommodation, life was very hard. Sometimes I didn't know what to do. Even though I had some amount of money, it was not enough later on.I had no job.Generally, there are round 6000 Mongolians residing only in this city. I met few of them in the church I am going to. The church helps a lot. I will tell you the story. It was March,2007. One day when I was sitting in the tram. I had a beautiful jacket on. I made it by myself. Mongolian women are very, very clever in sewing. They have "golden" hands and that is why they are respected in Sweden. So,that day I was deeply depressed. I didn't know what to do and where to find job. I got off, wentoutside the suburbs and sat on the stairs.I started to cry because I didn't know what to do with my life. Then I have seen a woman. I recognized her face because she was looking at me in the tram. She came up to me saying that everything will be all right. She appreciated the jacket I had on. I was very surprised because she told me that I need God in my life and I need to go the church. She said that church will help me, God will help me, and she was completely right. When I was younger I believed in God. After some time I have left him, so it was, probably, a sign to come back to God. So I did.

I have found the churchwhere I served God. I am sure that I will never leave him again. Having found this church, I have met a lot of Mongolians. We have even a Mongolian prayer room in this church now. I have got the job later on. Even though the payments were not that high as I expectedwe stillsendsome amount to Mongolia. It is "good" money for our relatives in need. Somebody has sick relative who need expensive medical treatment, so children migrate to Europe in order to send money and then they come back or stay illegally. I didn't really have any serious abusive situation, like health or safety, but the payment of course was very low. Usually people don't care about it because they need to survive, they need money. All employers who hire undocumented or "black" workers realize that we are facing many troubles every day. That is why they keep the prices for workers as low as possible.We cannot demand more than they offer.

As for my work experience, my first job was sewing, of course. I have got it through my Mongolian friend. We try to stick together, "illegal" stick to "illegal".We completely understand the situation of each other. I could not speak Swedish that time. That is why I

was obliged to seek for job by asking only to my Mongolian friends. As for now, I can speak the language and thus I have fewer opportunities to find work from people of other ethnicities.

It was not very well paid job. But it is like a “mutual agreement”: since an employer knows that you are undocumented, s/he takes an advantage of it. I have got like 50 SEK per hour, 10 hours a day. Usually, when an employer sees, that we work well, he can raise the salary. Those employers who work together they spread the information about workers: who is good and who is not.

We use to work in certain branches of employment, such as sewing, cleaning, cooking, etc. It is quite difficult to trust people because you never know your employer.

As for Mongolians, they charge for their services. Very often such private mediators simply disappear with your money or they deceive promising different options.

I was also working in the cleaning company. One day when I was in the church my friend told me that there is one guy who is searching for the “good” cleaner, preferably woman. She gave me his number and I called him. After our conversation with the employer, he invited me to his office for an interview. As i have understood, he demanded 4-5 year of experience and ability to speak Swedish language. He didn't mention any word about documents (smile). Well, I told that I have an experience, but I didn't speak well Swedish. I started to work anyway. First, he gave me several hours. I cleaned his office. I earned good money that time. I felt badly when I was cleaning. I was praying to God to help me to find a good job. Me with good education, cleaning the room for 100 SEK per hour!!! But it is always about the money. As for the weekends or other conditions like maybe duration of a working day, more you work, more you earn. There is no other choice but work. After this job I “came back” to sewing. The only thing I am thankful to my first employer is that I have learned the technics to sew. So, this time I taught people to sew which was appreciated by my boss. Friend helped me with this job but I also developed some contacts. It is always friends who help when you live like that. I earned like 500 SEK per day and I worked every day. So I saved some money for my future. He (employer) is a very rich man. He owns 7 restaurants and coffees. Unfortunately, I work only 2 times per week right now.

So I don't have any problems with my employer right now. I am thankful for that. If I had the dispute, I don't know what I would do. I would probably leave because I have no rights in this country. Everything depends on the legal status, persunnommer. So, any conflicts with employers are solved by “agreement” between me and him (employer). How can I contact any trade union if I know that I am illegally in the country? I know some cases they helped when people have documents, but not me.

One important thing is that we don't know our rights at all. Like for example, I had no idea that I could apply for asylum in Sweden but I got this information through my friend after several years residing in Sweden. I mean we don't know our rights at all. And the other problem is that we got a misleading information about opportunities to find work in Europe. There is no work for us here.

The other issue is that one can easily get into trouble here. As I have mentioned I was working in the cleaning company. When I came to the interview, he told me that they needed young girls not elder than 25-30 years old. Moreover, the girl should look "beautiful". These criteria were for the work in restaurant which I was not qualify for. Since I am much elder than 30, I had to clean. I know that many girls worked in his restaurants. I am more than sure that the work is not limited to the restaurant services, rather extra money may be earned by prostituting. In more cases, the girls are initiators of such "cases" because they need money. I wonder how all those young girls survive working here. They never share with anybody their experiences but I am sure that many girls from Mongolia are involved. They fear to be caught by the polis that is why they keep everything to themselves. I am telling you these things not because it is my prejudice but because I personally had the case at my work place. My employer (the nationality is omitted in order to avoid any kinds of biases) told me one day that he likes me. He proposed me to go to the restaurant, to go out kind of. I refused, of course.

Sometimes guys get involved into criminality or alcohol addiction because they are psychologically broken. They lose hope to live further. Hope is very important because when you lose it, it is very hard to get it back. We don't have anyone to talk to about our troubles or to share our hopes and feelings. For example, as for me, I am dreaming about working as a designer of clothes. However, I have education of manager in international trade and economy by profession. In Mongolia I was working in the Chinese company. I earned enough money to support myself and my sons, to buy food, to own car and my apartment. I am not sure what I will do in the future because I sold everything I owned in Mongolia. It would be very hard to go back and to start up life again".

5.1.2. The life-story of Ivan.

"I am 40 years old. I came from Iran. One day I was at the demonstration against regime. It went out bad because polis injured my head. I could not stay there anymore and that is why I had to leave the country because it was very dangerous for me and many other political activists. My mother is still living there though. My choice was not Sweden initially. I migrated to Norway and I was living there for three years. After three years, the migration board in Norway closed my case with "expulsion" remark. I had to change the country. I didn't have any other choice but to come to Sweden. So, I arrived in 2002, 2002/03/07 to be precise. There are the special rules in Sweden, when you arrive into EU and you apply for asylum in one of the EU countries, you can not apply for asylum in another one. So I arrived to Sweden in 2002. I applied for asylum in Sweden. When I arrived to Sweden, I was living as an asylum seeker in the camp in the North. I didn't know anybody in the beginning. I was living for some time in the North of Sweden so I found some friends there, they guided me, when I came to Gothenburg I have found many friends from Iran. When I was in the camp, I got some social assistance. It took much time for migration authorities to investigate my case. After some time migration board rejected my application because of that case in Norway. I was under expulsion process. That is

why I had to hide until 2005. I was living hidden for about three years. I didn't get the medical help for my head during these years cause I lived undercover. I could not go back to Iran since it was dangerous to my life. I could get prosecution and be imprisoned and then killed.

