

in the current social segregation of various immigrant and ethnic minority groups. They are sufficient, however, to allow us to make some recommendations to be made on “best practices” that stand out from the descriptive survey that was presented earlier in this report.

First Recommendation

It is undeniable that the launching, from the 1990's onwards, of a great number of public programs and governmental actions specifically aimed at curbing some of the primary obstacles to integration of immigrant and ethnic minorities, be they directed towards the labor market, the educational system, or guarantee of a minimum income, testify to a great political will to rescue the numerous resident minority groups in disadvantageous conditions from social exclusion. The fact is that no evaluation reports on the impact of these multiple policy programs are available that would allow for even an preliminary assessment of their efficacy. Therefore, the most that can be said is that one of the necessary conditions for eradicating social exclusion does exist--the political will to do so. Whether the various policy programs that are in place are sufficient and suitable or not, is yet to be determined.

Our first recommendation would, therefore, be that at least some of these programs be evaluated before others are launched. If, in human terms, it is indisputable that the budget of the “Intercultural Education” program was put to good use when it was spent feeding young students, it is equally indisputable that the project seemed to have been designed without prior knowledge of the target population and that its main objectives were completely distorted afterwards.

In a country with the highest proportion of poor people of the EU (25 percent), a country with the lowest qualified active population (two-thirds with no or only primary schooling), and one with a recently formed and weak welfare state, public resources will always be scarce compared with the magnitude of the existing social problems and the continual rise in expectations of the population. In this context, careful and expert policy planning and rigorous, professional, and efficient policy evaluation would be the first obvious recommendation to be made.

Second recommendation

We have seen that local and national NGOs play a significant role as partners in the development of immigration policies, whether as pressure groups or by taking responsibility for implementing social inclusion projects, in many cases managing legal and social counseling services directed at the specific needs of the immigrant population. However, NGOs and other foundations working in the field of immigration and ethnic minorities depend overwhelmingly on government financial support for infra-structures and human resources, which may eventually limit the choice of programs to be implemented⁴⁸. Recently, several studies have pointed out the negative impact that such financial dependency on governmental funding may entail, particularly in terms of distortion of objectives and goals that are to be effectively pursued⁴⁹.

⁴⁸ For instance, the Coordinating Secretariat of Associations for Legalization receives annual funding from the Government.

⁴⁹ Revista Crítica de Ciências Sociais (forthcoming).

Based on this evidence, our second recommendation would be that the Portuguese Third Sector try to find ways to be more linked to civil society and to multiple sources of financial support in order to be able to follow its own objectives more autonomously.

Third Recommendation

As the record shows, it seems reasonable to assume that the Portuguese are receptive to cultural transference. In this case, any positive action aimed at diversifying the Portuguese cultural landscape, bringing specific cultural aspects of ethnic minority groups to the Portuguese mainstream, as is the aim of the BATOTO YETU-PORTUGAL, is to be enthusiastically recommended. We believe this type of program is the paradigmatical example of what we recommend as “best practice”. These are programs and actions that will insure in the near future the emergence of a multicultural society, a society where the several ethnic minority cultural identities are just part of the mainstream set of cultural identities a citizen, Portuguese or not, living in Portugal can choose for, and ascribe to him or herself.

PART B : The Economic Incorporation of Immigrants in the Portuguese Informal Economy⁵⁰

By Maria Ioannis Baganha

During the 80's, Southern European countries became for the first time a powerful magnet to a growing number of immigrants coming mainly from neighbouring Eastern European countries and from Africa. Furthermore, while in the EC the stock of the foreign population was growing at an average rate of approximately 2 % per year, in Southern Europe this same process was occurring at the much higher rate of 10 % per year⁵¹, leading roughly to the tripling of the volume of the legal foreign population within the borders of Italy, Spain, Greece and Portugal between 1981 and 1991.

The existence in Southern Europe at the end of the 80's of close to 1.4 million regular migrants and of an estimated 1.3 to 1.5 million irregular migrants⁵² implied that the economic insertion of immigrants in Italy, Greece, Spain and Portugal, was taking place primarily in the informal labour market. Immigrants' prevalent mode of economic incorporation in the informal labour market came thus to be perceived as one of the distinctive feature of the migratory process occurring in Southern Europe.

It was this distinctive feature that lead the MIGRINF research team to raise in their research agenda the following two questions:

Is the high number of illegal immigrants economically incorporated in the informal economy, in Southern Europe, related to some specific inner societal characteristics of Southern European countries? And if it is, does it imply any self-selectivity process at departure, which explains the profile(s) of the immigrants (particularly of the illegal immigrants) currently inhabiting these countries?

The main objective of this section is to answer these two research questions anchored on the empirical evidence uncovered by our research for the Portuguese case, we will particularly rely on the results of our qualitative survey on illegal immigrants which included 33 interviews to Key-informers and 51 interviews to immigrants that applied for regularisation in the Extraordinary Regularisation Process of 1996 (all the interviews were conducted in 1997). However, in order to do so, I need to begin by briefly characterising, the Portuguese labour market, immigrants' economic profiles and economic incorporation, and the main policy options chosen to address the issue of illegal immigrants in the country.

⁵⁰ This section presents a very short version of the work: Immigrants Insertion in the Informal Economy - The Portuguese Case. First Report. December, 1996 and Second Report. February, 1998. These Reports contain the results, for Portugal, of the research project 'Migrants Insertion in the Informal Economy Deviant Behaviour and the Impact on Receiving Societies', co-ordinated by Emillio Reyneri and funded under the TSER-PROGRAM - ERBSOE2.CT95.3005. The content of this section was first presented at the Third International Metropolis Conference

Zichron Yaacov, Israel, 1998 with the title "Legal Status and Employment Opportunities: Immigrants in the Portuguese Labour Market".

⁵¹ Only 10 countries were considered. Figures for 1981 and 1991 in, Sopemi, 1994, Eurostat, 1994 and Baganha, 1996.

⁵² Figures are for 1988/1989.

I will begin by presenting some notes on the evolution of the Portuguese labour market.

1. The Portuguese Formal Labour Market

Under the impact of its entry into the EEC in 1986 the re-structuring of the Portuguese economy speed-up, further deepening the process of terciarisation of the economy that has been going-on since the 1970's. Re-structuring that is well illustrated in the next table, where we present the relative contribution by sector to the Gross Value Added (GVA) for the years of 1986, 1989, 1993.

Sectorial Structure, 1986, 1989, 1993 in % of the GVA

Sector	1986	1989	1993
Agriculture	7.5	6.1	3.5
Electricity	3.8	3.7	4.5
Construction	5.0	5.3	5.7
Manufacturing	31.6	34.2	25.7
Restaurants/Hotels	3.1	2.9	4.9
Services	49.0	47.8	55.7

Source: INE (1993), OCDE- Contas Nacionais (1986 e 1989), in Baganha et al., 1998

Between 1981 and 1995, the effects on the labour market of this economic re-structuring were noticeable and can be summed up as follows:

1. Employment in the primary sector decreased markedly during the all period (-5% per year).

2. Employment in manufacturing shrunk considerably, particularly in the Metropolitan Area of Lisbon, where the most modern industrial activities are located ⁵³. When job creation did occur in manufacturing it took place in the most traditional and export-led industrial sectors. In fact, between 1981 and 1991, 74 percent of the job creation that occurred took place in the Textiles, Garment, Shoe and Leather Industry, traditional industries overwhelmingly located in the Northern regions of the country.

3. Job creation took place essentially in tertiary activities, particularly in the most modern sectors as Banking and Finance, but it also occurred in more traditional branches such as Commerce, Restaurant and Hotel. In fact, the volume of employment in the traditional tertiary activities remained quite significant.

4. Between 1981 and 1991, male employment decreased at an annual average rate of

⁵³ 85 % of all male job losses occurred in this region.

0.3 % while female employment increased at 2.4% .^{54 55}. Between 1992 and 1995, the number of male employed decreased an annual average rate of 1.3 % while female employment decreased at 0.3% (Employment Survey for the given years).

5. Female participation rates are remarkably high ⁵⁶ and show a tendency to increase since job creation seems to tend, in the long-run, to benefit specially female entrance into the employed population;

The first comment this evolution suggests is that it is remarkable that after Portugal joined the EEC in 1986 and that substantial amounts of funds were transferred, such infusions of capital have failed to generate some labour increases in male employment, particularly on construction and public works, where a significant part of these funds were invested on highways, bridges, and other infra-structures ⁵⁷.

Also noticeable is the fact that, particularly for males, if job creation continues to take place in the most modern tertiary activities, which are basically dependent on qualified candidates, and job losses in activities demanding intensive and low qualified workers, a mismatch is occurring in the Portuguese job market.

What essentially means that we should expect prospects to find a job to be high for qualified immigrants and practically nil for unqualified or poorly qualified immigrants.

Lets thus turn to the characteristics of the immigrant population in order to see if their economic profiles are in accordance with the labour market needs.

The Foreign Resident Population

Until the Revolution of 1974, the foreign population was small (around 30 thousand immigrants) and relatively homogeneous in its composition. From 1980 onwards the resident foreign population increased first at an average rate of 6 percent per year and after 1990 at an average rate of 9 percent per year⁵⁸ and became more diversified, not only in terms of countries of citizenship, but also in terms of spatial patterns of settlement within Portugal, age structure, professional status and occupational structure (see Table 1).

⁵⁴ The figures presented in the following paragraphs came from the Census of 1981 and 1991 respectively.

⁵⁵ In fact, while 260 thousand male job disappeared, only 183 thousand male jobs were created; female employment lost 105 thousand posts and gained 438 thousand. In other words, 71,1 percent of the extinguished jobs affected male employment, and furthermore, 77 percent of all the newly created jobs for males occurred in very specific areas Commerce, Restaurants and Hotels.

⁵⁶ Female share of the active population was in 1991 42 percent. Active females between 15 and 64 years of age represented 71 percent of the females in this age cohort.

⁵⁷ In terms of effectives this sector employed 408 345 males in 1981 and 399 310 in 1991, and 325.000 in 30/06/94.

⁵⁸ During the last 10 years the stock of foreign residents increased at an annual rate of 6.4 percent, and became internally more diversified, particularly due to a renewed in-flow from Brazil. Finally, during the last five years, the growth of the foreign population became more intense, on average 9.3 percent per year, and its composition more heterogeneous.

At present, the foreign population, with and without a valid resident permit, is around 200 thousand persons. Furthermore, taking into account the results of the special regularisation that took place during the 90's (1992 and 1996), we may say that around 25 to 30 percent of the immigrant population were illegally/irregularly in the country at some point during the recent past (see Table 2). For analytical purposes the foreign population may be divided into three numerically significant sub-groups: citizens from the former Portuguese colonies in Africa (from now on referred to as citizens from the PALOP⁵⁹); citizens from an European country; and citizens from Brazil. Quantitatively the largest of these groups is formed by the citizens from Portuguese speaking African countries (around one hundred thousand persons) representing more or less 50 percent of the foreign population; ¾ of them live and work in the Metropolitan area of Lisbon, and the most numerically significant nationality among this group is Cape Verdean.

On economic grounds alone the foreign population can be divided into two main groups. The first comes mainly from Europe and Brazil and includes a large share of highly qualified people; the second group comes mainly from the former Portuguese African colonies and includes an overwhelming share of unskilled people.

Accordingly, both Brazilians and Europeans present an extremely biased occupational distribution towards professional, technical and managerial occupations. The percentage of these occupations in total employment ranges from 51 percent for Brazilians to 56 percent for Europeans. Between 1992 and 1995, the corresponding figure for this set of occupations was, for the domestic employed population, approximately 28 %. The relative distribution of the employed population from the PALOP by occupations is, comparatively to the national average, over-represented in the residual occupational category 'workers in industry, transports, construction, and similar' and under-represented in all the others.

In sum, the occupational structure of the foreign population, comparatively to the occupational structure of the domestic population, is both biased towards the top (Brazilian and European occupational structures) and to the bottom (PALOP occupational structure) of the occupational ladder.

Given that the most modern tertiary activities, namely Financing, Insurance and Business Services are increasing considerably. The labour needs of this group of activities may in part explain the growing in-flow that we saw occurring from Brazil and from some European countries, the remained growth, particularly from the PALOP, does not seem to be promoted by the recent evolution of the formal job market, that has been contracting in the very same activities where the immigrants from the PALOP are being incorporated.

This is, it does not seem to be promoted by the evolution of the formal economy, because in order to care for themselves immigrants must be working outside the formal

⁵⁹ The term PALOP means Portuguese Speaking African Countries.

economy and consistently and significantly substituting native labour, the analysis of official statistics leads to no other logical conclusion.

Contention that is not totally unexpected since, as we have seen, around 25-30 % of the immigrants population was at some point residing illegally in the country, and consequently whatever they were doing to provide for themselves it has to be done either in the informal economy or in the illegal economy, since the access to the formal economy is dependent of a social security number and of a valid resident permit, none of which illegal immigrants possessed.

The Portuguese Informal Market⁶⁰

Either to help bridge the gap between expectations and reality, or because "it has always been like this", with no negative stigma attached to informal economic arrangements, and a state tolerant, inefficient and in some cases even an informal employer, the informal economy in Portugal is not a sort of residual economic form, but an integral and sizeable part of the national economy. Undeniably, a well accepted social way of living that touches all socio-economic groups, although patterned both geographically and by economic activities.

In the major cities, namely in Lisbon and Oporto, ample and heterogeneous opportunities for informality exist according to a person placement in the urban social and economic fabric. Thus while for liberal professionals plenty and relatively well economically rewarding opportunities for second activities in Financing, Health, Business Consulting or Education do exist, for young and poorly qualified persons such opportunities also exist but mainly in activities connected with personal, domestic, construction, or retail trade where the economic rewards and the social status attached are low.

In the Northern and Centre regions the traditional combinations, for men, of farming with another activity in industry, construction or commerce and, for women, of farming and domestic work with at-home piece work or factory work in garments, textiles and footwear offer the main opportunities for economic informality, while in the South opportunities for informality are greater for men and women in activities connected with the food and beverage industry, construction and above all tourism (Lobo, 1985:561-562, and Lobo, 1991).

Thus, in the Portuguese case, and contrary to what is happening in Spain or in Italy,

⁶⁰ The content of the term informal economy that I will be using is: the informal economy comprises economic actions that bypass the costs and are excluded from the protection of laws and administrative rules covering 'property relationships, commercial licensing, labour contracts, torts, financing credit, and social security systems'(in Feige 1990:990-992).

immigrants insertion in the informal economy is not taking place in agriculture nor in the traditional, export-led, intensive labour industries in the North of the country. This discrepancy between Portugal and his neighbours will probably be maintained because informal work in these markets constitute a prevailing form of social exchange that have so far rendered these markets impermeable to outside influences.

Instead, abundant economic opportunities are open to irregular or newly arrived immigrants on the major urban areas (see Table 3).

Immigrants insertion in the informal urban economy

The Reports on Internal Security from the Ministry of Interior state, repeatedly, that the overwhelming majority of the immigrants who have an unlawful status of residency are from the PALOP. Thus, for example the Report for 1991 states: "So far, irregular immigration in Portugal, seems to be, in the overwhelming majority of the cases, more the result of a lack of complaisance to the formal legal procedures than the result of network of recruitment of clandestine immigrants⁶¹. Among the immigrants economically active in irregular situation, Cape Verdeans have the dominant share, followed by the immigrants from Guinea-Bissau. The overwhelming part of the immigrants in these situation work in building and construction—men—and in domestic services—women—and live in the suburban areas of Lisbon/Setubal and Oporto, as well as, from the mid-80s onward in Faro and Braga."⁶²

The official portrait of illegal immigrants in Portugal as mainly overstays from the PALOP, that inhabit the suburbs of the Metropolitan Area of Lisbon, and work in building and construction, if males, and in domestic services, if females was repeatedly confirmed during our qualitative survey on illegal immigrants. In fact of the 28 male respondents from the PALOP, 23 worked in construction while of the 14 female respondents 7 worked in cleaning or domestic services.

Perhaps more important is the fact that all the studies conducted in the last decade on this topic have consistently revealed that to work in the informal market is, indeed, the prevalent mode of economic incorporation for immigrants in Portugal, particularly male immigrants from the PALOP have shown to have, regardless of their legal status in the

⁶¹ It is also referred, in these Reports, that the usual practice for the immigrants from the PALOP is to enter the country with short term visas, and only after being in the country, when they do not simply overstay, to request a permit of residency. This practice was much more used than the request of a consular visa. Such a practice, was made possible by the special provisions conceded in article 15 of the Law 264-A/81, which was so widespread, that even when article 5 ceased to exist, after the revision of Law 264-A/81 was done in the Law 59/93, and residency permits could only be issued by a Consulate abroad, still the number of requests in the country were higher than the number of requests in the Consulates.

⁶² The Report for 1994 stated: "Immigrants continue to prefer the clandestine path to remain on the national territory, this is they enter with a tourist, a business or a transit visa and they do not leave the country at the end of the period of validity of their respective visas."

country, an extremely high level of concentration in Construction and Building, and a much higher propensity to be incorporated in the informal market than the domestic population or the remaining immigrant population ⁶³.

A survey conducted last year on active immigrants in Portugal revealed that 47 percent of the men and 21 percent of the women worked without any type of contract, and that the percentage of males working without contract in the Construction and Building sector attained the astonishing value of 74 % ⁶⁴.

The distribution by type of contract was, in percentage, as follows:

Type of contract	Men	Women
Permanent	20.4	33.9
Fix-term	27.8	32.1
Temporary	0.9	0.0
Independent	1.8	10.7
No contract	47.2	21.4
Total	100.0	100.0

Source: Baganha, Ferrão and Malheiros et al., 1998 (unpublished data)

Type of contract	Construction
Permanent	3.7
Fix-term	13.0
Temporary	0.0
Independent	9.3
No contract	74.1
Total	100.0

⁶³ Members of the Angolan community do not hesitate to estimate in 50 % or more the share of students from Angola that complement their incomes by working informally in construction either during a part of the year or all the year around, particularly during periods when remittances from home are difficult or impossible to transfer (Key informers interviews)

⁶⁴ Several other studies confirm these findings, thus, for example, a survey, also conducted last year, but in the Oporto Metropolitan Area, the percentage of active immigrants working without contract was also over 40 percent (Luvumba et al., 1997). Other surveys, although not totally comparable with the previous example since they target ethnic minorities and not exclusively immigrants reinforces what is being said. In fact, on a survey on the Cape Verdean population (this is, Portuguese citizens born in Cape Verde as well as Cape Verde citizens) (França, 1992:130-133) conducted in 1986, 26 percent of the working men and 37 percent of the working women worked without a contract, while a survey on ethnic minorities inhabiting urban degraded houses conducted in 1990 (Costa et al., 1991:62), refers that 75 percent of the active population hold unstable jobs; 47 percent had no contract, and of the remaining 20 percent had fixed term contracts. 55 percent of the men worked in construction and public works (41 were skilled workers and 35 were unskilled workers); 64 percent of the women worked in personal and domestic services, essentially as cleaning houses activities (Costa et al., 1991:62, 72, and 111).

Source: Baganha, Ferrão and Malheiros et al., 1998 (unpublished data)

In sum, considering the evidence so far presented (namely, the set of economic activities where we found the highest rates of non-declared employment and the distribution of the foreign resident population by occupations and countries of origin), as well as the results of the special legalisation of 1992, immigrants insertion in the informal economy may be summarised as follows:

1. When working in the informal economy Europeans tend to do so in Financing, Insurance and Business Services and in Social Services (namely Health and Education).

2. The Brazilians working in the informally economy tend to be connected with Financing, Insurance and Business Services (particularly marketing), and in Retail Trade, Restaurants and Hotels.

3. The citizens from the PALOP (exception made of the nationals from Mozambique), when working in the informal economy do so overwhelmingly in Construction and in Personal and Domestic Services.

The construction sector: the meeting ground of the main migratory dynamic

Clearly, Construction and Building is indeed, the sector where the insertion of male immigrants is essentially taking place. A finding that is not in itself particularly interesting, since this sector has been repeatedly pointed out as a main entrance door for newly arrived immigrants to the labour market of almost all receiving countries. What is interesting, in the Portuguese case, are the peculiar dynamics that are fostering this process which are substantially different from the ones usually described in the literature on this topic.

In fact, Portugal's full membership to the EC, particularly after 1986, had two main impacts in this sector. First, it allowed Portuguese construction and building firms to sub-contract their labour force within the EC space. A strategy that, particularly after the fall of the Berlin Wall, has been driving abroad several thousand workers each year, reducing the available domestic labour force in the country. Second, simultaneously with this accrued demand for construction workers abroad, Portugal full membership to the EC brought to the country substantial structural funds, of which a very sizeable share was applied to public investments in infra-structures and public buildings increasing temporarily the need for labour in this sector.

The combination of these two situations opened up numerous opportunities to Portuguese firms in this sector, some of which to profit fully from the ongoing boom at home and abroad resorted, in Portugal, to informal hiring, and to sub-contracting to informal firms, and by sending abroad their formally hired workers. Such situation

attracted or at least opened up numerous opportunities for incoming or recently arrived illegal immigrants, above all in the Lisbon Metropolitan Area where immigrants, particularly from the PALOP's, constitute a sizeable share of all the labour force in this sector bridging the way for the new arrivals.

The end product of the present situation has been a marked growth of informalisation, increasing substitution of the domestic labour force by immigrants, and a growing ethnicization of this sector of the economy.

Our perception of the main dynamics that are currently fostering immigration to Portugal, was further reinforced by the opinions of a key informer, trade unionist, who described the functioning of this sector as follows:

"(...) the illegal situation of workers, illegal work and unstable work, and of workers who already were in an irregular situations, makes this industry a 'dumping place'. Interestingly, Portugal within Europe is in a *sui generis* position because workers continue to emigrate to Europe in a new situation called 'workers transfer'. The building and construction workers emigrate to Germany, which becomes host to millions of workers for big public works. This migratory between the Portuguese who emigrate and Portugal receiving immigrants is *sui generis*. What we note is that this constitutes social dumping. Social dumping in the following way - the Portuguese here feel pressed by the arrival of immigrants. They feel pressed in the building and construction sector because their own salaries are affected by the lower salaries that the immigrants are prepared to receive, particularly in unskilled activities and so they emigrate to Europe. In turn, they earn salaries lower than the minimum in the countries where they work temporarily for 3 or 6 months which affects the entire chain and confirms a global lowering not only of salaries, but also of work conditions, hygiene and security at the work sites..."

The Processes of Regularisation of 1992 and 1996: Political Discourse

The obvious questions, these findings raise are why does such a large number of persons 'prefer' to remain illegally and to work informally in the country, and how is such situation possible? Leaving a side the bureaucratic complexities that may deter some people, and the slowness of public services, that some of the Key-informers argued was the major reason why a significant number of immigrants, who requested their regularisation in 1992, saw themselves again in an unlawful situation soon after 1993⁶⁵, several other reasons seem to be at play. First and paramount to all the others, is the perception that it is 'easy'. As a Key-informer stated "Portugal is not France, where it is difficult to over stay because

⁶⁵ It is interesting to note on this topic that the Internal Security Report for 1994 has the following statement: "Only in 1994 the regularisations [from the process of 1992] were included in the statistics, because many of the situations were not yet regularized due to lack of care of the foreigners or because inquires to verify eventual situations of fraud. The increase in the number of residents did not at all correspond to the number of legalized persons put forward by the media (39.166). In fact, during the year of 1994 there was just an increase of 16.091 residents.

there are controls". One of the immigrants interviewed, stated practically the same thing: "it's comparatively far easier to be illegal in Portugal than in other European countries." It is so easy that several of the Key informers and of the immigrants interviewed do not hesitate to indicate only two situations in which one is seriously at risk of being detected. These two situations are: travelling on a train without a valid ticket; and having a fight in a bar or a disco where police intervention is requested⁶⁶. The opinions expressed by the Key informers received further confirmation in the statements of the immigrants interviewed. In fact, of the interviewees, to whom we asked if they have ever been asked to show their documents, either in a public or in the work place, only 8 in 46 respondents have been asked for their documents and, except for two of the Chinese respondents, these 6 respondents were asked for their documents in one of the above referred situations (on trains or discos), what mainly indicates that neither random controls of the population in public places, nor labour inspection are frequent or/and efficient.

Given that the risk of being expelled for unlawful permanence in the country is below 0.3%, the opinions of the key informers, and the experiences of the immigrants that lived through an unlawful stay, it seems reasonable to reach a first conclusion: it is safe and it is easy, particularly for immigrants from a Portuguese speaking country, to live and to work in an unlawful residency and work status. It is safe because controls are few, and when they do occur they mainly fail to bring sanctions to the immigrants detected in an unlawful situation, as the number of expulsions compared to the number of illegal immigrants in the country abundantly confirms. It is easy because, since there is no fear of being detected, no special care (except when travelling on trains without a valid ticket, and when getting involved in fights in public places that may give cause for police intervention) is needed. It is also easy because gaining access to the labour market is not dependent of having a legal residency in the country or a work permit.

The statement that was transcribed from the Report on Internal Security for 1991, and which portrays the illegal immigrants, if male, as a construction worker from the PALOP, was repeated over and over again during the field research⁶⁷. The overwhelming majority of the male immigrants from the PALOP interviewed were, in fact, working in building and construction. The driving forces behind this situation can also be gathered from the statements of the interviewees, and it can be summarised as follows. Because, many legal immigrants and former immigrants are well integrated in this sector⁶⁸, contacts

⁶⁶ One of the key-informers added to these two situations, a third one, to go to the emergency service of an hospital, it seems that no one detected without valid documents or undocumented was ever expelled. We believe that what this statement suggests is that most probably any immigrant with an unlawful residency status will deter any contact with the emergency public health system (the only service where a police is always present) as much as he/she possibly can, more for a perceived fear than for the real danger that such contact would entail.

⁶⁷ In fact, one of the main findings of our interviews to Key -Informers is that the overwhelming majority of the interviewees equates the term immigrant and immigration with *immigrant and immigration from PALOP*. Even when the interviewee was knowledgeable about other flows, only exceptionally would he/she volunteer comments and observations on the immigrants and on the migratory flows other than from the PALOP, and only when directly questioned on other immigrant groups would he/she broaden up his/her comments and observations.

⁶⁸ On this topic it was particularly revealing the interview with the Associação Cabo Veridana, since this key informer made during the interview a historical overview of the community (transcribed later in this report). On this topic see also

to get a job for a new comer are easy and usually done within the inner group, offers are abundant, no legal requirements are made, such as the 'proper papers', no qualifications are necessary, and no fear of being caught by labour inspectors exist. In fact, it seems to be very few objective reasons for fear, since as a former head of the labour office stated, when evaluating the performance of the labour inspectors, when an illegal immigrant is detected in a construction work site, he will just change to another construction site the next day, and the labour inspectors will not find him anymore.

Furthermore, positive discrimination, or in other words, the ethnicization of this economic sector of activity is taking place reinforcing the status quo. As a key informer from a trade union stated: "there is a kind of perverse positive discrimination [in construction and cleaning], that is the preference for immigrant labour in these areas." Or as a member of the Parliament, during the debate on the last process of regularisation, and who was the member of the government responsible for the regularisation process of 1992, stated: "The labour market issue is far more complicated since the existent law is done for the formal economy not for "contractors and sub-contractors" that do not exist legally and furthermore are very frequently run by citizens originally from the PALOP, who live illegally and have created an infernal net in which the humanity and the rights of the immigrants get vanish."⁶⁹ A statement with two remarkable features, the first is the identification of immigrants insertion in the economy with only one sector, the construction and building sector, and the second is the ethnic dimension given to the perverse functioning of the sector.

The next obvious question is what is the rationale for the state apparent lack of efficiency in controlling unlawful permanence and the economic incorporation of immigrants? In a more or less elaborated form "the government will maintain them [the illegal immigrants] till the public constructions are done", or "when the country will not need them, they will be kicked out" the dominant opinion, both among key informers and immigrants, is that the government is not an innocent bystander or a powerless agent but an interested part in the maintenance of the situation. If that is so, and we certainly put forward the same idea in previous works, and even the current Government seems to accept this view—in fact the Secretary of State of Interior, during the debate on the Parliament that preceded the last process of regularisation, stated: "We need to know better the needs of our economy in order to be able to establish rational bilateral agreements between the two people involved (the Portuguese and the PALOP) and to reinforce our own controls, be it in the area of the Ministry of the Interior (borders and permanence) be it in the combat to illegal labour, in the supervision of public construction contracts and in all these fields in which the Portuguese society is compliant and in which, in one sort or the other, profits from the non dignified conditions that tolerates, in order to take advantage and simultaneously be able to endorse either repressive or compassionate discourses."⁷⁰ -- What then is the rationale for the Special Regularisation of 1996? Was this process just a way of

Monteiro, 1995:39.

⁶⁹ In, *Diário da Assembleia da República*, I Série, N. 53, March, 1996:1698.

⁷⁰ In, *Diário da Assembleia da República*, I Série, N. 53, March, 1996:1691.

monitoring the evolution of the foreign population, or a change of political orientation (a real first step to insure immigrants' social rights), or a mix of both?

In our opinion, the existence or non existence of illegal immigrants in the country, does not have, as some of our respondents claim, to be necessarily dependent of the evolution of the building and construction sector, since bi-lateral agreements for the temporary transference of labour from the PALOP already exist, which if implemented may benefit everyone involved. In our opinion, the existence or non-existence of illegal immigrants in the country will essentially depend of the effective control of the borders, of a clear and co-ordinated policy on the granting of Visas, and of the effective regulation and control of the labour market. And until the government's practice on these matters reveals itself, it will be impossible to know if the process of Regularisation of 1996 served only to monitor the foreign population in the country, or if it represented a real attempt to change of the existent and perverse situation, and thus corresponds to a real change in political orientation.

It is probably too soon to evaluate the political rational of the last process of regularisation. It is, however, possible to evaluate the process of 1992, since regardless of the apocalyptic tone employed by the government, and supported by the government's party, concerning the need for tighter controls in 1992, no efficient measures were taken to reduce the number of illegal immigrants in the country, nor to detain new ones from settling in. This reality, well documented by the evidence presented on expulsions, received further confirmation in the statements of our respondents, who perceived well and profit from the situation. In fact, the majority of the immigrants interviewed (57 per cent) arrived in the country after 1992.

Furthermore, although, when asked why Portugal was chosen as the country of destination, the majority of the respondents answered that Portugal was chosen because it was the country where family and friends were, the country with colonial links and the same language. Still, other respondents also answered that they had chosen Portugal because it was the only possibility they had to become legal, and others because it was easier than in other countries, namely France, Germany and Holland.

In sum, it seems that the perception of Portugal as a country where it is possible to get regularised, where it is easy to reside and work informally was in fact determinant for at least a part of our respondents when they chose the country of destination. Does this fact have any impact in the type of illegal immigrants who come to Portugal?

Before we attempt to answer this question, we need to consider the main types of illegal immigrants we were able to uncover.

1.2 - A Typology of Illegal Immigrants in Portugal

Currently, Portugal seems to be attracting four types of illegal immigrants. We

labelled these types as follows: the transient; the overstayer; the uprooted/explorer; and the entrepreneur. The first type, for obvious reasons, was not documented on the interviews with immigrants, and we mainly constructed it from the Reports on Internal Security, all the other types were well documented in the interviews that were conducted.

A Typology of Illegal Immigrants in Portugal

Type 1 - THE TRANSIENT

For this type of migrant Portugal is simply a gateway to other destinations.

Examples of immigrants pertaining to this type of flux are:

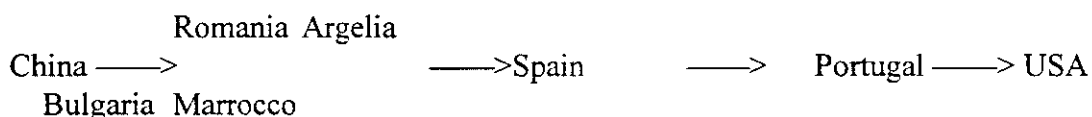
Romanians in route to USA or Canada

Chinese in route to USA, Canada or Germany

Bulgarians in route to Spain

This type of transient illegal migrants move usually inserted in complex and well organised webs oriented for profit. The more complex descriptions of this type of organisations described on the Reports on Internal Security concerned Chinese migrants. Two cases were described. The first case the diagram path was as follows:

Journey



For the falsification or usurpation of identity the web counted with corrupted government officials both in Guinea- Bissau and Guinea-Conakry, and with the usual difficulties of the authorities to discover differences, between the photo in the passport and the holder of the passport, to obtain visas to cross the borders.

The second case described, the journey was done from China to an European country and from there by land to Portugal usually in the company of a member of the web of traffickers of migrants (some of our Chinese respondents used exactly this same process, but remained in Portugal). From Portugal the migrants would follow to USA or Canada.

The web used counterfeit passports from Japan, Singapore, Korea, and USA.

2. THE OVERSTAYER

Given that the overwhelming majority of immigrants in an unlawful situation are immigrants from the PALOP who enter the country with a short-term visa and just remained afterwards.

Inserted in a wide network active at both ends of the trajectory, he/she will 'disappear' in a highly concentrated residential area of the MAL where members of his/her inner-group already inhabit.

Mainly from a rural origin, and with very low educational background, this type of immigrant will be economically incorporated in building and construction.

The overstayer is part of a process of chain migration from the PALOP to Portugal, who just fails to comply with legal formalities.

The major difference between the legal immigrant with similar background from the PALOP and the overstayer is that the last is trapped, economic sectorial mobility is blocked, and exodus from the community and the inner-group, even if desired is practically impossible.

3.THE UPROOTED/EXPLORER

We include in this type mainly the young adult males from Angola. Like the previous type, these immigrants entered Portugal with a short-term visa and remained after the term of their visas has expired.

Of urban background and when uprooted (running away from army drafting) these immigrants can not count with the support of their own community of origin already established in Portugal because, the main stream in this community is an MPLA supporter.

Regardless of their higher level of education when compared to the overstayer, this type of immigrants will also only find employment in building and construction; activity they are ill suited to perform or to accept.

This type of illegal immigrant was the only type the researchers found who showed some propensity to get involved in criminal activities and deviant behaviour. In fact, of all our respondents only three (respondents number 27, 28, and 47) related problems with the authorities and the Portuguese justice. In common these respondents had the following characteristics: they were all from Angola and from Luanda, they were all students when they migrate to Portugal, and they all committed robberies and where condemned to prison for less than one year.

4.THE ENTREPRENEUR

In this type we include all our Chinese respondents.

These types of immigrants enter usually the country with the assistance of an organised web of traffickers of migrants, either undocumented or with documents belonging to someone else. Their journey is done directly from China to Portugal and with a concrete project: to succeed economically.

These immigrants work without wages to pay their journeys (in the case of our respondents the time to repay the trip and assistance was three years), and afterwards save their earnings to set themselves into business (one of our respondents had already succeeded to do so). They rely on the support of the group and also of their employer, both for capital and legal problems.

From urban background, educated and from middle or upper class, to these immigrants more relevant, than the country they come to, is the realisation of their own/family project (two of our respondents stated they were sent by their parents).

The economic incorporation of these immigrants takes place in the economic niche the group controls. In the case of our respondents, Chinese restaurants. To have a formal or informal job seems to be mainly dependent of the immigrant legal status, since the accepted practices and rules followed by the group are inner established and thus have very little to do with the receiving society labour market.

Answering our research questions

It is difficult to disentangle if in the case of 'the overstayer' if the immigrant profile is determined by the country's tolerance towards illegal immigrants or by the existence of a large community able to create the opportunities for the new-comers 'to get lost' while securing him/her ample opportunities to work. It can obviously be claimed that such opportunities only exist given the above-mentioned tolerance. Still, given the fact that 'the overstayer' is part of a chain migration process and that he/she shares the same residential and labour conditions of the majority of the legal immigrants from similar background, it is probably reasonable to claim that this type of immigrants do not present any specific profile when compared to their legal counterparts.

For the other two categories, we would tend to give the opposite answer. In fact, both in the case of 'the uprooted/explorer' and of 'the entrepreneur' we found evidence that there is a connection between the immigrant's legal status, age, expectations/projects, and the specific characteristics of the country of destination.

In sum four main factors seem to be at present determining the prevalent mode of economic incorporation of immigrants in Portugal: 1. The perception that it is easier and safer to live and work illegally in Portugal than in other European countries; 2. The web of information and contacts that immigrants and former immigrants detain in specific economic sectors that are characterised by high rates of informality, wage flexibilisation, and precarious labour relations; 3. The transplant of domestic labour abroad and the vacancies such transplant entails; and 4. The fact that the diffuse future costs implicit in the present situation do not generate sufficient societal pressure to lead the government to change the existent situation, which has clear short term benefits to the economy.