I needed to survive somehow, so I had to work somewhere. I met many Iranian friends in Gothenburg. Friends make friends. I don't know why but many people like me and want to help me. They talk to me. I cannot speak Swedish, but I have many Swedish friends. I have many friends from the church.

Once I met the family from Iran. They asked me to work for them. So they helped me to find the job. It was the first job, I can say. It's a shame to say, but I worked as a bearer of furniture, everything, TV, sofa, and at the same time, I was working in the shop I was sailing carpets. It was the first job. But I would like to tell something really sad. One time I had to work with my friend (the name), but we were really sick. We have been working for 3 days, for 72 hours. But my friend got really sick that he needed the operation. After three days my friend got an infection in his legs, in the blood. The reason might have been that we carried very heavy stuff. Each of us got 25 SEK per hour. I was extremely tired. When my hands were tired, I used my head to carry the things. Since my head was injured, I got the complications again. I am supposed to have the helmet when I go somewhere, but I had to work despite of that. I had to go to the hospital to Östra Sjukhuset. The doctors helped me there quite well. If they would not help me I would maybe not live today.

After that I had to work somewhere else, as I could not live without money. Most of all it was cleaning, carrying furniture, etc.

The common way to search for job is via friends/Iranians or Iranian Radio. Every Thursday there is the channel in Persian, which offers "black" work. So if you listen to the radio every time, you can find job in the advertisements. Yes. But there is also the church which has helped me a lot several times.

I had a lot of different jobs. Usually it was very short term jobs which provided me with very few money. I could not live with that money. I had to buy clothes, food, etc. I had to pay for everything. Who is thinking about it? We are here to survive! Many times the employers didn't pay as much as they promised. We could not complain, as it was "black" job: if they don't pay they don't pay. We didn't contact any trade union. If we tell this to the polis, they can arrest us and deport us to Iran. It's not the worst that we are here, working hard. The problem is that we run from the government which is killing people. Can anyone live being governed by those individuals? If you flew there, you could acknowledge it. There are no human rights in Iran. It is written on the paper, in the books, but it is not a part of the reality. I have a big pain in my heart.

In Sweden even a dog gets help when he gets injury, but why don't they help us? There is a rule in human rights: people can live whatever they want, to get asylum, a shelter. Migrationsverket (Migration Board) has to give the permission to stay if you have been prosecuted. I had a prescription from lots of doctors which states that my injury is really serious. They need to help me here. Those things that we lost in Iran will never come back. How can they get back after so many years? Do you guarantee that if I get back I will not

get prosecution? Can they guarantee that when I come back to Iran, the regime will give me freedom?

As for now, I work in pizzeria (baking pizza). I am an economist by education, and if I learn the language I will find better job. They need to help us. We want to live a normal life like everybody else”.

5.2. Analysis of the collected data.

5.2.1. Reasons to migrate to Sweden.

The reasons to emigrate vary among the respondents. According to the results, a third of the respondents testify that the main reason to migrate to Western Europe is impediments in terms of economic situation in a country of origin. To be more precise, poverty, high level of unemployment and corruption in governmental apparatus are among alarming reasons for migration. As is confirmed by the interviews below:

“But you know how hard it is to find the job in Moldova. So, I decided “why not go somewhere and live a normal life” (IP 1).

“I had problems in my country that time, 10 years ago. I decided to move with my family actually. I have moved for better life, I could not support my family in Georgia” (IP 6).

“I came from Afghanistan. You know that the politicians in my country do not think with their heads. You meet police, and if you have problem you just pay to them, and you are “free”. It is hard, black business is everywhere” (IP 7).

“I came from Afghanistan. It was very hard in Afghanistan: no job, military conflicts and all these things” (IP 8).

According to half of the respondents, economic hardships are intersected with political instability and unrest in a society caused by military interventions:

“I was at the demonstration against political regime in Iran. After that, I could not stay there anymore and that is why I had to leave the country because it was very dangerous for me and many other political activists... I could not go back to Iran as it was dangerous to my life. I would easily get prosecution and put into prison. There are no human rights there... The problem is that we run from the government which is killing people” (Ivan).

“I had nothing to do in my country (Iran), I had the serious problems. I was very politically active in Iran. We were fighting against tyranny and injustice. So, I was obliged to leave the country forever” (IP 8).

“I came to Sweden because I had problems with the political regime in my country, in Iran. I got prosecuted and I could not stay there anymore, so I flew to Europe, to Sweden. I came to Sweden in 2003, so it is almost 8 years I am here” (IP 5).

Since the study is undertaken in Sweden, it is necessary to find out determinant factors for immigrants to choose it as a destination country. Three of the participants underline generosity of migration policy in Sweden comparing to other EU countries:

“There are possibilities to appeal the asylum decision for the second and even the third time. (Rose).

“I have heard that Sweden is a good country and it welcomes migrants from all over the world” (IP 1).

Besides, the other factor which determines Sweden be a host country is safe social environment.

“I like living in Sweden. It is about 4 years I am here. It is very safe country” (IP 6).

“I have heard that there is work in Sweden and it is a good country to live in. My friend told me anyway because he was already here” (IP 1).

Furthermore, one of the participants offers the other reason, such as limited discrimination:

“There is not so much discrimination like in other European countries. It is quite hard to live in Europe but much easier in Sweden if you have black hair” (IP 2).

The same respondent also mentions the Swedish labour market and its' flexibility to employ migrant workers regardless knowledge of the Swedish language.

According to the findings, three of 8 respondents didn't consider Sweden as a country of final destination, rather it has appeared to be as such due to certain obstacles. Two respondents state below:

“My choice was not Sweden initially. I migrated to Norway and I was living there for three years. After three years, the migration board in Norway closed my case with “expulsion” remark. I had to change the country, I didn't have any other choice but to come to Sweden. So, I arrived in 2002, 2002/03/07 to be precise” (Ivan).

“I came to Europe through Iran, Turkey, Greece, Italy, Germany, Denmark to Sweden, Malmö. So when I arrived to Stockholm in 2004, I was planning to go further to Finland because I had friends there. So, I thought that I somehow will buy the ticket for plane, but I could not do it. I had no pass, so the polis stopped me” (IP 8).

One of the respondents emphasizes cooperation with the agent who assisted her and her son to migrate to Western Europe and Sweden in particular.