8. Statistical Appendix

Note: In Portugal, statistical data on flows only begin to be published in 1995. For this reason, the available information was not used in this report. Moreover, given the statistical constraints already referred to the analysis carried out was based on stocks of foreign population.

Table 1: Immigrants in Portugal by Continent of Origin, 1980-1997

Year	Total Immigrants	Africa	North America	South America	Asia	Europe	Other
1980	58091	27748	4821	6403	1153	17706	260
1981	62692	27948	6018	8123	1394	18931	278
1982	68153	28903	6855	10481	1663	19924	327
1983	79015	32481	8520	13351	2219	22053	391
1984	89625	37128	9887	15394	2860	23896	460
1985	79594	34978	7987	11567	2564	22060	438
1986	86982	37829	9047	12629	2958	24040	479
1987	89778	38838	8623	13009	3124	25676	508
1988	94453	40253	8338	14645	3413	27280	524
1989	101011	42789	8737	15938	3741	29247	559
1990	107767	45255	8993	17376	4154	31410	579
1991	113978	47998	9236	18666	4458	33011	609
1992**	122348	52037	9430	19960	4769	34732	621
1993	136932	55786	10513	21924	5520	37154	696
1994*	157073	72630	10739	24815	6322	41819	748
1995	168316	79231	10853	25867	6730	44867	768
1996	172912	81176	10783	25733	7140	47315	765
1997	175263	81717	10573	25274	7192	49747	760

Source: 1980-1995: Estatísticas Demográficas and SEF cit. in Baganha, 1996

1996, 1997: Estatísticas Demográficas, 1996. 1997

* the statistics for 1994 include the special legalization (1992/93)

** the values for 1992 and 1993 vary from table to table in the statistics

Over 95% of the foreign residents from Africa are from the former Portuguese colonies; for Europe over 90 % are from an EEC country

Table 2: Immigrants in Portugal-by selected nationality, 1997

Nationality	Absolute numbers	% of total population
Angola	16,296	0.17
Cape Verde	39,789	0.42
Guinea	12,785	0.13
S. Tome	4,304	0.04
Mozambique	4,426	0.05
Brazil	19,990	0.21
Europe	49,747	0.53
Total Immigrants	175,263	1.87
Total Population*	9,382,200	100.00

Source: Estatísticas Demográficas, 1997.

Note: *Estimation of total population by INE

Table 3: Regional Distribution by Selected Nationalities, Yearly average 1990-1997

Nationality	Absolute numbers			In Percentage		
	Lisbon	Setubal	Total	Lisbon	Setubal	Total
Angola	7157,3	1300,9	10920,8	66%	12%	100%
Cape Verde	22943,1	6951,2	34554,1	66%	20%	100%
Guinea	5647,0	565,2	8691,6	65%	7%	100%
Mozambique	2784,2	648,6	3912,0	71%	17%	100%
S. Tome	2412,7	532,0	3254,4	74%	16%	100%
Brazil	6707,9	569,0	16570,6	40%	3%	100%
Europe	19281,2	1922,5	42605,7	45%	5%	100%
Total	77401,0	1435,25	143656,25	54%	10%	100%

Sources: 1990-1995 - SEF cit. in Baganha, 1996;

1996, 1997 - Estatísticas Demográficas, 1996, 1997.

Note: the values for 1992 by district are different from the values in all the other tables in the statistics

Table 4: Immigrants by Age Groups and Selected Nationalities, Yearly average 1990-1992

Nationality	Age groups			Total
	0-14	15-64	65 or +	
Angola	305,7	5273	262,3	5881,7
Cape Verde	240,3	28774,3	786,0	29888,7
Guinea	113,3	4689,0	52,3	4854,7
Mozambique	124,0	3085	161,0	3370,0
S. Tomé	37,3	2134,7	73,3	2245,3
Brazil	1081,7	11366,3	265	12713
Europe	493	28615	5588	34696
Total Immigrants	4774,7	100525,3	9119,3	114419,3

Source: 1990-1992 - SEF cit. in Baganha, 1996;

Note: For 1992 totals on the table by district are different

Table 5: Yearly Average Inactivity Rates by Selected Nationalities, 1990-1997

Country of Citizenship	Inactivity Rate
Angola	59%
S. Tome	56%
Mozambique	54%
Brazil	51%
Europe	45%
Cape Verde	43%
Guinea	39%
Average Foreigners	49%
Average Nationals (1992-1997)	51%

Sources: 1990-1995 - SEF cit. in Baganha, 1996;

1996, 1997 - Estatísticas Demográficas, 1996, 1997.

Table 6: Yearly Average Inactivity Rates by Selected Nationalities, 1990-1997

Inactive	Foreigners (1990-1997)	Nationals (1992-1997)
Domestic	44,4%	13.6%
Student	44,6%	36.3%
Retired	7,6%	36.0%
Others	3,4%	14.1%

Sources: 1990-1995 – SEF and INE cit. in Baganha, 1996;
1996, 1997 - Estatísticas Demográficas and Employment Surveys, 1996, 1997.

Table 7: Immigrants by Sex and Selected Nationalities, Yearly average 1992-1997

Nationality	Total	Male	Female
Angola	13719,4	8048,4	5671,0
Cape Verde	37153,6	22634,0	14519,6
Guinea	10870,2	8070,4	2799,8
Mozambique	4193,4	2370,8	1822,6
S. Tome	3784,2	1948,8	1835,4
Brazil	18526,6	10091,8	8434,8
Europe	43688,8	23519,4	20169,4
Total*	159015,4	92691	66324,4

Sources: 1992-1995 - SEF cit. in Baganha, 1996;
1996, 1997 - Estatísticas Demográficas, 1996, 1997.

Note: *for 1992, totals on the table by district are different

Table 8: Active Immigrants Since 1980 in Portugal (selected nationalities)

Year	Total Immigrants	Angola	Cape Verde	Guinea	Mozam- bique	S. Tomé	Brazil	Europe
1990	51781	1562	16581	1785	1571	786	4729	16692
1991	54939	1665	16943	2347	1609	825	5362	17516
1992	59236	1897	17721	3108	1660	992	6362	18859
1993	63085	2281	18053	3545	1692	1171	7156	20335
1994	77599	6590	20574	6036	1831	1739	8864	22169
1995	84383	7990	21849	7023	1899	1906	9618	23782
1996	76132	8213	22153	7206	1901	1945	9712	25002
1997	87893	8179	22073	7230	1905	1946	9671	26273
Yearly average 1990-1997	69381	4797,1	19493,4	4785	1758,5	1413,7	7684,2	21328,5

Sources: 1990-1995 - SEF cit. in Baganha, 1996;
1996, 1997 - Estatísticas Demográficas, 1996, 1997.

Table 9: Officially Registered Unemployment of Foreigners Since 1994 in Portugal (mainland) (absolute figures and percentage of registered unemployed to the respective active group)

Nationality	1995		1996		1997	
	N	%	N	%	N	%
Angola	633	7,9	743	9,0	959	11,7
Cape Verde	999	4,6	1079	4,9	1122	5,1
Guinea	525	7,5	573	8,0	637	8,8
Mozambique	136	7,2	133	7,0	167	8,8
S. Tomé	200	10,5	210	10,8	252	12,9
Brazil	326	3,4	325	3,3	373	3,9
Europe	752	3,2	759	3,0	919	3,5
Total Immigrants	3831	4,5	4098	5,4	4615	5,3
Total Population	439,562	9,6	448,022	9,8	405,964	8,7

Source: Instituto de Emprego e Formação Profissional, 1999.

Table 10: Active Immigrants by Occupational Status, Yearly average 1990-1997

Nationality	Employer and self-employed	Wage earner	Unknown / other	Total
Angola	327,7	4468,0	2,6	4798,4
Cape Verde	227,5	19260,1	5,8	19493,4
Guinea	284,1	4496,6	4,2	4785,0
Mozambique	270,0	1488,1	0,4	1758,5
S. Tome	134,4	1277,5	1,9	1413,8
Brazil	2379,0	5293,2	7,5	7679,8
Europe	9115,8	12190,6	22,1	21328,5
Total	15933,8	54700,0	82,0	70715,8

Sources: 1990-1995 - SEF cit. in Baganha, 1996;
1996, 1997 - Estatísticas Demográficas, 1996, 1997.

Table 11: Active Immigrants by Occupations, Yearly average 1990-1997 – selected nationalities

Nationality	Occupation codes							Active Total	Inactive Total
	0/1	2	3	4	5	6	7/8/9		
Angola	474,9	15,0	154,0	158,5	592,8	32,9	3386,9	4814,9	5844,0
Cape Verde	294,9	13,9	640,6	122,4	1157,1	109,1	17155,4	19493,4	14474,1
Guinea	366,6	12,6	112,1	87,5	294,6	77,6	3833,9	4785,0	3102,6
Mozambique	238,3	57,6	149,1	433,6	101,5	3,9	774,5	1758,5	2065,4
S. Tome	174,9	5,3	87,0	43,1	242,9	6,8	853,9	1413,8	1804,0
Brazil	3543,0	352,9	602,9	838,1	417,6	66,8	1857,3	7678,5	8070,3
Europe*	9406,3	3337,3	1129,0	2739,7	1165,2	400,2	4558,5	22736,2	18337,5
Total	17260,1	4401,0	3070,5	5689,0	4542,3	991,5	34761,4	70715,8	65612,8

Sources: 1990-1995 - SEF cit. in Baganha, 1996;

1996, 1997 - Estatísticas Demográficas, 1996, 1997.

Note: in 1991 there were 143 actives for Angola and 3 for Cape Verde whose occupations were unknown.

They are included in 7/8/9. In 1993 there is one active with occupation unknown in the grand total included in 7/8/9

* average for Europe is only for the period 1992-1997

Occupational codes

0/1 Professional, scientific and technical occupations

2 Executive and managerial occupations

3 Clerical workers

4 Sales workers and vendors

5 Safety, protection, personal and domestic workers

6 Farmers, fishermen, hunters and similar

7/8/9 Miners, industrial workers, workers in transport occupations and similar (includes workers in building and construction)

Table 12: Students Enrolled by Nationality and School Level, 1997

Nationality	Compulsory primary school (1st to 9th grade)	Secondary school (10th to 12 grade)	Total
Angola	11541	2582	14150
Cape Verde	11470	921	12410
Guinea	2762	388	3156
Mozambique	3031	1339	4377
S. Tome	1834	299	2136
Brazil	2492	1043	3542
European Union	7092	2892	10026
Ex-emigrants	19044	5850	25101
Total foreign students	48939	11791	60868
All students	1006506	282111	1299305

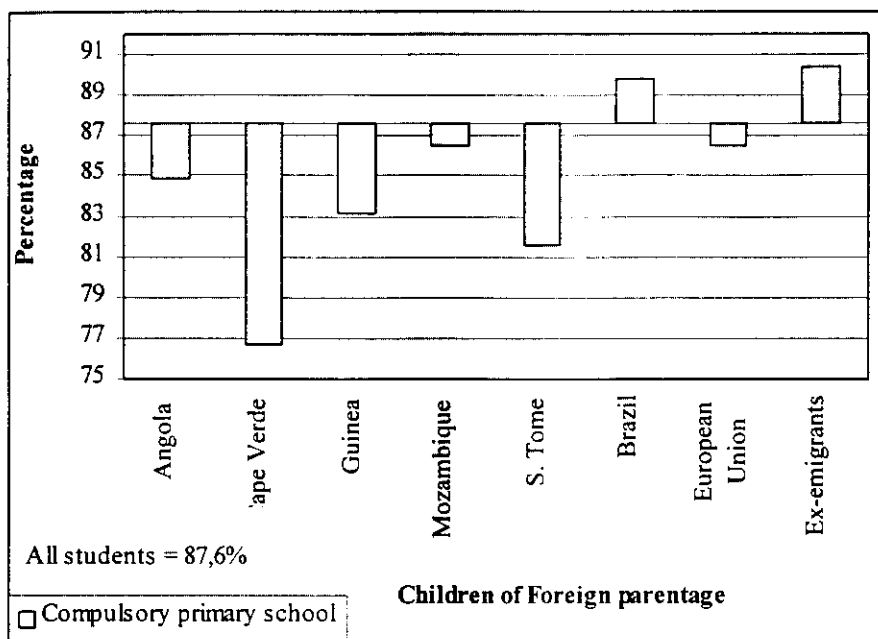
Source: Entreculturas Data base, 1997

Table 13: Success Rates by National Origin, Portugal 1997 (in % of the enrolled of respective nationality)

Nationality	Compulsory primary school	Secondary school	Total
Angola	84.8	55.1	81.1
Cape Verde	76.7	62.0	76.3
Guinea	83.2	52.1	80.5
Mozambique	86.5	65.4	82.1
S. Tome	81.6	68.8	80.8
Brazil	89.8	61.5	84.4
European Union	86.5	66.3	82.3
Ex-emigrants	90.4	60.7	85.9
All students	87.6	65.8	83.4

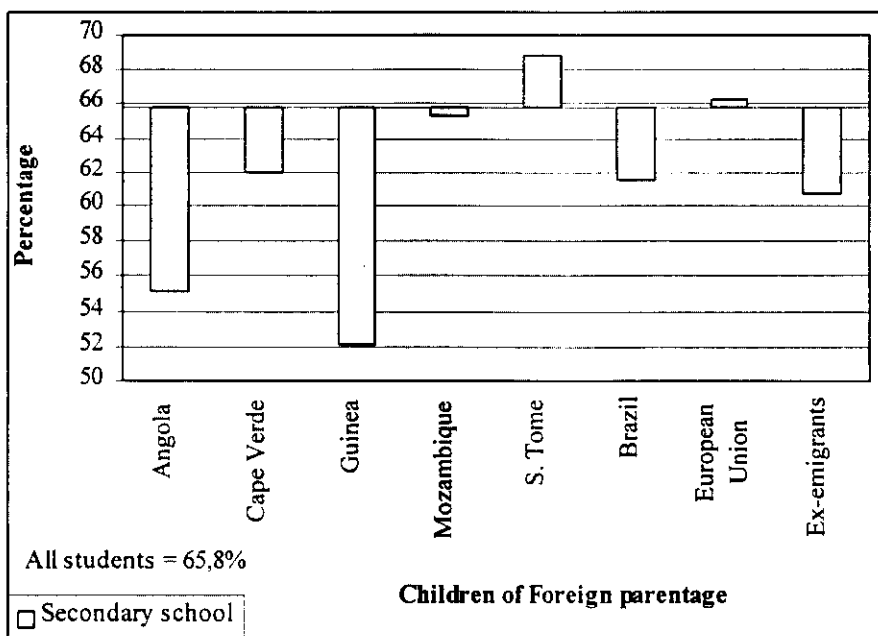
Source: Entreculturas Data base, 1997

Figure 1: Success Rates of Children of Foreign Parentage at Compulsory Primary School by National Origin of the Parents, Portugal 1997 (in % of the enrolled of respective nationality)



Source: Entreculturas Data base, 1997

Figure 2: Success rates of Children of Foreign Parentage at Secondary School by National Origin of the Parents, Portugal 1997 (in % of the enrolled of respective nationality)



Source: Entreculturas Data base, 1997

Table 14: School Leavers* by National Origin, Portugal 1996 (in % of the enrolled of respective nationality)**

Nationality	Compulsory primary school	Secondary school	Total
Angola	0.0	27.3	7.2
Cape Verde	7.7	9.5	8.2
Guinea	-6.9	23.4	-1.1
Mozambique	-6.6	24.3	5.7
S. Tome	4.0	12.0	6.2
Brazil	-2.0	7.7	2.7
European Union	-14.4	9.2	-4.8
Ex-emigrants	2.7	10.3	8.0
All students	4.3	15.9	6.9

Source: Entreculturas Data base, 1997

Notes: * students that concluded one academic year but didn't enroll in the following year

** a negative sign means an increase in the number of enrollments during the school year

Table 15: School Waivers* by National Origin, Portugal 1997 (in % of the enrolled of respective nationality)

Nationality	Compulsory primary school	Secondary school	Total
Angola	9.0	30.6	12.9
Cape Verde	8.1	27.9	9.5
Guinea	6.7	20.1	8.4
Mozambique	14.3	34.5	20.5
S. Tome	10.6	39.8	14.7
Brazil	9.3	33.0	16.3
European Union	11.3	35.7	18.3
Ex-emigrants	16.5	31.2	20.0
All students	1.0	10.6	3.1

Source: Entreculturas Data base, 1997

Notes: * students that abandoned the academic year

Table 16: Beneficiaries of Guaranteed Minimum Income up to June 1999 (absolute figures and percentage of respective immigrant group*)

Nationality	N	%
Angola	1980	1,2
Cape Verde	1804	4,5
Guinea	691	5,4
Mozambique	372	8,4
S. Tome	616	14,0
Total PALOP	5463	7,0
Total Population	405777	4,3

Source: Ministry of Labor and Solidarity, 1999

*Percentages were calculated based on the resident population for 1998

Table 17: Resident Population According to Dwelling Type, 1991 - selected nationalities – Portugal

Nationality	Classic Dwelling	Shanty or non-classic dwelling	Other*	Total
Cape Verde	11384	3499	831	15714
Angola	8085	514	451	9368
Mozambique	2983	67	136	3186
S. Tome	1499	417	91	2007
Guinea	2237	766	159	3162
Brazil	13311	22	175	13508
Europe	36375	88	1011	37474
Total Population	9705836	58161	77275	9866449

Source: INE, Censo 1991, unpublished data

Note: * Include collective dwellings

Table 18: Resident Population According to Dwelling Type, 1991 - selected nationalities – Lisbon and Setúbal Districts

Nationality	Classic Dwelling	Shanty or non-classic dwelling	Other*	Total
Cape Verde	9974	3438	721	14133
Angola	4454	496	218	5168
Mozambique	2021	67	79	2169
S. Tome	1294	415	79	1788
Guinea	1910	750	103	2763
Brazil	4398	16	53	4467
Europe	10706	62	379	11147
Total Population	3215708	43416	37044	3296168

Source: INE, Censo 1991, unpublished data

Note: * Include collective dwellings

Table 19: Resident Population in Family Dwellings According to the Degree of Basic Amenities (toilets, running water, indoor bathroom and electricity), 1991 - selected nationalities – Portugal

Nationality	Total Population	Complete amenities	Incomplete amenities	Without amenities
Cape Verde	11384	7896	3184	304
Angola	8388	7128	1143	117
Mozambique	2983	2696	266	21
S. Tome	1499	1092	328	79
Guinea	2237	1863	302	72
Brazil	13311	12393	889	29
Europe	36375	32298	3831	246
Total Population	9800601	7831707	1867882	101012

Source: INE, Censo 1991, unpublished data

Table 20: Resident Population in Family Dwellings According to the Degree of Basic Amenities (toilets, running water, indoor bathroom and electricity), 1991 - selected nationalities – Lisbon and Setúbal Districts

Nationality	Total Population	Complete amenities	Incomplete amenities	Without amenities
Cape Verde	9974	7021	2705	248
Angola	4454	3982	410	62
Mozambique	2021	1880	134	7
S. Tome	1294	932	288	74
Guinea	1910	1554	284	72
Brazil	4398	4300	97	1
Europe	10706	10316	350	40
Total Population	3272868	2956463	297151	19254

Source: INE, Censo 1991, unpublished data

Table 21: Housing Conditions by Community, 1990 (Percentages)

Nationality	Without water	Without electricity	Without bath	Without sanitation
Cape Verde	33.2	15.0	41.6	9.5
Angola	33.6	17.3	36.1	9.3
Mozambique	23.2	5.9	29.0	5.8
S. Tome	46.4	26.0	47.4	13.4
Guinea	22.0	11.1	18.1	7.9
India	34.8	19.7	38.6	5.3
Gypsy	68.8	44.6	75.9	60.7
Total	35.4	18.4	39.8	14.0

Source: Costa, et al., 1991:99

Note: In this last chart the titles should be clarified i.e.; without *running* water. Without bath-- is that without an indoor bathroom, without a bathtub or shower or no running water in the bathroom? Does without sanitation mean no indoor plumbing, no sewerage system, no garbage collection?