“Me and my son with the help of one man emigrated from Iran. We didn't know what country we were going to, as it was one man who helped us. I didn't know if it will be Sweden or other

country. I didn't care about it frankly speaking, I wanted to leave Iran. We arrived in 2003, so it will be about 9 years of residing in Sweden" (IP 4).

5.2.2. Migration status transitions.

Regarding the transition of migration status, the majority of the participants applied for asylum in Sweden several years ago. However, none of them is a holder of the status of refugee neither asylum seeker at the time the interviews were conducted.

"There are the special rules in EU: when you arrive into EU and you apply for asylum in one of the EU countries, you cannot apply for asylum in another one. So, one year after I arrived to Sweden (2002), they have been checking my case and migration board rejected my case because of that case in Norway. I was under expulsion process. That is why I had to hide until 2005." (Ivan).

"I applied for asylum here, and I and my son have moved to the camp which is in the North part of Sweden. I have got "negative" answer from Migrationsverket three months after I had applied. After several appeals if you get three times "negative", your case is closed. So, I got "negative" from the Migrationsverket Domstolen (Migration Board Court). Then, after several years, you can start the case again. So I stayed in Sweden, it will be soon 9 years. Now I am waiting to start the case again. When I came to Sweden, I had a work permit until 2005. After that I lost it" (IP 4).

"When I came to Sweden I immediately contacted Migrationsverket and asked for asylum. I lived in Uppsala and Västerås for some time during my asylum process. Now I live in Göteborg waiting for opening my case again" (IP 5).

"I was taken for the finger prints and all this stuff for asylum process. I was sent to the city somewhere in Sweden, like a camp for asylum seekers. It is on the North of Sweden. There I have met a lot of people. I have been living there for about 2 years. During that time I have got three times "negative" and I was to be deported. I was taken by the polis and brought to prison in Källered (Gothenburg) for about 55 days. I escaped the deportation and started to live hidden" (IP 8).

According to two participants the contact with authorities concerned did not occur.

"I didn't want to contact the authorities when I arrived. I was scared to be deported by the polis. I suspected that I will not get any papers. I am not going to apply for the asylum I think, but I will see. I have to wait" (IP 7).

"I came to Sweden alone but then I met a lot of people, migrants like me. I didn't go to Migration Board or whatever... I was thinking to apply for asylum and I even came to the migration board but I left. I didn't dare. I thought that my case might be rejected and they would know where I live. I would rather live that no one knows. I moved to Sweden but I realise that there is no work. I was actually planning to settle here. I try to study Swedish language and to be a part of the society. But it's very hard when you don't have documents" (IP 1).

According to all of the respondents migration status enormously affects the position of an immigrant on a labour market. There is the evidence below:

“I am just praying to get the permission to stay. I am also a human being and I want to live a normal life, to love, to have a good life. Working here is equal to slavery, a modern slavery. You are working “som en hund”(like a “dog”). You cannot say something against because you have no rights” (IP 4).

“This is the problem that we don’t have any rights here, any rights at work. It doesn’t mean if you know somebody here or not. Employers press when they know that you don’t have the “papers” (residence permit). The reason is that they can call to polis or Migrationsverket. Everything depends on the legal status, personnummer. So any conflicts with employers are solved by “agreement” between me and him(employer)”(IP 8).

“Living hidden brings a lot of troubles. My life is an entire trouble, work is trouble. You always think about something, what is next, where to work. All the time, I am scared. I don’t even think what I will do in my future. I don’t know what I want to work with. As far as I get paid I can work anywhere” (IP 7).

5.2.3. Strategies of undocumented migrants pursuing work in Gothenburg

Ethnic community.

As is acknowledged by almost all the participants, private contacts are usually first mediators of the labour market. Majority of the participants emphasize in their testimonies necessity to develop social connections with ethnic communities. They regard such ethnic communities as safety nets. Besides, almost every participant including Rose stresses the necessity to integrate into ethnic community in order to access the labour market.

“When I arrived, as I said I didn’t know anybody, just that friend (who told me about the job opportunities) and through him I got a lot of contacts with friends from Romania. Since I have been studying in Romania, I speak Romanian. So I have got to know many people here. They are in EU, so there are no problems to reside here: you come and live. Most of them are from Moldovan and Romanian communities, you know we are used to help each other. We speak the same language; the same culture. But I am not so much in contact with them now. But you know i have to, because you need more and more friends and people in order to find work or whatever, accommodation, otherwise you will not survive. So even if i don’t want, i have to meet them and be around. If they call me to work I always say “yes”, because i have no choice. I need to live and to eat somehow” (PI 1).

“I needed to survive somehow, so I had to work. I met many Iranian friends in Gothenburg. Friends make friends. I don’t know why many people like me and want to help me. They talk to me. I have many Swedish friends from the church. I met a family from Iran and they asked me to work for them. So they helped me to find the job. It was my first job” (Ivan).

“The first job I did was in the restaurant. I got it from my friends from Iran. I had hard times while I was searching for job... I didn’t speak good Swedish but I spoke Persian with my employer because he was from Iran” (IP 7).

“Then I went to Gothenburg where I established contacts with Iranian community. I met a lot of people who try to help each other, to learn Swedish, etc. All of them were asylum seekers in the same situation like I was. I know almost 2000 Iranian in Gothenburg but not that many Swedes. I also have contact with people from Afghanistan because they speak Persian. So, I got the first job through people I knew. It was the Iranian family where I lived. They helped me to get the job in pizzeria brunch” (IP 5).

“I have got to know some people from Iran, Iraq, Afghanistan, whatever country. The country does not matter, what matter is the money. It is not about trust either. If he(employer) is a good guy, he will pay, if not... My first job was in pizzeria. I have found this work through my friend from Afghanistan. I don’t really know what plays the most important role in order to get the job... but if you have friends, you will get some help” (IP 7).

Besides, Rose discloses information about private agents who assist immigrants to get job.

“Mongolians, they also take bribes for their services. Very often such private mediators simply disappear with your money or they deceive promising different options”.

Most of the respondents have immigrated to Sweden having mobilized their private contacts via transnational network. Some used private agents, others – their relatives or friends who have built their paths into European countries.

Church.

According to the testimonies presented above, church appears to be a key point for undocumented immigrants to seek social support in general and job in particular.

“But there is also the church which has helped me to find the job, to get in contact with doctors, to get some money, food, clothes, everything... Thank you, church!” (IP5).

“Here, in the church, I know many people from Iran, Afghanistan, Iran, Pakistan, Kosovo, I have also some Swedish friends. I will get some job for sure. For example, I came today to meet one Swedish guy, my friend. He might help me” (IP7).

Departing from all life-stories almost every undocumented immigrant has contacted certain fellowship pursuing job.

Media.

Nevertheless, the individuals from Iran share interesting information about Iranian Radio in Gothenburg as a source for Iranian/Pakistani migrants to get a job.

“The most common way was to find the job through friends (Iranians) or by Iranian Radio. Every Thursday there is the channel in Persian language which offers “black” work. So if you listen to the radio every time, you can get the job from the advertisements”(IP 4).

Trust.

Trust is of a significant value for several respondents to pursue employment and therefore to develop and utilize social connections. Trust derives from the obligation to be connected to certain social networks. It makes migrants to develop “artificial” trust in order to integrate into the community.

“I know them maybe around one year or so. I trusted them before, but now I don’t trust them anymore. I don’t want to... I am very tired you know. Well...I got to know a priest...who is working in one of the churches. He promised me a lot, like “let’s drink sometimes”; and... he promised me a lot: job, everything... All people from community Rumanian are not trustworthy, you know. Yes I am very tired, they lie... But you know I have to (be in contact), because you need more and more friends and people in order to find work or whatever, accommodation, otherwise you will not survive...and the other problem is that we get misleading information about opportunities to find work in Europe. There is no work here for us but my friend told me that there is and I was traveling with the hope to get on” (IP 1).

“...I can say that I trust them (friends who helped to find work), all of them. I think that we have to trust people in this situation otherwise, it is impossible to survive” (IP 6).

Education and language.

According to the findings, most of the participants are holders of University degree in various professions:

“I studied IT in Moldova. So, I graduated and then worked a bit, but not according to my diploma” (IP 1).

“I have a desire to work as clothes designer. However I am manager in international trade and economy by profession. In Mongolia I was working in the company” (Rose).

“I was working in the theatre in Iran for about 12 years; I am a psychologist by education” (IP 5).

“I am a professional gymnast trainer, so I want to work with young people here” (IP 6).

“If I had the “papers”, I would like to continue my education I have from my home country. I want to become journalist” (IP 8).

One of the respondents shares about her work experience which corresponds to the education she has got in Iran.

“The next job I did was in the salon. I worked as a barber as I am a barber by profession. I was working for about one year, then three months, a lot” (IP 4).

Several participants emphasize that the lack of Swedish language is an impediment to access labour market.

“How can I use it (diploma) here without the language? I speak very little English and the same is with Swedish. I need to learn Swedish and I need to find a good job” (IP 6).

“I could not speak Swedish. That is why I was obliged to ask for a job to my Mongolian friends. But right now I can speak the language and have fewer opportunities to find work” (Rose).

“Language is the necessity too... it is the “key”. If your employer is not from your original country, how are you going to talk? And what about clients” (IP 4).

However, two participants state that it is not necessary to learn Swedish language since the work for undocumented workers is usually offered by non-Swedish employers (from the same country of origin or ethnic enclave).

“Maybe Swedish language can help, I am not sure. If you work with the people from your homeland, it means that you do not need the language” (IP 7).

Work experience.

According to the respondents, majority of the individuals are limited to use their work experience and knowledge mainly due to the migration status. However, certain practical skills grasped from work experience in Sweden or home country are stressed to be essential merits to pursue work as well as to improve present working conditions.

“I have been working with Rumanian people there. So, we did construction. I don't have any education but I helped them anyhow. If someone shows me what to do, I will catch it because I am very clever and I can do whatever to earn money. So, I helped to fix the roof for the house. It has nothing to do with marketing and IT but I had to” (IP 1).

“The only thing I am thankful to my first employer is that I have learned how to sew. So, this time I was teaching other people to sew and it was appreciated by my boss” (Rose).

“After two months when I learned how to cook pizza I changed my work. You know, there is the network among pizzerias in Gothenburg, so I got the other job. It was also an Iranian guy” (IP 8).

“Time by time, I have got the knowledge how to make good pizza. I am an expert right now, really, I am the best cooker ever. So I told to my employer that I will work in another pizzeria. Since all owners of pizzerias are in cooperation with each other, I developed the contacts with a lot of people from Iran, Afghanistan, Iraq and other countries, Albanian. I started to work in

another place after that. That time I knew how to cook pizza. My new employer told me to show what I can do, and he told me that he will pay me more money if I do my job well...I am not sure if an education can facilitate the process to find work. I doubt it. But what I have notices for my case is that when you learn how to make pizza for example, you can go to another employer who can pay more money. As for me I always negotiate the salary and I can argue more if I have some experience in the field” (IP 7).

Personal characteristics.

Two of the respondents stress that an essential element of building social networks is being open-minded and sociable person. Both of them underline communication skills to be a key to integration. Besides, isolation is attributed to destructive factors which impair the process of integration into a labour market.

“I know many people, really. I cannot even count them all. I know a lot of Iranian, Swedish, Iraqi people. I have contacts with the church (Bergsjön kyrkan), “Agora”, “Inga människa är illegala”, - organizations assisting undocumented migrants. I think that it is very important to interact with different people; it helps you to integrate into the society. You know, I would like to talk about everything that has happened to me in my life I want to talk to people. It is very important to be sociable. In Iran we don’t have the freedom, democracy. Here there is democracy, but especially for women it is important to have the freedom. I would never isolate myself and not my son either. Communication is necessary. The contacts you establish play one of the most important roles. But if you are not allowed to work, it is very hard to live in the country. You have to be very open-minded and sociable person ” (IP 4).

“When I had practice (I had the work permit) I established some contacts. You know, it is of a significant importance to communicate with people, to be an opened person. Very important to have the contacts, it is not necessary what country he or she is coming from. At any work place, the most important for the employer is not only the professional skills but the skills to keep the group together and to support the unity”(IP 6).

5.2.4. Working conditions of undocumented migrants.

Payment.

Majority of the participants indicate poor payments as a common practice used by unscrupulous employers to treat their employees. Besides, the cases when participants were totally deprived their payments are also mentioned in the testimonies.

“He promised me round 90 SEK but when I finished he paid me fewer, he paid me round 60 SEK. So, he said that he doesn’t have money now and so on. I insisted, but you know, you don’t have any right here to say something. If you work “black”, you always have problems in the end, and the problems are with money, it’s for sure” (IP 1).

“Job was not very well paid. But it is like a “mutual agreement”: since the employer knows that you are undocumented, they take an advantage of it. I got like 50 SEK per hour. When an employer knows that we work well s/he can raise the salary which is very good. Those employers who are in cooperation they spread information about workers.After that I was

working in the cleaning company for 100 SEK per hour. After this job I came back to sewing. I earned like 500 SEK per day and I worked every day working 10 hour per day” (Rose).