Table 22: Urban Poor by Nationality (Percentages)

Nationality	Percentage	Percentage Foreigners
Portuguese	85.0	
Foreigner	15.0	100.0
Cape Verde	9.3	62.0
Angola	3.0	20.0
S. Tome	1.0	7.0
Mozambique	0.45	3.0
India	0.45	3.0
Others	0.8	5.0

Source: Silva et al., 1989, in Almeida et al., 1994:159

Table 23: Foreigners in the Resident Population and in Legal Proceedings Related to Criminal Activities

Resident Population			
Year	Total	Foreigner	% of Foreigner
1989	9919700	101011	1.02%
1990	9872900	107767	1.09%
1991	9860300	113978	1.16%
1992	9864600	122348	1.24%
1993	9887600	131593	1.33%

Accused			Convicted			Imprisoned		
Total	Foreigner	% of Total	Total	Foreigner	% of Total	Total	Foreigner	% of Total
52701	1087	2.06				8543	746	8.73
55674	991	1.78				9051	753	8.32
75857	1268	1.67	65539	1288	1.97	8047	644	8.00
82973	1241	1.50	31165	666	2.14	9610	786	8.18
74326	1353	1.82	37442	795	2.12	11252	919	8.17

Source: Sumários de Informação Estatística, Ministérios da Justiça, 1987-1995. In, Cruz, 1996. Estatísticas dos Serviços Prisionais, Ministério da Justiça, 1995.

Table 24: Main Crimes of the Accused Population – in percentage

Types of Crime	Total	Foreigners
Checks with insufficient	36.6	14.6
Against property	20.9	21.4
Assault and battery	12.9	10.4
Drug-related	4.5	9.0
Against public authority	4.2	4.1

Source: Sumários de Informação Estatística, Ministérios da Justiça, 1987-1995. In, Cruz, 1996.

Table 25: Accusations Related to Illegal Drugs by Type of Crime

	Total		Trafficking		Trafficking and consumption		Consumption	
		%		%		%		%
Total	31009	100.0	9309	100.0	5742	100.0	15958	100.0
Portuguese	24442	78.8	6194	66.5	4799	83.6	13449	84.3
Foreigners	2593	8.4	1496	16.1	439	7.6	658	4.1

Unknown	3974	12.8	1619	17.4	504	8.8	1851	11.6
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Source: Sumários de Informação Estatística, Ministérios da Justiça, 1987-1995. In, Cruz, 1996.

Table 26: Convicted Population in Drug-Related Cases by Type of Crime – in percentage

Nationality	Trafficking	Trafficking / Consumption	Consumption
Total Convicted	51.3	11.3	38.4
Portuguese	50.5	10.9	37.6
Foreigners	58.4	7.3	35.9
Unknown	39.4	34.9	63.0

Source: Sumários de Informação Estatística, Ministérios da Justiça, 1987-1995. In, Cruz, 1996.

Table 27: Foreigners Registered in the Portuguese Social Security System in percentage

Year	PALOP	Other Foreigners
1992	82	90
1993	81	87
1994	81	85
1995	82	86

Source: Employment Survey (unpublished data)

Table 28: Total Naturalizations by Selected Former Nationalities, 1994-1997*

Former Nationality	1994	1995	1996	1997	Total 1994-1997
Angola	55	76	57	56	244
Cape Verde	129	169	80	93	471
Guinea	44	43	27	16	130
Mozambique	29	30	19	26	104
S. Tome	21	18	10	12	61
Brazil	176	235	241	296	914
Europe	46	69	63	65	243
Total	971	1413	1154	1364	4902

Source: Estatísticas Demográficas, 1994-1997

* Pires, 1999, presents the same naturalization values. However, a more recent work (Marques, et. al., 1999), presents different results. The inclusion of the figures for Macau, a Chinese territory under Portuguese administration, may account for the discrepancy observed in the work of Marques et. al. 1999.

Table 29: Total Inter- marriages with Portuguese Nationals by Selected Nationalities, 1990-1997

Nationality	1990	1991	1992	1993	1994	1995*	1996	1997	Total 1990-1994	%
Angola	57	61	64	79	107				368	3.7
Cape Verde	77	103	126	165	168				639	6.4
Guinea	29	34	66	89	55				273	2.8
Mozambique	42	35	58	49	54				238	2.4
S. Tome	10	10	9	29	23				81	0.8
Brazil	227	262	263	309	323				1253	12.6
Europe	437	430	491	453	487				2298	23.2
Total inter- marriages	1209	1290	1539	1574	1617	1467	1226	1262	9922	100.0
Total marriages	71654	71808	69887	68176	66003	65776	63672	65770		

Source: Estatísticas Demográficas, 1990-1997

Note: * The information by nationalities of marriages stops at 1995.

Table 30: Principal Religions in Portugal, 1981 and 1991*

Religion	1981		1991	
	N	%	N	%
Catholic	6352705	94,50	6527595	94,60
Christian Orthodox	2564	0,04	11322	0,20
Protestant	39122	0,60	36974	0,50
Other Christian	59985	0,90	79554	1,20
Jewish	5493	0,08	3523	0,10
Muslim	4335	0,06	9159	0,10
Other non- Christian	3899	0,06	9476	0,10
Not Professing a Religion	253786	3,80	225582	3,30
Total respondents	6721889	100,00	6903185	100,00

Source: INE, Recenseamento Geral da População, 1981 and 1991

Note: Refers only to persons 12 years of age or older

Table 31: Legalisation of 1992 and 1996

Nationality	1992	1996
Total	39166	35082
From the PALOP	28345 (72%)	23403 (67%)
Angola	12525	9258
Cape Verde	6778	6872
Guinea-Bissau	6877	5308
Mozambique	757	416
S.Tomé Princ.	1408	1549
From Brazil	5346	2330
From China	1352	1608
From Senegal	1397	
From Paquistan		1745

Source: 1992, SEF Document; 1996, Público, 19, Dec, 1996.

Table 32: Activities with the highest rate of undeclared workers in 1991

Activities	Census	MESS	Difference in % to Census
Retail trade	211412	162364	23.2
Leisure and culture	24363	18118	25.6
Construction	330935	180796	45.4
Personal services	92904	47512	48.9
Social services	327917	81221	75.2
Non specified Ind.	47284	10860	77.0

Source: Census of 1991 and, MESS, Quadros de Pessoal, 1991.

Note: the overall rate of non declared workers was 20.8%

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Towards an Emerging Ethnic Class in Germany?

**Report for the European Project “Investigation and Workshop on
an Emerging Ethclass in Europe”**

**(Programme of the European Commission, DG V, “Preparatory Measures to Combat
Social Exclusion, 1998 Budget Line B3-4102, Strand 1)**

by

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Freudenberg Foundation

Weinheim, November 1999

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1 Introduction

This report raises the question if we can observe the emergence of an ethnic class in Germany. An ethnic class is understood as the outcome of a process of ethnic stratification, which means a systematic and stable combination of material class positions at lower level with specific cultural characteristics. Ethnic stratification has different degrees, so that only a systematic and stable social exclusion due to origin is to be considered the basis for an ethnic class. The contrary of ethnic stratification is integration or assimilation of immigrants and people of specific ethnic origins into the majority society. This is also a process with different degrees, so that immigrants may, for instance, be well integrated into economic life, but be excluded from political participation. Since this report is only of descriptive nature, a definitive answer to the question of an emerging ethnic class cannot be given.

This report aims to show in which areas social exclusion of immigrants is particularly virulent, to describe trends over time and to point to differences in exclusion across the different groups of immigrants. The term immigrants refers to all people from a foreign origin living and working in Germany, including not-economically active relatives. People of foreign origin with the citizenship of the country of immigration are considered immigrants if they immigrated themselves. People from the second or third generation of immigrants are also defined as immigrants independent of the fact, whether they have still the citizenship of their country of origin or if they have the German citizenship. Refugees and undocumented immigrants are included into the category of immigrants. The concept ethnic minorities is avoided as much as possible, as it encloses the danger of objectivation of socio-cultural characteristics, which are of a very dynamic character. North-American research shows that most immigrants integrate and even assimilate into their country of destination within the period of two to three generations (Alba 1999). For this reason, it seems to us to make sense to use the concept of ethnic minorities in countries with a long history of immigration and with minority groups which have been excluded for over two or three generations.

The report is divided into five parts. First, the history of immigration and the main groups of immigrants are presented. Second, the current legal situation of the various groups of immigrants is described. The fourth section introduces into the main integration policy areas and the last section gives an overall picture of trends towards and trends against an ethnic class formation.

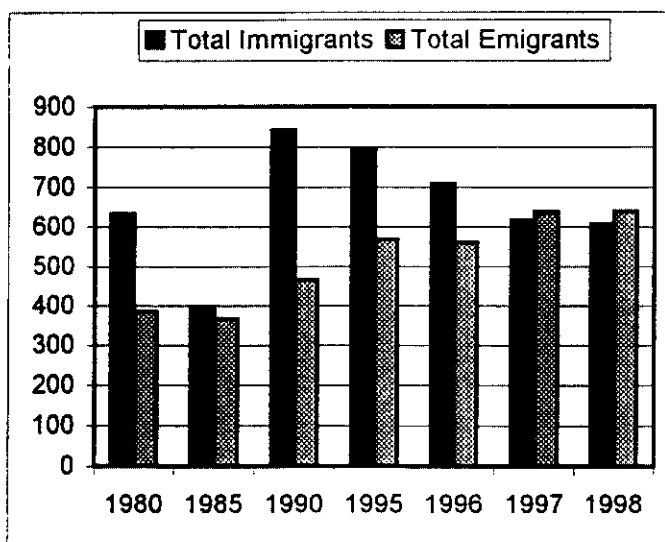
2 History of Immigration and Groups of Immigrants

Immigration to Germany is not a new phenomenon, since Germany needed people after wars in order to replace war victims, as for instance after the War of Thirty Years in the 17th century. Labour force demand had to be covered with immigrants already before World War I, when many Poles came to work in the emerging industrial regions of West-Germany. In order to run the war economy during World War II civilians from the occupied countries and war prisoners were forced to work in Germany, among other reasons, because the political leaders wanted to prevent that German women entered the labour market (Gerber 1996). In 1944 around 7.1 million foreign workers (civilians and war prisoners) were present. After the war many displaced Germans from eastern and south-eastern Europe came into the new German territory. In 1950, 19.8% of the population of West-Germany (without Berlin and Saarland) were refugees. This percentage was increasing until 1953, when many Germans fled from the German Democratic Republic into the German Federal Republic.

After 1961 and with the recovery of the German economy “guest workers” from six southern European countries were recruited (Portugal, Spain, Italy, Yugoslavia, Greece and Turkey) and a maximum of immigration was reached in 1969 and 1970, with 1 Mio of new immigrants in each year. Between 1960 and 1973, some 18.5 million people arrived in Germany, and 4.7 million settled. In the following recession years many of the so called “guest workers” returned back home and thus the migration balance was negative from 1974 to 1976 and from 1982 to 1984. Afterwards it was again positive until 1996 (cf. Figure 1). After the recruitment stop in 1973, only family members of immigrants living in Germany, refugees and EU-nationals could immigrate into Germany (Dinkel/Lebok 1994).

The last immigration influx began in the 1980s with the arrival of ethnic Germans (“Aussiedler”), mostly from Poland, the former Soviet-Union, and Romania, and with the arrival of an increasing number of asylum seekers from Turkey, Eastern Europe, Africa, and Asia (cf. Optional Table 1). In this decade two-thirds of the Romanian immigrants were ethnic Germans and the German government paid 10,000 DM per migrant to the Romanian government to compensate for the investments it had made in their human capital. Later, also many East Germans (Übersiedler) came to West-Germany (Hönekopp 1997).

Figure 1: Immigration and Emigration of Non-Germans, 1980-1997 (in thousand)

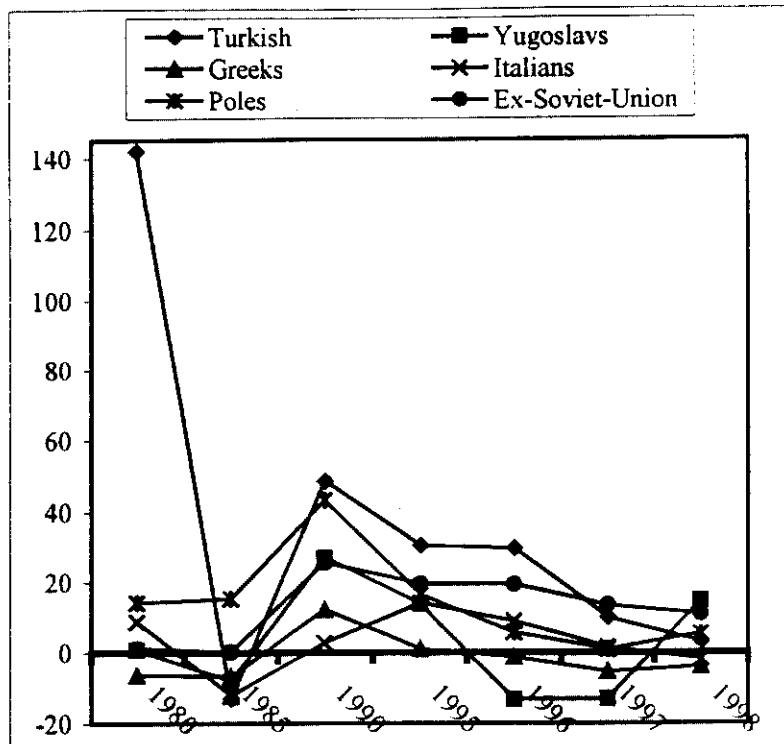


Source: Table 1.

The latest figures of 1998 show that immigration has decreased since 1990 and has stagnated since two years at around 600,000 immigrants per annum. For the last two years the immigration balance is negative, since slightly more people emigrated than immigrated. However, for the last years the immigration balance was clearly positive for Turkish people and people from the former Soviet-Union and in some years for Yugoslavs (cf. Figure 2)¹. The number of refugees living in Germany has increased from ca. 700,000 in 1987 to ca. 1.9 Mio in 1993 and decreased to 1.6 Mio in 1996. The latter figure corresponds to a rate of 21.9% of all immigrants in Germany. Not only many refugees came to Germany in the last 20 years, but also many ethnic Germans from Eastern Europe. Their number equals more or less the number of asylum seekers as shown in Table 3 in the appendix.

¹ Yugoslavs include until 1991 all people former Socialist Federal Republic of Yugoslavia, in 1992 people from the former Republic of Yugoslavia and Macedonia and Bosnia-Herzegovina, and since then people from Serbia and Montenegro and cases where the exact origin was unclear.

Figure 2: Immigration Balance According to Nationality, 1980-1998

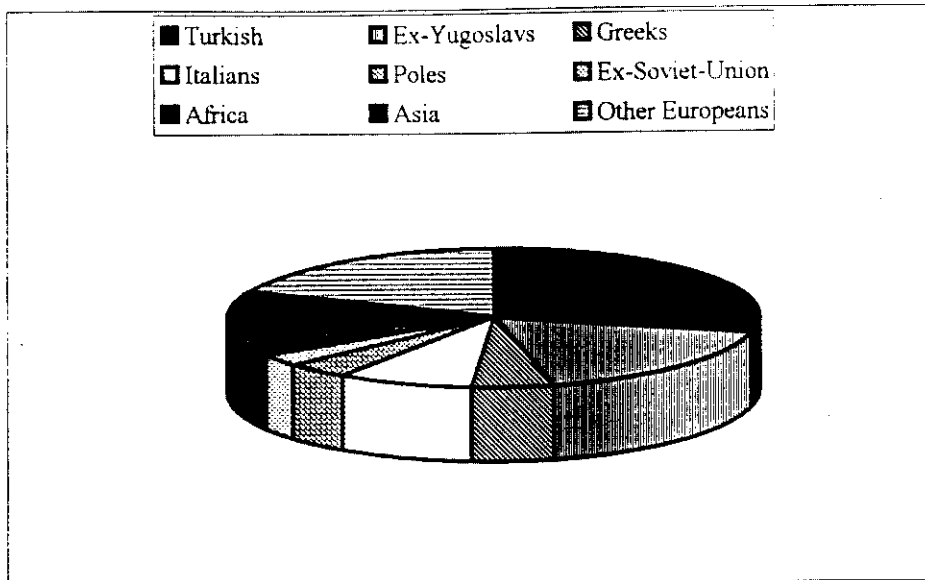


Source: own elaboration with Table 1.