“Each of us got 25 SEK per hour. Many times the employers didn’t pay money that they promised. In case when employers didn’t pay, we could not complain because it was “black” job” (Ivan).

“The first job I did was in the restaurant. My salary, if I can call it salary was from 25 to 45 SEK per hour. One time when I counted money, I saw that it was not enough, like maybe he didn’t pay for one hour of work. I complained to him. He was very surprised because it was not a big amount of money. But why should I ignore this? I was working so they have to pay. Of course, they can always call to migration board to threaten us. So, he said that he is not going to pay me more and then he said that I can leave if I want. I said “ok, I will”. He was so astonished. He might have thought that I would ask him for forgiveness, but I didn’t. And why should I? I have dignity too! Even if I am woman which should not be a matter...The next job I did was in the salon. I worked as a barber as I am a barber by profession from Iran. I was working for about one year, then three months. My salary was not very high: round 100 SEK per day” (IP 4).

“They (Iranian family) helped me to get the job in pizzeria. It was a good job but not “good” money. I earned round 1000 SEK per week. After two months when I learned how to cook pizza I changed the work. There is established network among pizzerias, so I got the other job. Employer was also an Iranian guy. I earned round 40 SEK per hour. It is a common price in this industry...Right now I am working as a taxi driver. I knew some people do it, so why not me? I work only for about 3 or 4 hours per night, but I earn much more! I earn round 500 SEK per night and I know that there is nobody who could press me. I am an employer for myself. And the work is not hard” (IP 5).

“I earned in this pizzeria for about 5000 SEK per month which was quite “ok” for me” (IP 8).

“I have worked in the restaurant for some time. Some friends from Syria helped with the job in cleaning. The money he (employer) paid was very little. And you can’t complain because the work is “svart” and when you live undercover. Many times employers promised but paid half or nothing... After that case I have found the job in the store. I love this job. He (employer) is such a nice man. He understands the situation” (IP 6).

Moreover, one of the participants discloses some information about the system of payment within pizzeria branch. It is characterized by unstable and poor payments:

“My first job was in pizzeria. For the first time I didn’t know how to make pizza, so I earned very few money. I have got something like 100 per day or 3000 SEK per month...(later on) I told to my employer that I will work in another pizzeria. I have learned how to bake pizza. So, my new employer asked me to show what I can do, and he told me that he will pay me certain amount. I earned for about 50 SEK per hour this time. It was good money though...the common salary varies from 10 SEK per hour to 50 SEK, sometimes to 75 SEK. The other system of payment could be per day: 100 SEK per day, for example” (IP 7).

Summing it up, payment appears to be the most important measure for undocumented immigrants to value work, since they and their families have struggled to survive. Alongside the fact that most of the interviewed individuals were paid low, their payments incredibly varied segments of the labour market.

Hours of work.

Duration of a working day in most of the testimonies is characterized by long hours.

“I have been working almost the whole summer there from 07:00 to 18:00. We didn’t have any weekends because earlier you finish earlier you get money, right” (IP 1).

“I worked 10 hours a day. It is always about the money and the kind of job you do. As for the weekends or other conditions like maybe duration of a working day, well, more you work more you earn” (Rose).

“We have been working for 3 days, for 72 hours” (Ivan).

In regard to days off, it is not appeared to be an important issue for majority of interviewed undocumented immigrants.

“I didn’t have any weekends. I was working the whole month with probably 2 days off. My working day started early, I was working for about 10 hours per day” (IP 7).

“However, I was working without weekends and the working days were very long. But I didn’t care about it that much. I had my salary and that’s it” (IP 8).

Besides, one of the participants of the study narrates about exhausting working conditions characterized by lack of staff.

“I worked in the lunch restaurant from 11:00 to 14:00. There were from 200 to 300 clients per day. Can you imagine? We were only three people? Can you imagine what happened there? I had to work for two persons in order to serve the clients. All clients looked at me all the time because they saw how nervous I was” (IP 4).

Workplace health and safety.

Albeit the fact that not all the participants share about safety and health at a work place, still few of them emphasize that they did not have any problems with the issues concerned. The financial side of the employment is prioritized amongst others.

“The work environment was very well” (IP 7).

“I was working in “ok” safe conditions. It is not about the conditions, but about money, believe me” (IP 8).

However, one participant shares information about health complications caused by long working days.

“My friend got really sick that he needed operation. After three days my friend got an infection in his legs. The reason might be that we carried very heavy things, everything” (Ivan).

Working conditions of undocumented workers in regard to health and safety at a work place do not specifically differ from other workers.

Freedom of association/the right to organize.

Majority of the participants are very reluctant to contact trade unions because of fear to be expelled and/or unawareness about what trade unions' competency is.

“You cannot contact any organization here. Trade union? No, well what do they do? I can be deported if I go there you know. Can you give me the name of any so I can check it? I don't know if I would contact them, maybe if I know for sure that they will not deport me after that, I would. Well, I didn't know anything about it. But usually workers get money somehow from that employer who lied to them and sometimes didn't pay money. I have heard that they (abused workers) went to Skatteverket(Tax Office) and told about that employer and so on. But still I mean that they didn't get any money you know but they just satisfied their angriness” (IP 1).

“We didn't contact any trade union. If we tell this to polis, they can arrest us and deport to Iran. It's not the worst that we are here, working hard. The problem is that we came from the government which is killing people” (Ivan).

“Everything depends on the legal status, persunnommer. So, any conflicts with employers are solved by “agreement” between me and him. How can I contact any trade union if I know that I am illegally in the country? I know some cases they helped when people have documents, but not me” (Rose).

Following the testimonies, no interventions on behalf of interviewed undocumented workers were carried out by any of trade unions.

Force at a work place.

According to the testimonies, force at a work place is used by employers to keep undocumented workers under control.

“I know that many girls worked in his restaurants. I am more than sure that the work is not limited to the restaurant services, rather extra money are earned by prostituting. In more cases the girls are initiators of such “cases” because they need money. They never share their experiences with anyone. They fear to be caught by the polis that is why they keep it to themselves”(Rose).

“We, women, are in much worse situation than a man. I talk about Iranian culture. I am not sure how it is in other cultures. We are always under pressure, both from an employer and from the ethnic community. Employers use different ways to lower the salary: religion, gender, language, etc. For example, it is common when he (employer) asks you about relationships, you know, what I mean. If you reject, after several days you are unemployed. First of all, employers from Iran know that we, women, are silent about any abuse because of the ethnic and cultural rules, and because we are weaker. They also think that we might not know the law well, so they lie often. You have to keep everything to yourself. If you expose some information about relationships with the employer, you will be looked upon as a whore by the Iranian community. They use direct and indirect force in order to lower the price for you as an employee” (IP 4).

Two of the male respondents stress that they were forced to work threatened by employers to inform authorities. Any disputes that occurred were solved by accepting the employer's conditions.

“The problem was not the money at that job but the days off, because I could not get sick (smiling). I was working here for about 4 years. Can you imagine the situation when you are sick or don't feel well, the employer says that you have to come. This is the problem that we don't have any rights here, any rights at work. It doesn't mean if you know somebody here or not. Employers especially press when they know that you don't have the “papers”. The reason is that they can call the police or Migrationsverket” (IP 5).

“I didn't have any problems with employers at these two jobs. But when I worked in other places, other pizzerias or cutting the trees in the private territory, for example, they didn't pay. I have worked a lot at one place and I didn't get the salary. They said that they will call the police. I was mad... I had no choice because what was the reason to beat them up?” (IP 7).

As it is stressed by the respondents, direct and indirect kinds of forces are practiced by employers to force them to work. Sexual harassment is emphasized to be a common way for unscrupulous employers to approach undocumented female workers. Any of the respondents were victims of sexual abuse, but all of them have mentioned that the chance to be abused is much higher for undocumented female workers.

Non-discrimination.

Female participants narrate about discrimination on the basis of age.

“As I mentioned I was working in the cleaning company, where the employer was originally from an Arabic country. He is a very rich man, owning several restaurants in Stockholm as well as several cleaning companies. When I came to the interview, he told me that they needed young girls not older than 25-30 years old. Moreover, the girl should look “beautiful”. These criteria were for the work in the restaurant which I didn't qualify. Since I am much older than 30, I had to clean” (Rose).

“It is quite hard to get the job here. Especially, when you are not young, when a man gets older, then it is much harder. They (employers) need young people” (IP 4).

Accordingly, discrimination on the basis of age is notified only by female respondents.

Chapter VI. Discussions and conclusion

6.1. Discussions

Nowadays exacerbating political unrests in the Middle East and North Africa have caused considerable intensification of migration fluxes in the whole world. The populations are compelled to drive out from their homes to seek for shelter in safer and democratic environments for them and their children. In spite of enormous inflows, particularly into Europe, as a host continent, EU member states endeavor to enhance external and internal borders control alongside restrictive measures within the country pursuing to manage immigration processes. However, such restrictive policies may heighten levels of undocumented migration. According to the findings of this research, the interviewed individuals have gained status “undocumented” or “stateless” after considerable time of residing in Sweden. Moreover, most of them have used the legal ways, such as tourist visas and/or seeking asylum, in order to immigrate to Western Europe. Currently being undocumented, the participants of this study have experienced the transitions of the migration statuses for several times. The analysis of the findings reveals that the status “undocumented” is a “waiting period” for individuals struggling for any opportunity to legalize the status. Frequent transition of the migration status may definitely confirm the fact that undocumented migration is a “by-product” of intensified restrictions of migration and asylum policies (Barbara, 2004, p. 200).

Curtailments for undocumented migrants to enjoy the social rights in the host country appear to be the essential components of implemented restrictive policies (Cholewinski, 2005, p.73). Thus, undocumented migrants are circulating in informal networks pursuing work, accommodation and other services. Departing from the necessity-based approach (Engblom, 2010, p.2), informal labour market is the only option for undocumented migrants to survive. Seeking a work in an informal sector appears to be rather challenging and risky path. This study accordingly suggests that the correlation between migration status and position of undocumented individuals on the labour market is direct and obvious.

According to the results of this research, undocumented immigrants pursue employment, first of all, by developing social connections within ethnic enclaves. The findings agree with researchers Erdemir&Vasta (2007) and Vuddamalay (2007) upon ethnic communities to be a threshold to integration of undocumented immigrants into labour market of a host country. Decision to pursue work by developing connections with ethnic communities maybe predetermined by several factors. First of all, representatives of ethnic enclaves speak the same language as well as they share the same culture and, probably, religion. Mechanisms of cultural and traditional relationships might be attributed to solidarity with ethnic communities (Erdemir&Vasta, 2007, p. 311). Departing from social capital theory by Putnam (1995), solidarity may be regarded as a generator of social capital for undocumented migrants. With other words, it may facilitate a “mutual agreement” between an undocumented migrant and an employer from his/her ethnic community. On one hand, such “mutual agreement” would benefit an employer by providing

cheap labour force, and on the other hand, an undocumented individual would get a job. Driven by solidarity social networks of undocumented workers are characterized by exploitative conditions and informalization processes (Erdemir & Vasta, 2007, p. 311). The findings suggest that by time passing undocumented individuals learn Swedish language, they start seeking job in other ethnic communities. However, economic conditions of undocumented workers may not improve by simply changing employer from another ethnic community.

While interacting with ethnic enclaves, trust appears to be a valuable commodity (Vuddamalay, 2007, p.290). The research suggests that ethnic communities, as a source of social capital and social capital in itself, incorporate trust, which may entail more successful integration of undocumented migrants into ethnic networks. Following the testimonies, trust to people around is extremely valuable condition for survival. Therefore, many undocumented individuals have to develop “artificial” or non-existing trust in order to somehow integrate into the ethnic communities pursuing certain benefits. As the findings show, trust to ethnic enclaves may be deformed by interventions of private agents, who bring misleading information in regard to job opportunities, or deceive seekers on money. By breaking trustworthy relationships, the strategies of undocumented individuals pursuing work may become much more challenging and unsuccessful.

Strategy to seek work in ethnic enclaves may be also attributed to the composition of Swedish labour market. Foreign labour is unequally integrated within different segments of Swedish market. Certain spheres, such as restaurant business and construction, for instance, are enormously represented by immigrant workers. “Over representing” of international labour in certain segments of the labour market enhances its connectedness to ethnic communities. Furthermore, seeking for a work within ethnic enclaves is determined by connections of ethnic communities to informal labour market. I would argue that connection of ethnic communities with informal labour market is attributed to the process of “informalization from above” in accordance to Slavnic (2007). Since Swedish approach to integrate immigrants into labour market has not fully succeeded, significant scale of immigrants stays unemployed. In this case informal labour market may function as “way out” mechanism to survive. As a result, embedded into formal labour market and often presented by ethnic communities, informal labour arenas foster the work strategies of undocumented immigrants.