In 1998, 9% of the German population had another nationality than the German, which brings Germany into the third rank position in the European Union, after Luxembourg and Belgium. The greatest immigrant group are Turkish people, who represent 2.6% of the total population and their absolute number has increased from 1973 to 1982 and then again since 1986. Turkish people represent 28.8% of all immigrants followed by Ex-Yugoslavs (17.2%) and Italians (8.4). In 1996, 25.2% of all immigrants in Germany were immigrants from other EU countries. From 1993 to 1998 the composition of the population according to nationality did not change substantially (cf. Table 2).

In some German regions, the proportion of immigrant groups is above the national average, as for instance in Hamburg with an immigrant rate of 18% (cf. Table 3). In some towns the percentage of immigrant groups amounts to over 20%, e.g. 30% in Frankfurt and 20% in Mannheim (1995) (Ausländerbeauftragte 1994, 1999). According to an estimation, new immigrants will also over-proportionally migrate to the most densely populated areas of Germany. In 2015, it is estimated that in West-Berlin young immigrants under age 20 will number 52% of the youth (Rat für Migration 1999). As can be seen from Table 5 in the appendix, the long-term immigrant population is younger than the West-German population, and if one looks at new immigrants since 1984, then the age structure is even more accentuated towards a very young immigrant population.

Figure 3: Immigrant Population According to Nationality, Germany 1998 (%)



Source: Table 2.

In 1996, 20.5% of all immigrants were born in Germany, but since most of them did not automatically obtain the German citizenship they are still immigrants in many senses. In the same year nearly 30% of all immigrants had lived in Germany since more than 20 years and 40% had lived since more than 15 years. However, since immigration has been going on in the last years, there is also an important proportion of new immigrants. In 1997, 50.8% of all immigrants were in Germany since 10 years or less and 21% were in the country since less than 4 years. The most recent large immigration group are Polish immigrants, for 73% of them were in Germany since less than 11 years in 1997. People from Serbia and Montenegro follow next with 58% and then come Turkish people with 38%. One of the oldest immigrant groups with few new immigration are the Spaniards (20%) (Statistisches Bundesamt 1997, AID 3, 1999).

In the last years many people have entered Germany in an illegal or irregular way. Estimates about their numbers are very difficult to make and they are frequently published for political motives. Very approximately only, it can be said that there is an increasing trend of illegal immigration to Germany since the beginning of the 1990s. It means that the stricter border controls and the more restrictive law reforms and administrative measures have not been able prevent an increase in illegal immigration, but go parallel to it. In 1998, the border police registered 2,725 cases of illegal entrances, which occurred mainly on the German-Czech and the German-Polish border. Most of the controlled migrants were from Yugoslavia, Afghanistan, Rumania and Iraq (Lederer 1999, Özcan 1999).

3 Legal Status

The legal situation of immigrants who do not have the German citizenship is regulated by the law for foreigners (Ausländerrecht), which was enacted in 1965. Since immigration to Germany was thought to be of a limited time period, the law for foreigners offers very limited legal security for immigrants. In spite of the fact that an unlimited residence permit can be obtained in some cases, most immigrants perceive that the law for foreigners and the institutions which administer it discriminate them. Since 1983 a restriction of the law was in discussion, which promoted the feeling among immigrants that they are only tolerated in

Germany but not wanted. Then, the reform of the law in 1991 brought some advantages for immigrants, but the general exclusionary frame of the law has remained (Sen/Goldberg 1996). Germany does not have an immigration or an integration law, but regulates all immigration matters through the law for foreigners, directives on employment, the citizenship law and social security legislation. This is the reason why integration policy is fragmented into manifold unconnected policy domains (Ausländerbeauftragte 1990, Rat für Migration 1999).

The legal status varies according to the origin of immigrants. Four groups can be distinguished:

1. Immigration to Germany is mainly restricted to EU-nationals who want to work as dependent workers or as self-employed persons. Since 1997, also students and non-active EU citizens have the possibility to immigrate to Germany under given conditions. They can obtain a residence permit and have free entrance into the German labour market.
2. Immigrants from a third country (non-EU nationals) are not permitted to immigrate to Germany. There are however some exceptions. Since 1990 there are particular agreements which allow non-EU nationals from eastern European countries, in particular from Poland and the Czech Republic, to come to Germany in order to take up a fixed-term employment.
3. Immigrants of Turkish origin have more possibilities to enter Germany and the German labour market than other people from third countries, due to the association agreement between Turkey and the EU from 1963/1980, but they have less rights than EU-nationals.
4. A fourth group of people who have a possibility to enter Germany legally and to apply for a residence permit are family members of immigrants already living in Germany. Young people under age 16 from one of the former "guest-workers" recruitment countries could and can come to Germany, but since 1997 these young migrants, who come from ex-Yugoslavia, Morocco, Turkey and Tunisia, have had to request a visa.
5. People who seek political asylum can come to and stay in Germany under given conditions until a decision about their right to asylum is made. Yet, since 1993, people who on their way to Germany pass a secure "third country" are not entitled to ask for political asylum in Germany. Most refugees can stay in Germany due to the Geneva Convention on Refugees, due to humanitarian reasons, due to war or civil war reasons and due to a de facto toleration in Germany. These latter groups of refugees have very few civil, social and political rights in Germany (Eichenhofer 1999).

Thus, Germany has no unified immigration law and policy, but immigration possibilities depend on various regulations. For instance, in 1990 within the framework of negotiations on German unification, the Polish government was offered special work opportunities for migrant workers from Poland. Other Eastern European countries could also make such arrangements and from 1991 to 1996 five different programmes were implemented: project workers, seasonal workers, border commuters, "new guest workers", and nurses. Every year around 150,000 to 200,000 East Europeans came to work to in Germany within this framework of programmes (Hönekopp 1997). However, the previous German government (1982-1998) did not accept the idea that Germany had become an immigration country. In 1997 the current Minister of the Interior, Otto Schily, and the former commissioner for foreigners, Cornelia Schmalz-Jacobsen, required the recognition of Germany as an immigration country and the passing of an immigration law. Yet, contrary to his earlier statement, now in October 1998, Otto Schily, now himself Minister of the Interior, stated that an immigration law had no sense, since the limits of the admission capacity of Germany had been reached. This statement was made when the balance of immigration was already negative for two years (1997 and 1998) (Oberndörfer 1999).

Once Immigrants have entered Germany legally and want to stay for more than three months, they have to ask for a residence permit. Seven types of residence permits can be distinguished:

1. "*Aufenthaltsberechtigung*", which is an unconditional and long-term right to stay and the best legal status an immigrant can obtain. Entitlement is, among other prerequisites, based on the condition of a minimum length of stay of eight years.
2. "*unbefristete Aufenthaltserlaubnis*", which is an unconditional and long-term residence permit that can be obtained after five years of legal stay.
3. "*befristete Aufenthaltserlaubnis*", which is an unconditional but fixed-term residence permit.
4. "*Aufenthaltsbewilligung*" or "*Aufenthaltsbefugnis*" are conditional and fixed-term residence permits, which for instance are given to foreign students for the time of their studies in Germany.
5. "*Duldung*" is not a residence permit but it refers to a situation, in which the German state renounces to deport the immigrant because there are legal or real barriers for it, for instance in the case of immigrants who risk capital punishment in their country of origin.
6. "*Aufenthalts-gestattung*" is the name which refers to the legal situation of asylum seekers while they are attending a decision of their case. If they become recognised as political asylum seekers according to the German constitution then they are entitled to a "*unbefristete Aufenthaltserlaubnis*", whereas if they are recognised as refugees in the sense of the Geneva Convention, then they obtain a "*Aufenthaltsbefugnis*" (Ausländerbeauftragte 1997).

If an immigrant wants to stabilise his/her residence status, he/she has to fulfil many conditions with respect to income, size of dwelling, language knowledge, and work permit. Moreover, their criminal records are checked. In addition, many immigrants who are entitled to long-term residence permits do frequently not apply for it due to scarce information about their rights (Mach-Hour 1999). Thirty six percent of all immigrants possess a long-term permit, while 27% have an unconditional fixed-term residence permit, 10% have a residence permit for EU-nationals, 13% have a conditional and fixed-term permit and finally 15% do not have a residence permit because they are under age 16 or because their status was not yet defined (AID 3, 1999).

Apart from stay permits most immigrants need also a work permit. Entrance into the labour market is restricted for immigrants from outside the EU. A work permit is only given to non EU-nationals if there is no German or EU national who wants to take the job they are applying for. This institutional exclusion does not apply to immigrants who have lived since more than 5 years in Germany and since 1994, also immigrants who were born in Germany and who have a long-term residence permit do not more need a work permit any more. In 1998, the law for promotion of work (*Arbeitsförderungsgesetz*) was slightly changed and the regulation now states that immigrants do not need a work permit if they have a "*Aufenthaltsberechtigung*" or a "*unbefristete Aufenthaltserlaubnis*". Contrary to these tendencies towards inclusion, since Mai 1997 asylum seekers have not been allowed anymore to take a job in Germany. They are confined to a live dependent on state benefits (AID 3, 1998; AID 3, 1997).

Immigrants with unconditional residence permits have access to social rights when they have a job with social security, since the German social protection system is mainly employment-based, so for example the health insurance. In general, immigrants are also entitled to non-employment-based social benefits, as for instance public health services, social assistance, housing benefits, child benefits and scholarships once they have a legal residence in Germany.

Most refugees are excluded from social security, because they are excluded from the labour market. Their social protection is restricted to entitlement to social assistance benefits. Until 1993 non-EU immigrants' children were excluded from the possibility to ask for a public scholarship if their parents had returned to their country of origin (Ausländerbeauftragte 1994). In 1997 refugees according to the Geneva convention were not entitled to integration support and language courses as it is the case for immigrants with legally secure residence permits (Ausländerbeauftragte 1997).

By contrast, political rights are only partially granted to immigrants. Immigrants cannot participate in local, regional and federal elections, if they have not previously acquired the German citizenship. Since at least 20 years the right to vote for immigrants has been a strongly discussed issue in German politics. The decision of the region of Schleswig-Holstein to entitle immigrants to participate in local elections was contested by the Christian Democratic Party (CDU) and had to be changed after the intervention of the Supreme Court (Bundesverfassungsgericht). The Court decided in 1990 that the German constitution confined political rights to the German people, which excluded the extension of the right to non-German inhabitants (Ausländerbeauftragte 1997). Despite of this court decision, in October 1995, EU-nationals could for the first time use their newly acquired right to vote in local elections and they participated in the local elections in Berlin. These partial political rights were obviously not voluntarily introduced by the German government, but were imposed by a directive of the European Council of 1994. Freedom of association and the right to demonstrate are constitutional rights. In principle, they also apply to immigrants. But, as far as immigrants are concerned, these rights can more easily be restricted by the German state and their political activity can become a reason for expulsion (Eichenhofer 1999).

The reform of the law for foreigners in 1997 made expulsion of immigrants to their country of origin easier. Before 1997, an immigrant could only be expelled if she/he had been convicted to at least five years in prison. Now, two years are already a reason for losing the residence permit. Immigrants who participate in a demonstration which ends in violent acts, immigrants who deal with drugs and young immigrants who are condemned to a youth penalty of at least two years are to be expelled immediately (AID 4, 1996; AID 3, 1997).

The reform of the Citizenship law (Deutsches Staatsangehörigkeitsgesetz from 1913) and the possibilities of naturalisation for immigrants have been a very controversial political issue in the last years. The German citizenship law follows the principle of "ius sanguinis", which means that one is a German only, if at least one parent is German. The place of birth is irrelevant. Since July 1993 the conditions for naturalisation have been defined by three sources of law. First, there is the Citizenship law which specifies that a candidate has to fulfil, among others, two conditions: to have lived in Germany for at least 10 years and she or he has to renounce to her/his former citizenship. Even if the conditions are met, the administration decides in a discretionary way about the application. Second, there are the directives of 1977 which specify the concrete administrative process and third, since 1993 additional regulations on naturalisation have been introduced into the law for foreigners. In 1993, for the first time a legal claim to German citizenship was institutionalised. Two groups of immigrants can profit from these new provisions:

1. Immigrants aged 16 to 23, who have live in Germany since at least eight years (§ 85) and
2. Immigrants who have live in Germany since 15 years and whose stay has become permanent (§ 86).

Both groups have to renounce their former citizenship, they should not have been condemned for a punishable act and they have to possess a non-conditional permit of residence. In

addition, young immigrants should have attained a school in Germany for at least six years and they should have been enrolled in general compulsory school for four years.

Some groups of immigrants enjoy easier conditions for naturalisation, since they have an unconditional entitlement to German citizenship without the need to renounce their former nationality. This applies to children born in binational partnerships, to people who were persecuted during the Third Reich and to ethnic Germans (*Aussiedler*) coming from Eastern Europe.

For the years 1985 to 1992 a steady increase in citizenship acquisition can be observed. In 1985 there were only 35,000 cases, in 1992 already 180,000 cases were recorded. In 1995, 313,606 people became Germans, of whom 73.3% had an unconditional entitlement to German citizenship, 16.6% had a legal claim to it (§ 86 and 86 of law for foreigners) and 10.1% depended on a discretionary decision of the German administration (*Bericht der Ausländerbeauftragten 1997*). Among the two latter groups of new Germans the greatest group was of Turkish origin (44%) followed by people of the former Yugoslav Republic (5%) and people from Vietnam (4.8%). In 1996 and 1997 the number of naturalisations decreased to 302,830 and 278,662 respectively, which relates to the lower number of ethnic German immigrants in these years and to the lower number of applications of immigrants with a legal claim (§ 85 and § 86).

After long discussions and hard opposition to the reform of the Citizenship law, finally a new law was decided in Mai 1999, which will come into force in January 2000. This law introduces some elements of the “*ius soli*” into the German legislation. Children of immigrants, who are born in Germany will automatically become Germans if one parent has lived regularly since at least eight years in Germany and possess a “*Aufenthaltsberechtigung*” or if the parent possesses a long-term residence permit (*unbefristete Aufenthaltserlaubnis*) since three years. Children aged up to 10 years who at the moment of birth fulfilled the conditions of the new law can be naturalised as Germans within the first year of the enforcement of the new law. But, if a child also holds the citizenship of its parents, he or she has to decide by age 18 to 23 which of both nationalities he or she wants to keep. In addition to the introduction of the *ius soli* element some former conditions for naturalisation were changed. Legal claim to the German citizenship is granted after eight years of regular residence in Germany, instead as after fifteen years as before. The claim is linked to the proof of adequate skills in German and to a declaration on the German constitution. A new article shall prevent the naturalisation of extremist immigrants. EU-nationals who want to become Germans do not need to renounce their former citizenship if their home country accepts dual citizenship. By contrast, Turkish people who become German will not anymore be able to reapply for their Turkish nationality as it was frequently done in practice during the last years (*BMI 1999*).

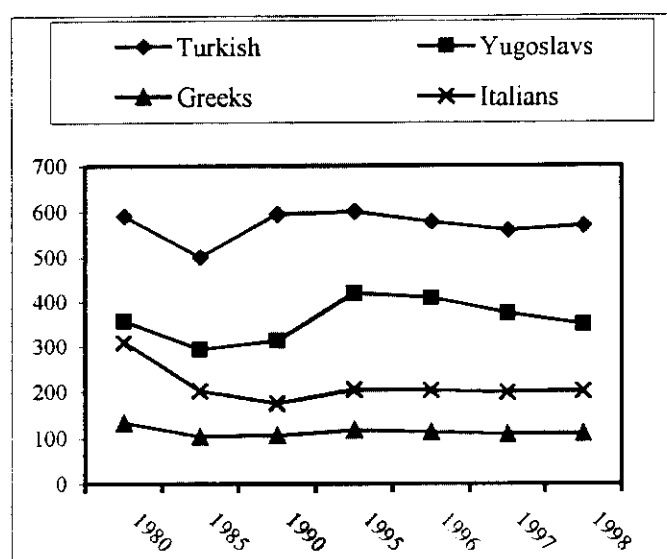
The new law is a compromise which does not satisfy the various communities of immigrants in Germany. In addition, the signature campaign of the CDU party against dual nationality has created a climate of fear and xenophobia among the German population, and it has shown how deeply rooted the idea of a common origin as unifying element of the German people is in contrast to a Republican and constitution-based national consciousness. Despite this worsened climate between native-born and immigrants, it can be hoped that a rather large group of immigrants will become Germans. An estimation of the Humboldt-University Berlin predicts that in 2030 the immigrant population will have been increased to 12.6% of the total population, while without the new citizenship law the proportion of immigrants in the population would amount to 14.7% (*Ulrich 1999*).

To sum up, immigrants are treated very differently according to their origin and to their length of residence in Germany. The German state has constructed a hierarchy of immigrants, which divides them into privileged EU-nationals, non EU-nationals, refugees and undocumented immigrants. Institutional exclusion of immigrants is strongest with respect to political rights and it hits refugees and undocumented immigrants most. The latter do not enjoy freedom of movement, have a very insecure residence status, and they suffer exclusion from the labour market, from social rights and from political rights.

4 Socio-economic Situation of Immigrants

As expected, the greatest group of immigrants in the labour market are Turkish people, followed by Yugoslavian people (cf. Figure 1)². The number of employed immigrants has decreased since 1994. From June 1995 to June 1998 their number decreased by 6.6%, which is related to the general employment shortage as well as to the restrictions with respect to work permits for refugees and immigrants (Ausländerbeauftragte 1999).

Figure 4: Employed People by Nationality (in thousand), Germany 1980-1998



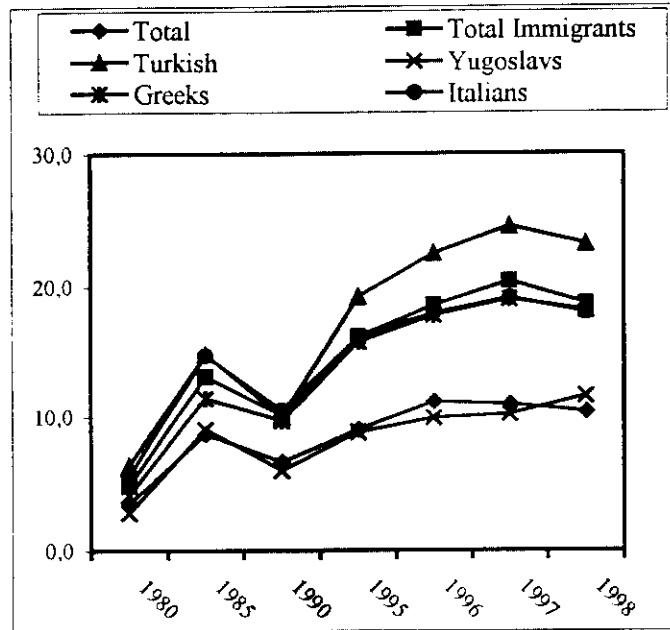
Source: Table 6.