It is worth noting that mobilization of the strategies of undocumented immigrants pursuing work can be fostered by transnational networks, mostly functioning within certain ethnic communities. This study confirms the findings of Hviid (2010), who claims that “transnational networks provide social safety nets and possibilities of getting information, jobs, documents and vital loans” (p. 193). Regarding work seeking strategies, transnational networks are mostly utilized by economic migrants rather than asylum seekers. However, development of transnational networks does not necessarily guarantee work in a host country rather it can break expectations and deteriorate the situation of a migrant worker. Bringing misleading information to work seekers, translational networks lose the element of social trust, although appearing to be the only source of information and connections. Moreover, transnational networks can be latently misused by criminal figures involved into human trafficking and prostitution.

The findings of this paper also confirm that undocumented immigrants develop the strategy to seek for a work via communities in churches. Few decades ago social assistance and care has

been performed only by church's servants. Therefore social trust to church even nowadays might be among those factors pushing undocumented immigrants to search for help particularly in such fellowships. At the moment the only place for undocumented immigrants in Gothenburg to receive food, clothes, medical care and spiritual support is Bergsjön Kyrkan. Alongside these formal services, Bergsjön Kyrkan as any other church in Gothenburg is a place to develop social contacts and thus to seek a work. Moreover, church embraces huge diversity of nationalities which makes the work seeking process more successful on one hand but competitive on the other.

Competitiveness among undocumented immigrants functions in a similar way as it does for those in a formal labour market. Since the demand from the labour market targets certain branches, as it was highlighted above, it predetermines further development of certain needed skills and experiences. Thus, it brings the element of competitiveness into the work strategy of the seekers concerned. "Informal labour markets require much more active role for undocumented individuals than would be the case in regular labour markets" (Inghammar, 2010, p. 210). Bearing in mind that Gothenburg is a comparatively small city, the competition to get "available" job might be demanding enough. Therefore undocumented immigrants are invoked to utilize all possible resources. Among others, the ability to develop human capital appears to be the key to pursue job. Personal merits such as communicative skills and fast socialization in a new environment might raise competitiveness of undocumented immigrants.

Among others, knowledge of foreign languages, education, work experience and other personal merits appeared to be important when seek a work. Speaking several foreign languages may facilitate to find a work within ethnic communities. Besides, Swedish language is approved to be the key to a labour market albeit the migration status. Swedish language may expand the opportunities to find work in other ethnic enclaves. Lack of knowledge of the Swedish language might limit the strategies pursuing work. Comparing to migration flows out of former colonies into Europe, the integration of undocumented immigrants would differ in regards to the language. As an example, migrants from former colonies of France or Britain may integrate into the host society/former colony easier and faster due to the ability to speak accordingly French and English languages.

Regarding education, it is not of an essential value for undocumented immigrants pursuing work. However, work experience and practical skills are of a valuable commodity for further economic integration. This merit may be included into a "mutual agreement" managing relationships between an undocumented worker and an employer. Apparently, those immigrants with work experience will receive higher salary comparing to those without demanded skills. Taking into consideration that informal labour market functions in accordance with traditional gender biased mechanisms, development of undocumented individuals' strategies pursuing work significantly depends on gender preferences within every labour branch. The work strategies are formed according to clichés of female/male jobs: women work in sewing and cleaning, while it is common for men to be employed in pizzeria and construction business. This may affect the work strategies of undocumented immigrants, since they would target certain segments of the labour market. It would also have a considerably impact on employment outcomes, since the salary of female and male works differ.

Concluding, one cannot surely state that possessing of some of the merits outlined above, will guarantee the triumph to get a work. However, mobilization of combined merits alongside social capital may inconsiderably facilitate and promote the strategies of undocumented individuals pursuing work. Still, it is impossible to argue for direct correlation between generation of human capital and social capital and employment outcomes. Since trust appears to be an enormously valuable commodity for undocumented migrants, their social networks become rather vulnerable and unstable for those involved. Accordingly, this research corresponds with the study undertaken by McKay and Markova (2009). The researchers suggest that the established human capital and social capital can not necessarily assure better working conditions; neither can it guarantee an access to the labour market (p. 24).

The study agrees with researchers Cholewinski and Gavanoas upon that social exclusion and marginalization of undocumented migrants make them an object of economic exploitation. The findings reflect serious violations of fundamental human rights of undocumented immigrants in terms of their working conditions. Accordingly, the working conditions of undocumented individuals are enormously deteriorated by economic exploitation, long working hours, force and sexual harassment at a work place, unawareness about their labour rights and reluctance of the trade unions to intervene.

Above all, female undocumented workers are subjected to complex abuse on behalf of a male employer. Since undocumented immigrants usually seek for a work in ethnic groups, the relationships employer - employee may be affected by cultural biases. Bearing in mind that female immigrants were brought up in the culture of patriarchy, they might not rebel against the abuse. While economic exploitation is used by unscrupulous employers to save expenditures, sexual harassment is a tool to make a worker obey. Besides, very often female immigrants face discrimination on the basis of age.

However, such violations of the labour right to organize and to collective bargaining of undocumented workers in Sweden should not be justified. Alongside UNDHR (1948) and ICESCR (1966) (Article 7), ILO Convention 143 (1975) (Articles 1; 7; 9 12/g) and ILO Convention 87 (1950) (Article 2) enormously contribute into manifestation of the fundamental human rights and freedoms of all migrants albeit the migration status. Since Sweden has ratified the above mentioned legal instruments, there should not be any impediments in terms of transposition into the national law and further application. Nevertheless, departing from the Co-determination in the Workplace Act (1976:580), the concepts of “employee” and “employment” are considered as fairly wide (Engblom, 2009, p.9). Thus, undocumented workers are to be recognized by the law and thus, are eligible for the labour rights to collective bargaining and to organize.

The findings of this research reveal that serious violations of working conditions of undocumented individuals in Sweden are not fully addressed by the trade unions concerned. None of the interviewed undocumented workers had contact with any of the trade unions. According to the respondents, fear to deportation; lack of trust to any Swedish authority neither to anyone who is considered suspicious; comprehension of trade unions as authorities; unawareness or sporadic awareness of the labour rights; scarce access to trustworthy information regarding legal procedures, - are revealed to be among the reasons for undocumented workers to abstain from seeking assistance in trade unions concerned. On the other hand, “mutual

agreement” can deter undocumented workers to seek help in competent organizations. According to Rose, “mutual agreement” is an essential element of the relations between an undocumented migrant and an employer. Because undocumented migrants are in a tremendous need to earn some money to survive, as it follows from the necessity based approach by Engblom (2009), they may benefit from such “mutual agreement” to the same extent as employers do, searching for extremely cheap labour. Therefore, albeit abusive working conditions, it might be odd for undocumented workers to sacrifice established social capital and work for the sake of their labour rights and justice. However, undocumented workers would be more than willing to contact trade unions to intervene only in case of extreme abusive conditions at a work place. Otherwise, the common strategy for the workers concerned to solve a dispute with employers is silence, implying to endure and accept poor working conditions without complaining to anybody (Hviid, 2010, p. 200).