Since 1980, unemployment rates of immigrants in Germany have always been higher than that of Germans (cf. Figure 5). The most excluded immigrant group are Turkish people, who show an unemployment rate twice as high as the general unemployment rate. Over the last 18 years the unemployment rate of Turkish people has increased more rapidly than the general unemployment rate. The unemployment rates of Greeks and Italians also show a strong increase, but these rates are nevertheless lower than that of Turkish people. Interestingly, people of Yugoslavian origin have an unemployment rate very similar to the general unemployment rate. The figures for people from Portugal and Spain are similar to those of Yugoslavian people (not included in the figure). In 1995 unemployment struck older immigrants (46-64 years) particularly strong and unemployment among old people might explain the increase of unemployment rates in the 1990s. Old Turkish people were over-proportionally affected by this trend, but the unemployment rates of young Turkish people (15-30 years) also increased. In contrast, the risk of young Germans, young Portuguese and

² People from countries of former Yugoslavia.

young Spaniards to become unemployed decreased in 1995 compared to 1985 (Bender/Seifert 1999). The higher unemployment rate of immigrants compared to Germans is due to the fact that the former usually have lower qualifications, occupy particularly unemployment-affected positions and economic sectors. In addition, they also suffer from direct discrimination due to their ethnic origin (Kiehl/Werner 1999, Goldberg/Mourinho/Kulke 1995).

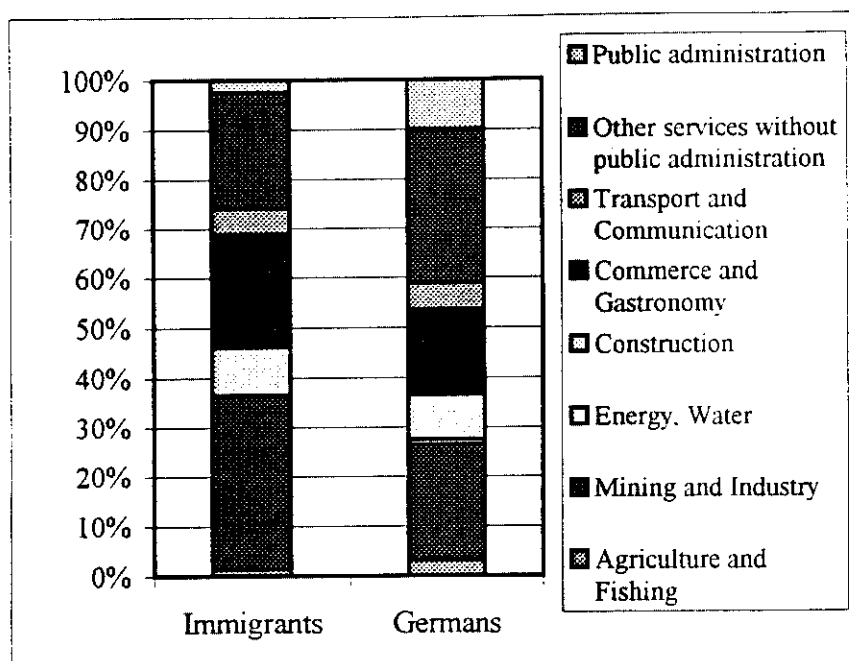
Figure 5: Unemployment Rates by Nationality and Total Rate, 1980-1998



Source: Table 7.

In 1995, most immigrants had an unskilled or semiskilled worker's status (55%), while only 12% of Germans are found in these status groups. Second generation of immigrants is represented with 27% in these status groups, while Germans display a rate of 9%, which means that the difference between both groups persists even if it has diminished to some extent (cf. Table 9) In correspondence with these findings are the figures on the distribution of immigrants and Germans according to the economic sectors. Immigrants are found more frequently in mining, industry, commerce and gastronomy than Germans. Particularly striking is the fact that they are seldom employed in the public administration (cf. Figure 6).

Figure 6: Immigrants and Germans by Economic Sector (in % of All Employed), 1997



Source: Table 8.

In conclusion, it can be said that there is a segmentation of the labour market along ethnic lines, which is particularly visible for Turkish immigrants and less so for some EU-nationals. Immigrants of the first and of the second generation are confined to the lower positions on the labour market, they are largely excluded from public administration jobs and they have to perform the heaviest jobs in industry and mining.

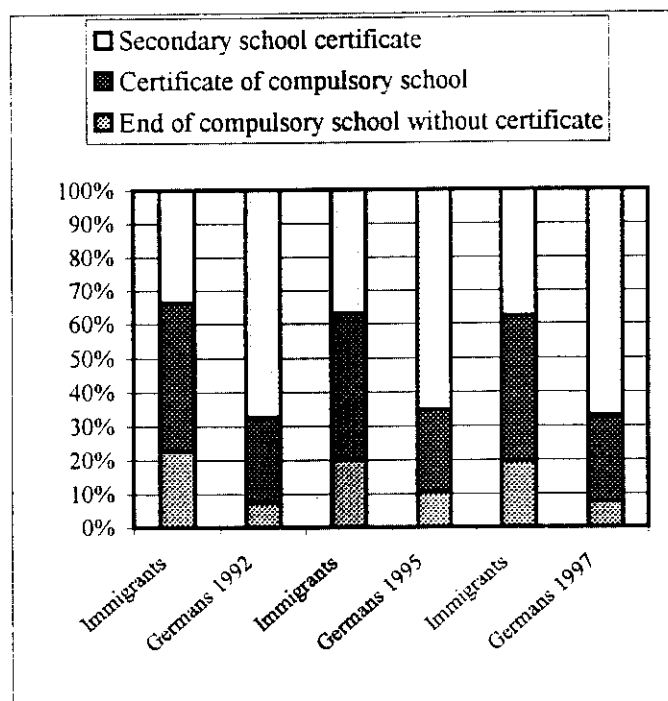
Next, some information on the educational situation of immigrants shall conclude the overview on immigrants' socio-economic situation. Nearly one million children of immigrant origin are enrolled in the German school system, i.e. every tenth pupil has a non-German nationality. In the 1980s a trend towards higher participation rates of children of immigrants in the German education system could be observed, but they continue to be over-represented in the two most disadvantaged school tracks, namely *Hauptschule* and *Sonderschule*. In addition, the trend towards higher enrolment rates was stopped in 1992 and the rates have been decreasing since then (Ausländerbeauftragte 1999).

Interestingly, large variations in enrolment rates can be observed for the different immigrant groups. In 1994, enrolment rates in secondary schools leading to an university entrance degree (*Gymnasium*) are highest among children of Spanish origin (28% of all Spanish pupils were in secondary schools), followed by children of Slovenian (26.7%), of Croatian (22.5%) and of Portuguese origin (22.3%). The lowest enrolment rates are found among children from Bosnia-Herzegovina (5.8%), Macedonia (8.2%), Italy (12.3%) and Turkey (12.4%). These differences are difficult to explain, in particular the differences between Italians and Spaniards. The most promising explanations refer to different migration and return migration frequency of Spaniards and Italians and to different rates and forms of collective organisations of these migrants and their importance for family aspirations and decisions with respect to schooling of their children (Thranhardt 1999).

With regard to school leavers from immigrant origin the same development as for the enrolment rate has occurred. In 1983, 34% of immigrant school leavers left school without having attained the final certificate of compulsory school, whereas in 1997 this number had

dropped to 17.1%. However, since 1993 the trend towards attainment of higher certificates has slowed down and the difference between German children and children from immigrant origin has not diminished, as can be seen from Figure 7.

**Figure 7: School Leavers by National Origin, Germany 1992, 1995, 1997
(in % of school leavers of respective nationality)**



Source: Table 10.

Enrolment rates of young immigrants in vocational training continue to be low. Since the 1990s even a decline of their participation rates has to be noticed. In 1986, 25% of young people of immigrant origin were enrolled in vocational training and their rate grew to 43.5% in 1994, while Germans had an enrolment rate of 70.8%. Yet, since then the enrolment of immigrants has been falling again. Significant differences according to ethnic group can be observed. In 1997, Spaniards and Portuguese children showed high enrolment rates (67.4% the former and 48.9% the latter), even above the German rate of 60.8%, while Turkish children (39.3%) and children from former Yugoslavia (35.3%) displayed the lowest rates. More than half of the youth aged 20 to 30 without German citizenship do not have a vocational certificate, which means that they will encounter many difficulties on the German labour market (Bmb+f 1999, Ausländerbeauftragte 1999).

To sum up, the main problems of immigrants' children with respect to educational attainment are their comparatively low enrolment rates in secondary schools leading to an university entrance certificate, their high risk of dropping out of school without a primary school certificate and their lower performance in the vocational training system. Thus, many young people of immigrant origin have to seek a job on the labour market for unskilled workers, which explains their high risk of being unemployed. Yet, differences exist according to ethnic group. Spanish, Greek, and Portuguese children engage in relatively successful education careers while Turkish and Italian children show much more difficulties.

In conclusion, the socio-economic situation of immigrants has worsened in the last years insofar as their unemployment has increased over-proportionally in comparison with total

unemployment, and because enrolment rates of second generation immigrants into general and vocational education has been decreasing in the last years.

5 Public and Semi-public Measures for Integration

The German state is a federal state, so that in some areas state competences have been transferred to the regional or local level, as for instance education, culture and social assistance. In addition, the third sector, i.e. confessional organisations, foundations, etc., is very important in Germany in providing social services of very different nature. For this reason integration policy is fragmented along different state levels and along the public and semi-public division line. In the following two sections the most important dimensions of German integration policy are presented: anti-discrimination measures, social services, subsidised housing, language courses and education policy.

5.1 Antidiscrimination Measures, Social Protection and Language Courses

In Germany no specific anti-discrimination law for immigrants exists. In many areas of German society there is to some extent a legal protection against various forms of discrimination. For instance, an anti-discrimination paragraph was introduced into the law regulating insurance companies, because insurance companies for cars did regularly discriminate against immigrants. Yet, there is a lack of a general legal instruments to protect against discrimination in everyday life interactions in the private sphere, for example to protect against discrimination by proprietors of dwellings, employers, restaurant owners, etc. The German constitution prohibits discrimination for ethnic reasons, but it is mainly restricted to actions of the state and can only partially be applied to conflicts in the private sphere (Ausländerbeauftragte 1993, 1997). The new government is preparing a general anti-discrimination law to protect all types of minorities and women against discrimination.

About 25 years ago special positions called "commissioners for foreigners" (Ausländerbeauftragte) were created at various administrative levels. In 1997, 201 commissioners existed: 187 at municipal level, 13 at regional levels and one federal commissioner. The local commissioners promote projects for integration of immigrants and they advice immigrants, but they are not always well-accepted among immigrants. One third of the immigrants interviewed in the representative survey of the Friedrich-Ebert Foundation know that in their town there is a commissioner for foreigners. 22% of these claim that the commissioner has no power and 36.8% state that she/he improves the situation of immigrants (Mehrländer/Ascheberg/Ueltzhöfer 1996). The most active and powerful commissioners are those at regional and national level. The federal commissioner is called "Beauftragte der Bundesregierung für Ausländerfragen" (Commissioner of the Federal Government for Foreigner Affairs) and since 1991 her role is defined in the law for foreigners. She can ask federal public institutions for statements in the case of a strong suspect that an institution had behaved in a discriminatory way. In addition, every two years she has to present a report on the situation of immigrants to the parliament. Besides these tasks, she gives political recommendations for the integration of immigrants, she works for a peaceful living together of Germans and immigrants and against discrimination on ethnic grounds, she works towards a development of integration policy at European level, etc. (AID 4, 1997; Ausländerbeauftragte 1997).

One example of the activities of the federal commissioner is a television and radio award for "communication with foreigners and cultural minorities", which was created in collaboration with the "Westdeutscher Rundfunk" (radio and television of western Germany) and the Freudenberg Foundation in 1988. Two juries, one for television and one for radio, can give up to four awards for the following categories: information, entertainment, feature and film. In each category the award is 5,000 DM (2515 EURO). In addition, juries can also give a special mention to particular programme performances. In this case 5,000 DM are the price, too. The award has existed since more than 10 years and in these years it has expanded into a larger project. Since 1994 it includes a youth jury that gives an award to a television production, school classes propose films for the adult jury, and an award for films made by young people has been created (civis-Büro 1998).

In addition to the work of the commissioners, since the end of the 1960s the third sector offers social services for foreign workers and their family members. The German "Caritas"², the "Diakonisches Werk" (protestant service) and the "Arbeiterwohlfahrt" (social-democratic-oriented service) have taken the responsibility for these services and each of them advise certain national groups; Caritas, for instance, advises Italian, Portuguese and Spanish workers. Around 900 social workers in ca. 600 counselling institutions help immigrants in all areas of life: work, social protection, legal problems, housing, and they also give advice for re-emigration. In the new regions of Eastern Germany new social services for immigrants have been created. In 1995 nine advice offices were counted. Refugees and other immigrants who are not workers are theoretically not entitled to receive advice in these institutions. Some refugees are entitled to public protection and can seek help in municipal social services. Since some years discussions and projects on the possibility for migrants to access the same municipal services as German have been under way. A condition for this intercultural opening of the so called regular services of the public sector would be the re-qualification of municipal social workers, so that they acquire "intercultural and interlingual competences". In addition, the nation-specific advice services in the semi-public sector have to be changed into multinational offices for all immigrants (Ausländerbeauftragte 1995).

Housing is, besides employment, one of the most important needs of immigrants to be satisfied. In Germany several public benefits for housing exist. Tax exemptions for the acquisition of a dwelling, direct allowances for the payment of dwelling rents and subsidised dwellings for socially disadvantaged groups. Immigrants are entitled to all three types of benefits, and since they are more likely to have lower incomes than Germans there is also a higher probability that they access public benefits. In 1995, the quality of immigrants' dwellings was still lower than that of Germans and on average immigrants' households pay higher rents than German households. Yet, immigrants' households live more frequently in public subsidised dwellings (16%) than Germans (13%). Public housing is particularly important for refugees and ethnic German immigrants, since around 40% of these households live in such dwellings (Statistisches Bundesamt 1998a). As for the different nationalities, two groups show high proportions of people living in subsidised dwellings: Turkish people (26%) and Yugoslav people (25%).

The most important condition for integration into German society is to be able to communicate in German. Being aware of this important challenge for integration policy in 1974 several federal and regional institutions (Federal and regional Ministries for Labour and Social Affairs, National Institute of Employment and 17 institutions from the third sector) created an organisation of public interest, which organises German courses for foreign workers (*Sprachverband Deutsch für ausländische Arbeitnehmer e.V.*). This organisation aims to promote the social and vocational integration of foreign workers and their families by

means of German language courses. This means that not all immigrants are entitled to take part in these courses. Ethnic German immigrants, recognised refugees (Asylberechtigte) and quota refugees are entitled to other language courses and thus cannot participate in the *Sprachverband* courses. In addition, some groups are not at all entitled to public subsidised courses, as for instance refugees asking for asylum, civil war refugees and young immigrants in compulsory schools. Financial resources come from the Federal Ministry of Work and Social Affairs, while the *Sprachverband e.V.* is responsible for the control and transfer of these resources to third sector institutions and associations. Around 500 associations organise German language teaching in places all over Germany. Every year around 70,000 immigrants take part in a language course (*Sprachverband Deutsch für ausländische Arbeitnehmer e.V.* 1997)

A recent evaluation study about the activities of the *Sprachverband* has shown that in general course participants improve their German skills by means of a course. Some problems have to be solved in the future, such as the large heterogeneity of course participants, the exclusion of some immigrant groups from the courses, the high drop out rate of participants, etc., but the general conclusion of the study is that the language courses support the integration of immigrants (Bundesministerium für Arbeit und Sozialordnung 1999).

5.2 Education Policy

Education policy in Germany is in the competence of regions (Bundesländer). For this reason it is very difficult to draw a general picture. Therefore, some examples of public policy and third sector activities for immigrant children shall give an idea about the German situation. Immigrant children need in the first place good German language skills if they want to be successful in school. Then, children and their parents need more information on the education system than Germans, since they normally did not have a direct experience with the system before. In addition, they need special support when entering the vocational training system, because they have lower chances to find and finish an apprenticeship. At last there is the question of the transformation of school curricula in order to guarantee an intercultural education.

It is assumed that most immigrant children will learn German in the neighbourhood, in pre-primary school or in primary school without any special support. There is no federal state effort to make sure that children of non-German origin enrol in pre-primary schools. In addition, there has been a deficit of places in pre-primary schools for years. In April 1993, only 49% of the children with a non-German passport aged 3 to 6 years were enrolled in a kindergarten, while 68% of the German children were enrolled. Unfortunately, newer statistics are not available (Ausländerbeauftragte 1995, BMFSFJ 1998).

Special problems arise for children of immigrants who arrive in Germany at a relatively late age and enter primary school without any German language skills. In some towns and regions they can enrol in special "foreigner" classes where their language skills are trained before they are admitted to a "normal" school class. Yet, not everywhere these children are supported in an adequate way.

Some support in the transition from school to vocational training and work exists also in fragmented forms. The Job Offices sometimes pay teachers who support non-Germans during their vocational training in order to make sure that they obtain the professional certificate. Recently, an effort has been undertaken in order to create apprenticeship places in ethnic

businesses, which makes it easier for many second generation children to find a place and to obtain an official qualification like other apprentices (AID 1, 1998 and cf. section 6.3).

Finally, there is the question of intercultural school curricula. In 1996 the permanent Conference of Education Ministers (KMK) gave all schools recommendations for intercultural education, but, according to the trade-union of teachers, they have not been taken very seriously and implementation lacks in most regions (GEW 1999).

As late as in 1997 the following recommendations for the area of education could be read in the report of the federal commissioner for foreigners, which means that they have still not been implemented everywhere:

1. Research results of intercultural pedagogy have to be introduced into didactic material, curricula and formation programmes for teachers.
2. The supply of support courses in German language has to be enlarged.
3. Teaching in the mother tongue has to be integrated into compulsory German schools.
4. Secondary schools, such as *Gymnasium* and *Realschule* have to enrol more immigrant children.
5. Special language courses for late-arriving children have to be extended.
6. Structures which ensure targeted information on vocational training for immigrants have to be created.
7. Regional co-operative structures that include employers' organisations, vocational schools, municipal youth offices and immigrants' organisations have to develop a holistic strategy in order to increase immigrants' participation in vocational training.
8. The public administration should increase the number of immigrants trained for public administration jobs.

Integration policy is an area that has been strongly influenced by activities within the third sector, insofar as innovative projects and institutions were created by semi-public institutions, which after some time were partially or totally taken over by state agencies. A very successful example is the creation of a wide network of RAAs (Regional Associations for Issues Concerning Foreigners) by the Freudenberg Foundation.

The Freudenberg Foundation is a grant-giving operational foundation, which aims to promote a peaceful living-together and to support people in need, in particular immigrant groups. The foundation initiates and supports projects for social and vocational integration of immigrant youth and for the improvement of inter-cultural understanding. The most important and successful projects are the RAAs. The first RAAs were created in West-Germany and after the unification new *Regionale Arbeitsstellen für Ausländerfragen* were created in the eastern part of Germany. Their general aims are to promote civic education, organise the fight against racism, and develop the necessary social and cultural assistance for immigrants and minorities. In the last years the RAAs, in particular in eastern Germany, have extended their activities to general prevention of social exclusion, and to the social and cultural integration of youth at risk through education.

Since 1980 RAAs have been created and are still being created in new places. Since the beginning of the 1990s, in the region of Nordrhein-Westfalen they have become part of the local and regional public administration. The Freudenberg Foundation supports specific projects of the RAAs with around 120,000 DM per year (ca. 60,000 EURO). The region of Northrhine-Westphalia finances the co-ordination office of the RAAs in Essen, as well as teachers who are freed from school work in order to work in a RAA, and the region gives a fixed annual amount for other staff. The exact amount of financing depends on the budgets of

the regional Ministry of Labour, Health and Social Affairs and of the regional Ministry for School and Continued Training. The staff of the RAAs should ideally be composed of Germans to one half and of non-Germans to the other half, and at least one teacher has to work in each RAA.

The areas of work of the RAAs are the following:

1. Counselling and support of children from immigrant families and their parents in their choice of education and vocational training tracks;
2. Support and responsible intervention in the counselling process of children arriving in Germany after age 6;
3. Help at the transitions from pre-primary education into primary school, from one school form to another, and from school to vocational training;
4. Counselling of schools when they institute support measures for children from immigrant families;
5. Support of work with parents in schools and in non-school institutions;
6. Counselling of other institutions in the task of supporting children from immigrant families, coordination between schools and other institution;
7. Help for the collaboration of schools and non-school institutions doing education, culture and social work;
8. Development and testing of didactic material, and transfer of experiences into various administrations and institutions;
9. Co-operation in intercultural work with schools and non-school institutions, advice to their staff and experiments with new concepts.

The work of the RAAs will be shortly illustrated with the example of the RAA Wuppertal, which is a new creation of 1997. Eight people work for the RAA, of whom three are teachers, three are social workers (*Sozialpädagogen*), one is an administrative employee and one is a pedagogical collaborator. Three of the eight staff members are of non-German origin (Bosnian, Turkish and Italian origin). The RAA Wuppertal has six work areas: 1. co-operation with self-organisations of immigrants, 2. intercultural education, 3. school work, 4. transition from school to vocational training, 5. a project for young Italian people, and 6. other projects and cultural work. For every area one example of the work done in 1998 is given in the next paragraph.

1. The RAA mediated between a network for prevention of drug addiction and self-organisations of immigrants. As a result, a Turkish self-help organisation organised a conference about this subject in co-operation with a Turkish doctor.
2. In the area of intercultural education the RAA offered six seminars for 120 participants, which were employees of day-care institution for children. In these seminars such topics as intercultural sensibilisation and communication, migration and society, intercultural education of children (language development, bilingual education, etc.), work with parents, didactic materials and intercultural concept development were discussed.
3. In the area of school the main work is to advise children and their parents about the best school form to go to. The teachers of the RAA conduct an informal check of German language skills and a formal check of mathematical basic skills. In addition, they speak with children about their interests and preferences and they also inform and advise the parents of the children. As a result the RAA intervened in 106 cases of enrolment into primary school (*Grundschule*), in 103 cases of enrolment into a *Hauptschule*, in 16 cases of enrolment into the *Realschule*, in 41 cases into the *Gymnasium* (all three are secondary schools) and in 13 cases of a change from one school form to another.
4. One of the support measures for school-leavers is a monthly advice meeting with the commissioner for foreigners of the Job Office.

5. The European project ZUFI (Zukunftsperspektiven für italienische Jugendliche schaffen) aims to improve the transition from school to vocational training of young people of Italian origin. This aim is to be reached by measures of motivation, support for the acquisition of school certificates, and support for entering an apprenticeship. In addition, an intensive information and motivation work with parents is to be conducted, a group of young people functioning as multipliers will be created, and supplementary teaching will be offered.
6. Among other projects of the RAA, the school theatre project had a high success among pupils. In this project the medium theatre was used in order to work against xenophobia, right-wing extremism, violence and racism (RAA Wuppertal 1999).

In 1991 the first RAA in eastern Germany was created. Nowadays there are 17 RAAs of different size and with different work areas in the eastern part of Germany. However, the common objective is to fight xenophobia and racist violence through adequate measures and projects and to implement the idea of a critically reflected tolerance. The central intervention area of the eastern RAAs are schools and surrounding fields. They use the same work methods as the western RAAs, but in addition they support the creation of school clubs, they organise exchanges between Polish and German young people, they organise afternoon cultural and sports activities in schools, they have produced computer games which show how conflicts can be solved in a peaceful way. Furthermore, the RAAs participate in vocational training programs and offer counselling for immigrants who want to start their own business. One project aims to offer annually a binational vocational training in the areas metal, electricity and commerce to 30 young people from Turkish origin. In this project a part of the technical courses are taught in the Turkish mother tongue and a five-week stage in Turkey is part of the program. Thus, this vocational certificate opens the way to jobs in Germany, the EU and Turkey (AID 1, 1998; RAA 1995).

To conclude, integration policy in Germany is not a co-ordinated central state policy based on a national law, but it shows fragmentation lines along various divides:

1. Federal state agencies, regional administration, and municipal agencies;
2. Measures and institutions totally financed by public budgets, and measures and institutions financed by the state and third sector institutions;
3. Measures frequently differentiate immigrants according to their legal status: former guest workers and their relatives, EU-nationals and non-EU nationals, recognised refugees, tolerated refugees, ethnic German immigrants and undocumented immigrants.

An advantage of this German particularity is the fact that innovative measures can be more easily implemented, in particular at local level, and can then diffuse into other levels. However, two important shortcomings have to be emphasised. First, German law and institutions discriminate against immigrants according to their origin, which counteracts positive integration efforts and excludes certain groups systematically from German society. The two most discriminated groups are non-recognised refugees and undocumented immigrants, who are excluded from most integration measures, but also people from Turkish origin have fewer rights than EU-nationals. Second, Germany lacks a systematic anti-discrimination policy and it excludes the majority of its immigrant population from the most important political rights, such as the right to participate in local, regional and federal elections. Germany has a great democratic deficit, because 9% of its population cannot decide about the composition of its government.

6 Trends Towards an Ethnic Class Formation

In this section an overall picture of social exclusion of immigrants in Germany will be drawn by focusing mainly on the ethnic community of Turkish immigrants and their children and grand-children. The question whether there is an ethnic class formation makes it necessary to look at different generations in order to assess the degree of assimilation over time. Since many immigrant groups continue to experience new immigration, it is difficult to analyse immigrant groups as homogeneous groups; instead, a differentiation between first generation and second/third generation immigrants becomes necessary. Unfortunately, statistics with such details are scarce, but the existing ones will be presented.

6.1 Social Exclusion of Immigrants: Popular and Institutional Discrimination

Cultural segregation of immigrants is a two-sided process of auto-exclusion of immigrants and of Germans discriminating and excluding immigrants. Several indicators of discrimination and racism on the side of Germans exist. The General Population Survey of Social Sciences (ALLBUS) allows an analysis over time. Among others, people were asked the three following questions:

1. If jobs are scarce, should foreigners who live in Germany be sent back to their home country?
2. Should one interdict foreigners who live in Germany any sort of political participation?
3. Should foreigners who live in Germany choose their spouses among their compatriots?

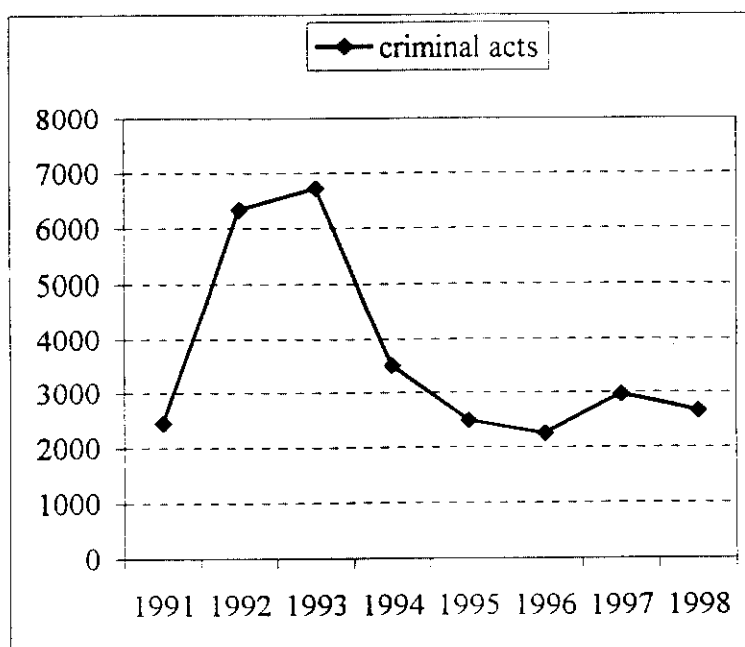
Between 1980 and 1994 West-Germans' agreement with these discriminating statements decreased, but positions became more polarised, i.e. extreme positions were chosen more frequently than more neutral or undecided positions. Then, from 1994 to 1996, the trend changed, partly because now also East-Germans were interviewed, but also because the responses of West-Germans began to show more discriminating attitudes. If one constructs an index summarising all statements which measure xenophobic attitudes, then a rough estimation of xenophobic attitudes among Germans can be made. It is estimated that 20% of the West-Germans have strong xenophobic attitudes, while the rate of East Germans amounts to 25%. Other studies estimate that 15.5% of the West-Germans and 30% of the East-Germans hold xenophobic opinions.

If one differentiates the group of "foreigners" into more concrete groups, such as Italians, ethnic German immigrants, refugees, Turkish people and Jews living in Germany, then it becomes visible that xenophobic attitudes vary according to the target group. One example is the expressed reserve of Germans towards a marriage of a family member with a "foreigner". Marriage to an Italian is not welcomed by 22% of the Germans, 28% disapprove of a marriage to an ethnic German immigrant, and 56% disapprove a marriage to a Turkish person and 60% to a refugee. When asked if immigrants should have the same rights as Germans, the latter accept this for ethnic German immigrants and somewhat less for Italians, whereas equal rights for Turkish people are denied by 45% of the interviewees and equal rights for refugees by 65%. Nearly every second of the Germans interviewed does not want to grant the acquisition dual citizenship to immigrants and is against the introduction of the right to vote at local elections (Ganter/Esser 1998). These attitudes make immigrants feel discriminated when they are confronted with Germans who express these views, but in addition they sometimes also suffer direct discrimination in everyday life.

In the 1995 survey mentioned above, immigrants were asked if they had suffered from xenophobic behaviour in the previous year, i.e. if they were offended, molested, menaced, beaten or injured. Italians and Greeks experienced less discrimination and offences than people of Yugoslav and Turkish origin. Of the latter 26.5% stated that they had been offended, 20.6% had been molested, 7.% had been menaced, 2.3 % reported to have been beaten and 1.8% were injured. Young Turkish men (age 15 to 24) were at even higher risk: 5.3% were beaten and 4.7% reported to have been injured. When asked about concrete discrimination acts in the previous year, Turkish people stated to have been frequently discriminated against when searching they were searching for a dwelling to rent, when they were trying to enter a restaurant or disco, and when they were seeking for a job (Mehrländer/Ascheberg/Ueltzhöfer 1996).

At last, the question of increasing racial attacks against immigrants and other minorities has to be discussed. Nearly every week, German newspapers report about racial attacks, but it is difficult to assess the trend because not every racial attack is officially reported as such. Police statistics can be analysed in order to look for the registered acts. These are statistics on violence for xenophobic reasons, menaces, dissemination of xenophobic propaganda, and related offences (criminal acts of right extremist organisations are not included). Again, these data have been criticised for their under-reporting of attacks. However, the trend seems to be rather clear. Before 1991, on average 250 xenophobic criminal acts per year were reported, which multiplied by 10 in 1991 and thus reached the number of 2,598 offences. Then, this number sharply increased to 6,721 offences in 1993 (cf. Figure 8). These years were the time of racial attacks against refugees in Hoyerswerda, in Rostock-Lichtenhagen and the mortal fire attacks against Turkish families in Mölln and Solingen. Only since 1994 the number of offences began to decline, but in 1997 and 1998 they increased again slightly. Furthermore, 1998 was the year with the highest number of homicides (Ausländerbeauftragte 1999, Ganter/Esser 1998). In 1997, 7,790 criminal acts with a right-wing extremist background were reported, which have to be added to the 2,953 criminal acts for xenophobic motives (BMI 1998).

Figure 8: Criminal Acts for Xenophobic Reasons, Germany 1991-1998



Source: Ausländerbeauftragte 1999.

The next part describes discrimination in the intersection between popular and institutional discrimination. First, the question of under-representation of immigrants in important status positions is treated: are immigrants underrepresented in the public administration, national media, political organisations and trade unions?

As can be observed in optional table 4, immigrants, be it in general or be they of the second generation, are much less frequently than Germans in the service class. Thus, immigrants are underrepresented in all higher social positions, and in particular in public administration, media and politics.

Media are very important for the visibility and acceptance of a multi-ethnic society. The trade-union of people working for media struggles against discrimination of immigrants working in German radios and televisions. They summarise the situation of immigrant journalists as follows:

1. Discrimination of immigrants in everyday life and at work is identical
2. Journalists from non-German origin have to have higher qualifications than their German colleagues.
3. They are often confined to a very restricted field of action within editorial offices.
4. Discrimination due to origin is reinforced by discrimination, to which German colleagues are exposed too, such as working freelance, being a women, etc. (AID 3, 1996).

As for the employment of immigrants in the public administration, the German Socio-economic panel allows to compare native-born and non-native born who are employed in social services (third sector or state agencies) and public administration (local, regional or federal state agencies). In 1995, 31% of the employed Germans were in this sector, while only 13% of the immigrants had such a job. The discrepancy is smaller if one compares second generation immigrants with Germans of age 16 to 25 (30% compared to 23%) (Statistisches Bundesamt 1998a). If one excludes social services, exclusion of immigrants from public administration becomes even more evident. In 1993 in Berlin, a town with a high percentage of immigrants, there were 43,886 employees in the public administration, but only 3.2% of these were immigrants. In 1993, most immigrants employed in public administration worked in the health service (44%), but again most of the latter are nurses (25%), other hospital workers (10%) or other health service workers, while only 5% were doctors. Of all doctors in Germany only 4.5% had a foreign nationality in 1993 (AID 1, 1996).

Even if a change is observable for the second generation, it has to be stated that the public administration still excludes immigrants. In 1995, only 3.1% of the students of vocational training for public administrations were of non-German origin. This under-representation exists despite the fact that there are sufficient potential applicants from the second and third generation with the necessary certificates. This sub-representation of young immigrants might have mainly three reasons:

1. Civil servants have to have the German citizenship, have to be from an EU country or a very urgent official need for employment has to exist. This means that people from Turkish or Yugoslav origin have no access to civil servant positions unless they have been naturalised.
2. Immigrants lack information and motivation.
3. They are consciously or unconsciously discriminated against when they apply for a job.

In general, public administrations do not like the idea of introducing quota for immigrants, but in some towns local administrations have published job announcements, which state that "applications from immigrants are expressly wanted and equal qualifications given, they will

be given preference" (AID 1, 1999). Two positive examples are the municipalities of Stuttgart and Hamburg. 24 % of the population of Stuttgart, a town in southern Germany, are immigrants. They form 16.7% of the town's active labour force (with social security affiliation). Stuttgart has made a special effort to employ immigrants in the municipal administration. As a result, in 1996 4% of the immigrant labour force were employed there (AID 4, 1996). In Hamburg, young immigrants from the second and third generation have been motivated by a special campaign to apply for a job in the police force. Thus the number of immigrants hired has increased, despite of the fact that many of the conditions for entering the police force are difficult to be met by most immigrants (AID 3, 1997).

It has been shown that the exclusion of immigrants from outside the EU from civil servant positions contributes to their problem of gaining access to higher positions on the labour market. This is an outcome of the high barriers which have to be overcome in order to gain German citizenship. Another consequence of the low number of naturalised immigrants is their exclusion from political rights.

Through which channels can immigrants struggle politically for a better access to central positions of the German society? As already presented in section 3, immigrants are in general entitled to social rights and excluded from political rights, insofar as they have not acquired German citizenship. Exceptions to exclusion from political rights are the following:

1. Since 1996, immigrants from EU countries have the right to vote in European and local elections, which means that from the 7.3 millions immigrants 1.8 millions (25%) are able to vote. Now, three immigrants from Germany were elected to the new European parliament (AID 3, 1999).
2. Immigrants can participate in elections in parties, trade-unions, workers' councils and at elections in schools and universities.

Immigrants' participation in trade unions, one of the German institutions which grants them full participation rights, is similarly high and for some groups even higher than participation of Germans. In 1994, 21.7% of the Germans and 19.6% of the Turks were members of a trade-union. The organisation rate of Yugoslavs and Spaniards was even higher: 26% of the former and 24.5% of the latter were trade union members. The high degree of organisation of immigrants in German trade unions is considered one of the main successes of German trade unionism (Diehl/Urban/Esser 1998).