The study agrees upon the statement made by Holmgren (2009) that promotion of labour rights of undocumented workers to organize, as well as to collective bargaining, is deemed to be rather contradictive and problematic (p. 44). Emanating from the discussion with the representatives of few trade unions concerned, there are a range of impediments for these trade unions to tackle cases of undocumented workers. The discussions convey that criminalization of undocumented migrants albeit their engagement in labour market is one of the main obstacles for trade unionists to argue for any of human rights including labour rights. This argument corresponds to the perspective that PICUM is actively standing for. As it reports, the extreme measures of criminalization of undocumented migrants in Europe jeopardizes their fundamental human rights (PICUM, 2010, p. 68). Despite of such criminalization process, the counter-argument for trade unions to work on behalf of undocumented workers departs from the concept of employment relationships and contract of employment. According to labour lawyer and trade unionist Engblom (2009) and assistant professor of Business Inghammar (2010), employment relationships between undocumented migrants and employers are possible to be legally recognized. Moreover, the fact that the labour rights of all migrant workers albeit the migration status are to be upheld at the three judicial level should dispel any prejudices making the trade unions be reluctant to intervene.

Wrong assumptions concerning applicability of the labour law to undocumented workers as regards the right to organize and to collective bargaining may be also reasoned by the lack of knowledge about international, as well as national legislation, regarding employment of immigrants in a host country. Accordingly, the lack of knowledge results in the lack of the mechanism to tackle the cases pertaining to the protection of labour rights of undocumented workers abused by unscrupulous employers. Since the mechanism has not been speculated by any of the trade unions, those trade unionists willing to work on behalf of the needy may be totally disarmed. Therefore, as the practice of intervention by the trade unions, as well as the Center för papperslösa, has rather short history, the trade unions concerned face enormous fear to be publicly condemned by political opposition and/or their members.

Special attention should be given to the working conditions of female undocumented workers. In accordance to the Convention for the elimination of all forms of discrimination against women (1979), the right to equal treatment in respect to working conditions should be assured for undocumented female workers. Following the findings of this research, the asymmetry of power

within the relations employer-employee causes abusive working conditions, for female workers in particular. The violations of the human rights instruments by employers certainly make working conditions of female undocumented immigrants be alarming signal for trade unions to intervene.

Discussions above give solid ground for arguing that underpinned by international, regional and national legal binding instruments the labour right to organize, as well as to collective bargaining of undocumented workers are not fully upheld in Sweden. The study agrees with researchers Carrera and Merlino (2010) upon considerable discrepancies between the migration policy and the results of scientific researches related to the rights of undocumented migrants. One of the examples of such discrepancies may be the forthcoming Directive 2009/52/EC. Since the Directive omits the definition of exploitative working conditions and therefore undermines the procedures concerning granting workers with the temporary resident permits during court proceedings (Alonso, 2010, p. 10), it will exacerbate the working conditions of undocumented workers. The predominant in EU restrictive approach does enhance invisibility and further non-entitlement of undocumented migrants to any of basic social and economic rights. This paper comes to the conclusion that among any labour rights available for undocumented workers in Sweden, migration and asylum policy is still given priority. Moreover, abusive working conditions of both male and female workers, revealed by this research, are considered as the results of such prioritization of the migration policy above the legal instruments in terms of labour rights.

6.2. Conclusion.

All of the above provides the ground for thinking that strategies utilized by undocumented workers pursuing work and their working conditions appeared to be valuable indicators of the whole concept of migration politics in Sweden in particular and in Europe in general. The complexity of migration politics of EU is exacerbated not only by the recent military rebels and contentious social unrest. Since 2000 EU has experienced enlargement for 12 more member states. It certainly has affected the scale of migration fluxes in EU as well as transit countries. It also had and still has a considerable impact on the range of undocumented immigrants in the countries of destination. Bearing in mind such intensive destabilized political tendencies, as well as natural cataclysms, continuation to implement the restrictive measures in regard to external and internal borders will no longer be effective rather destructive. It concerns especially undocumented immigrant workers who are eligible to practice the right to organize and to collective bargaining accordance to a range of international legal instruments. Allowing undocumented workers to organized bridging undocumented workers to trade unions will provide authorities with valuable information about their hidden life. In a long run, it might lead to legalization of the migration status. Finally, application of human rights based approach to undocumented workers would in fact cultivate sustainable economic development of a country concerned, as it would deter informalization processes.

The research concludes by suggesting a number of recommendations based on existing legal instruments for trade unions, politicians and social actors to consider when formulating policy on undocumented workers:

- ✓ Regarding Directive 2009/52/EC it is necessary to add definition of undocumented immigrant worker. Such an amendment would positively influence further recognition of undocumented

workers as employees in Sweden. As a result, it would foster application of the Swedish labour law to all workers without any distinction whatsoever.

- ✓ Decriminalization of undocumented migrants should be given a special attention by the authorities.
- ✓ International Convention on the protection of the rights of all migrant workers and members of their families (1990) should be ratified.

Trade unions should agree upon:

- ✓ design of the mechanism to organize undocumented immigrant workers in order to promote their labour rights (According to the interview with Asmani Yacine).
- ✓ cooperation with the entities which facilitate the process of integration of undocumented immigrants. As trade unions are to promote the labour rights, such cooperation may, first of all, visualize cases of violations of fair working conditions of undocumented immigrants.

Discussions about integration of immigrants into the Swedish labour market often omit undocumented immigrants and their latent contribution. But will the integration process succeed if certain groups continue living in a “bubble” and working in accordance to the “mutual agreement”.

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Interview guide

1. How old are you?
2. What country did you come from?
3. Why and when did you arrive?
4. Did you contact the authorities when you arrived?
5. Did you know anyone before coming to Sweden?
6. How did you find your first job?
7. Do you trust a person who helped you to find the job?
8. What were the work conditions at each job you had:
 - Wage
 - hours of work
 - workplace health and safety
 - freedom of association/the right to organize
 - force
 - discrimination
9. Have you worked in other places after that?
10. How did you get it?
11. Do you trust a person who helped you to find the job?
12. What were the work conditions
 - Wage
 - hours of work
 - workplace health and safety
 - freedom of association/the right to organize
 - force
 - discrimination
13. Did you contact any organization in order to solve the conflict with your employer?
14. Did you think about to contact trade unions?
15. Do you work right now?
16. What plays the most important role to find the job?
17. How does the status affect your working conditions?
18. What would you like to work in general?
19. Whom do you usually interact with?
20. What education do you have?
21. What work experience do you have?