In addition, in some towns and regions special councils for immigrants (*Ausländerbeiräte*) were created in order to, at least to some extent, guarantee a political representation of immigrants at municipal level. The charters of these councils can vary from town to town or between regions. Some councils are elected in free elections among immigrants and others are composed of appointed representatives. Their spheres of competence do also differ. In the 1995 representative survey of Mehrländer et al. immigrants were asked if in their town a council for foreigners exists. Around 30% of them affirmed the question, but 31% of them said that they do not know what the council does, and 21% stated that the council has no power. However, 40.5% said that the council improves the situation of immigrants. In some regions the councils for foreigners have been institutionalised through their inclusion into the municipal constitutions (e.g. Hessen, Nordrhein-Westfalen, etc). In addition, some councils have formed federations at a regional level. These federations aim to co-ordinate local work and to take part in the public debate. Since the introduction of the right to vote for EU-nationals, a discussion on the redefinition of the role of the councils of foreigners has been under way. It should be kept in mind that at the moment these councils are the only

institutional means to influence the political life in their municipalities for the great majority of immigrants in Germany (Ausländerbeauftragte 1997).

6.2 Auto-exclusion of immigrants: Spatial Segregation and Cultural Segmentation

Frequently, in particular in the political debate, it is argued that immigrants' integration into German society is so difficult because of their voluntary auto-exclusion into ethnic communities, which prevent children of immigrants to acquire good skills of the German language, to perform well in the German education system and, thus, to acquire jobs in higher positions. In this section the topic of auto-exclusion of immigrants from the majority society is explored.

In some towns immigrant groups concentrate in certain areas and in 1995 the quality of immigrants' dwellings was still lower than that of Germans. An overall estimation of housing segregation for German towns is difficult. First, because local data have to be collected and second, because the definition of housing segregation varies frequently according to the area under analysis. One might find segregation in some house blocks, but not in the neighbourhood in general. Thus, a clear definition of the unit of analysis is crucial, if one wants to make a statement. For Germany it can be stated that ethnic homogenous neighbourhoods do not exist, which is however not true for dwelling blocks and houses. Two examples shall illustrate this.

1. In 1995, 15.3% of the inhabitants of the town of Duisburg were immigrants, while in its neighbourhood Marxloh the rate amounted to 35.3% and in some blocks and streets the proportion of non-Germans was 90% (Hanhörster 1999).
2. In the Berlin neighbourhood of Kreuzberg the proportion of immigrants was 33.7% in 1996, but within some sub-units of Kreuzberg the percentage reached 47.4% and 40.1%. If one looks at the sub-unit with the largest rate of immigrants, differences can be found at house level. There are houses with 23 German households and three non-German households as well as houses with 4 German households and 22 non-German households (Kleff 1998).

If one looks at the percentage of immigrants in a town who live in a segregated housing context, then the rates are in general much lower, so for instance in Frankfurt/Main, where only 5-10% of non-Germans live in segregated neighbourhoods (Wolf-Almanaresh 1998).

There is also a controversial discussion about the advantages and disadvantages of ethnic concentration in neighbourhoods. Some researchers see it as an important integration mechanism for new immigrants, and they argue that segregation decreases or disappears over successive generations, while others see it as a danger for integration, since for example children will have more difficulties to enter inter-ethnic relationships and will have more difficulties in achieving higher educational levels (Esser 1999, Heckmann 1998).

In two representative surveys immigrants were asked if they preferred to live in a neighbourhood with a majority of immigrants or if they preferred to live with a German majority. In the 1985 survey, 62.6% of the Turkish answered that it did not matter, while 11.1% stated they preferred to live in a neighbourhood mainly inhabited by other immigrants. In 1995, the indifferent represented again 62.4% but the rate of those who preferred segregation had increased to 17%. Among other immigrant groups which were interviewed in 1995, we find smaller groups which prefer segregation: 9.3% among former Yugoslavs, 7.5%

among Italians and 6% among Greeks. Yet, their preference for living with other immigrants has also grown since 1980 (an exception are the Greeks) (Mehrländer/Ascheberg/Ueltzhöfer 1996).

Housing segregation of immigrants is always a mix between free choice and constraints. The latter figures show that there is a minority of immigrants who prefer living in segregated housing areas, but there are also many indicators which point to an involuntary segregation. Immigrants have, on average, a lower purchasing power, they are more frequently unemployed and they have larger households. These factors result in disadvantaged positions on the housing market, which means that their choice of dwellings is frequently restricted to areas with old and low-standard dwellings. The example of Duisburg-Marxloh is a very good illustration of this fact. A construction enterprise of the large company Thyssen administers 30% of the dwelling in Marxloh. These dwellings are mainly inhabited by immigrants and 50% of all immigrants of Marxloh live in these enterprise dwellings. In the beginning of the 1970s, many Turkish workers were offered these company dwellings when they started family reunification in Germany. Since then these dwellings have not been renovated or modernised. Thus, mobile families with relatively high income levels have quit these dwellings, and immigrant families with low incomes have taken over the rather deteriorated housing opportunities. As a consequence, ethnic homogeneity has increased during the last three decades in Marxloh (Hanhörster 1999).

It has been shown that spatial segregation is not very widespread, even if there are signs that it has increased over the last years. According to some sociologists a deterioration of German language skills can be observed in the last years, in particular among children and youth. Unfortunately, there is a lack of studies which take a closer look at immigrants from the perspective of their age, so that it is not possible to analyse the extent of the problem of children arriving at Germany at age 6 and over on a national level. In order to know if language problems of immigrant children are due to housing segregation or to the phenomenon of relative late immigration, this information is necessary. This question will thus not be answered in the report.

The German socio-economic panel shows that the proportion of immigrants who state that they have good German language skills has increased since 1984, but this proportion has stagnated in the 1990s at a level of 55%. However, in the second generation (people born in Germany or who have been enrolled in the German education system up to age 25) no stagnation is visible, and in 1995 as much as 93% of the second generation affirmed that they had good language skills (Statistisches Bundesamt 1998a). If one compares different groups of immigrants who state that they have very good or good language skills with each other, it can be seen that in 1995, on average, more Turkish people than former Yugoslavs made this statement. In addition, the number of Italians and Greeks who affirmed that they have good to very good skills was only slightly higher than the number of Turks (Mehrländer/Ascheberg/Ueltzhöfer 1996). Thus, the fact that they belong to a large community of immigrants with a higher probability of living in spatial segregation, does not prevent Turkish immigrants from having language skills which are as good as or even better than those of other immigrants. The fact that language skills have worsened in the 1990s, might be related to the high numbers of new immigrants at the beginning of the 1990s (cf. Figure 1).

Improved language skills among second generation immigrants contrasts with decreasing interethnic relationships of all generations in the years from 1989 to 1995. In 1991, 48% of all immigrants had at least a German friend, 39% of the Turkish population and 67% of second

generation immigrants stated the same. In 1995 however, only 42% of all immigrants, 33% of Turkish people and only 59% of the second generation stated that they had a German friend. Thus, despite better language skills young second generation immigrants have less interethnic friendships. In addition, very few of those Turkish people who did not have any contacts with Germans in their leisure time in 1995, stated that they would like to establish contacts with Germans (10%), while in 1985 still 41% expressed their wish to establish such contacts (Mehrländer/Ascheberg/Ueltzhöfer 1996). Sometimes it is argued that the less frequent interethnic interaction is due to the withdrawal of immigrants into their ethnic communities, as for instance, their strong orientation towards ethnic organisations.

In fact, some analyses show that immigrants who participate in organisations oriented towards their home country have fewer interethnic contacts. This is particularly true for participation in religious associations and less so for conservative or left-wing political organisations. Yet, the causal relationship is not clear. Do immigrants participate in home-oriented associations because they are already to some extent segregated or is it the other way round? (Diehl/Urban/Esser 1998).

Another important indicator for the integration of immigrants are intermarriage patterns. Official statistics from the statistical office report only marriages concluded in Germany and exclude marriages which were registered in the country of origin of the immigrant. For this reason, we will present representative survey data of Turkish, ex-Yugoslav, Italian and Greek immigrants only. These immigrants were asked to state the nationality of their spouses. In 1985, 5% stated they had a German partner, while in 1995 the rate had risen to 10%. The intermarriage rate of all immigrants increased from 1980 to 1995, but differences according to age and ethnic group persist. Of the young interviewees aged 25 to 29 as many as 16% said they had a German spouse, while of those aged 35 to 39 only 10% had a German partner. In 1995, the highest intermarriage rate was reported of Italian men (20%), followed by Yugoslav men (10%), Greek men (8.5%) and Turkish men (6.3%). In general women have a smaller intermarriage rate than men, but, and this was an exception, in 1995, Turkish women had a higher rate (8.7%) than Turkish men (Mehrländer/Ascheberg/Ueltzhöfer 1996). A consequence of these intermarriages are an increasing number of children born in interethnic partnerships since 1980, but, as expected, there is a great variation according to nationality. In 1995, 9% of the new born children from Turkish origin were born in a German-Turkish union, while as many as 80% of all children from Spanish origin were born to a German-Spanish couple (Thränhardt 1999).

In 1997 a controversial study on "Turkish Youth and Islamic Fundamentalism" was published by Wilhelm Heitmeyer. The results showed that many young Turkish people were withdrawing from the "majority society" to their ethnic communities and culture of origin. This phenomenon is interpreted as a reaction to a high degree of discrimination of Turkish youth by the majority and as a reaction to a large supply of religious-political organisations within ethnic communities. One third of the surveyed young Turks of the region of Nordrhein-Westfalen stated that their interests were well represented by the Turkish-nationalist organisation "Grey Wolves" and 54% affirmed that the Islam was superior and they advocated for a separation between "believers" and "non-believers". One fourth said that violence was justified in order to defend religious principles (AID 4, 1996). This study has been criticised among other things for its methodological problems, such as highly suggestive and complex questions. In addition, some doubts on the representativity of the sample exist, since it seems to be biased with respect to age and people from very deprived areas (Diehl/Urban/Esser 1998).

Based on other data, Diehl, Urbahn and Esser (1998) have analysed the religiosity of Turkish people according to age. A multivariate analysis of the frequency of visits of religious meetings and of services with figures from the Socio-economic Panel shows that young Turkish people are less likely than older Turks to participate frequently in religious services. The representative Friedrich-Ebert Foundation survey from 1995 shows that 55.1% of young Turkish people aged 15 to 25 seldom or never take part in religious services, 22.7% attend them once a month and 21.7% once a week or several times a week. These figures refer only to Turks of Islamic denomination, which in this survey were 81.7% of the Turks in Germany (Diehl/Urbahn/Esser 1998, Mehrländer/Ascheberg/Ueltzhöfer 1996).

Next, the topic of an increasing concentration of visible deviant behaviour (non authorised street selling, prostitution, drug traffic, robbery and assaults) among immigrants will be raised, since in public debates a cause-effect relation between spatial-cultural segregation and increased criminality of immigrants is a recurrent topic. Usually, police data about people suspected of having committed a punishable act are the basis for statements about an over-proportionally high crime rate among immigrants. First of all, one has to be aware of some methodological and technical problems. Police statistics show higher numbers of criminals than statistics about those which are finally convicted for some criminal act. Secondly, the statistics include offences against the law for foreigners and the law of asylum, laws which do not apply to Germans. Thirdly, if one states that foreigners are more likely to commit criminal acts, it has to be taken into account that this is mostly due to their different socio-demographic background and not their inherently higher propensity to deviant behaviour. Problematic as the police statistics are, two empirical results seem worth to be reported. In 1993, 33.6% of all suspects were non-Germans and in the following years this rate has continuously fell to 27.9% in 1997 (Ausländerbeauftragte 1995; AID 3, 1998; Bundesministerium des Innern, 1998).

At last the question of naturalisation will be risen from the angle of the wish of immigrants to become full citizens. Have immigrants increasingly wanted to apply and have they really applied for naturalisation in the last years? In 1995, second generation immigrants were less willing to stay definitively in Germany. They stated less frequently than in 1991 that they feel themselves as Germans. In the context of the *ius sanguinis* citizenship law (cf. section 3) it can also be observed that many immigrants did not plan to apply for the German citizenship (47% in 1995), be it for the German citizenship alone or for a potential dual citizenship. If the possibility to keep the former citizenship existed, then 35% would apply for the German one, while only 17% would like to become naturalised independently of the possibility of a dual citizenship (Statistisches Bundesamt 1998a). In fact, as reported in section 3, the number of naturalisations steadily increased from 1985 until 1995, in 1996 and in 1997 however it decreased. All in all, the proportion of immigrants (without ethnic German immigrants) being naturalised is very small. In 1994 0.8% of all non-German inhabitants received the German citizenship (Ausländerbeauftragte 1999). In 1997 the rate was 1.1%. Compared to the EU average of 1.7% in 1994, the German figure (0.8%) is rather low. It is even more true if it is compared to countries like the Netherlands (6.3%), Sweden (6.9%), Denmark (3%) and Belgium (2.8%) (Eurostat 1997).

6.3 Self-employment of Immigrants in Germany: Indicator of Integration or Ethnic Trap?

Since the mid 1980s self-employment of immigrants increased in Germany, from 6.5% of the immigrant labour force (1987) to 8.8% in 1998. In 1995, Germans had a self-employment rate of 9.5% and EU-nationals had a rate of 13% (Kiehl/Werner 1999). In 1992, the ethnic groups with the highest self-employment rate were Italians (11%) and Greeks (11.6%) followed by Turkish people (3.6%). During the 1960s ethnic businesses in Germany were mostly a creation of Italian and Yugoslav immigrants, in the 1970s Greek immigrants stepped in and it is since 1980 that the role of Turkish self-employment has become more important. In 1998, Turkish ethnic businesses represented already the largest group of ethnic entrepreneurs (18%). In 1996 the Centre for Turkey Studies estimated the number of Turkish businesses to 40,500 and in 1998 to 51,000. Most of these enterprises are small businesses and family businesses, but businesses in innovative areas are increasing in number. (Ausländerbeauftragte 1997, Zentrum für Türkeistudien 1999).

It is exactly the Turkish community which is suspected to create segregated ethnic communities with their own economic and social institutions apart from the German majority society, where second generation youth might be trapped into. On the one hand, it is a fact that Turkish ethnic businesses are expanding into nearly all economic areas and that many second generation Turks are involved in ethnic businesses. In 1998, the most important economic sector for Turkish businesses was retail trade (37.8%), followed by gastronomy (24%), services (17%) and wholesale trade (11%). In 1993 business in the service sector amounted only to 12%, which means that the trend goes towards a greater diffusion of ethnic businesses throughout different economic sectors (Sen/Goldberg 1996, Zentrum für Türkeistudien 1999). In addition, in 1998, two-thirds of all new creations of Turkish businesses were funded by Turkish people from the second generation. Yet, 29% of Turkish entrepreneurs had the German citizenship, which means that they are integrated into the German society with respect to rights, access to labour market and public benefits (Zentrum für Türkeistudien 1999).

On the other hand, Turkish entrepreneurs are creating jobs for Germans and other immigrant groups, they are increasingly interacting economically with German institutions and enterprises and they are adapting to the German system of dual vocational training. This means that businesses of immigrants of Turkish origin offer an opportunity to escape from unemployment and thus to be economically included into German society, and in addition, these entrepreneurs are integrating into the German economic and education structure.

A study estimated for 1992 that ethnic businesses employed a rather high number of people because their demand for labour is equivalent to one quarter of the total supply of labour by immigrants in Germany. The 1998 study of the Centre for Turkey Studies concludes that ethnic businesses cannot anymore be considered an economic niche, since they offer employment not only for family members. Since 1985, self-employed Turkish people have increased their average number of employees. In 1985, they had 3.5 employees on average, whereas in 1998 they had 5.2 employees on average. Turkish businesses without employees are the minority (14%), while most have 1 to 3 employees (43.%) or 4 to 9 employees (33%). In addition, 19.6% of the employees in these businesses are Germans and 10.6% are of ethnic origins other than Turkish. The Turkish self-employed focus more and more on German clients and have become embedded into the German commodity supply nets. As many as 73% of Turkish entrepreneurs buy commodities and services from Germans and 87% have Germans among their clients (Zentrum für Türkeistudien 1999).

Turkish self-employed persons also engage in collective action, whose main target are economic and political elites in Germany. They have created interest groups in order to defend their interests more effectively. There is the confederation TIDAF, which is a German-Turkish entrepreneurs' association with 17 regional organisations and over 3000 members (in 1996). Smaller associations were created in given towns or for particular economic sectors, as for instance, DES-BIR, TÜDET or ATIAD (AID 2, 1995).

A very important effort of Turkish entrepreneurs towards integration is their participation in courses and examinations in order to obtain the certificate which allows to train apprentices within the German dual apprenticeship system (duale Berufsausbildung). Already in 1986 a pilot project "Training of Turkish Self-employers To Trainers" (Ausländische Selbständige Bilden Aus) was started in three large towns: Duisburg, Dortmund and Mannheim/Heidelberg. This project involved many local partners: the Chambers of Commerce and Industry, employers associations, job offices, municipal administration, third sector associations, councils of foreigners, RAAs and professional schools. In addition, it was supported by the European Social Fund, the ILO, the Federal Ministry of Education and Science, several regional Ministries of Work, Health and Social Affairs and the Freudenberg Foundation (Bundesminister für Bildung und Wissenschaft 1992). The project proved to be successful and was thus enlarged and followed by new projects and measures.

In 1997, 11% of the 47,000 Turkish enterprises trained apprentices and 75.4% of potential training enterprises stated to be willing to do so in the future. In addition, two other studies have shown that Greek, Italian, Portuguese, Spanish and Turkish businesses in Germany could be mobilised in order to create 11,000 new apprenticeship positions. Based on these empirical results, the Ministry of Education and Research, the social partners, entrepreneurs' associations of immigrants, the Federal Institute for Employment and the Federal Institute for Vocational Training have come to an agreement to mobilise this potential for new apprenticeship positions overall in Germany. This campaign started in March 1998 and it is also supported by the Federal Ministry of Labour and Social Affairs through two projects. The Centre for Studies on Turkey in Essen (Northrhine-Westphalia) is involved in one of these projects, which until 2001 aims to increase the number of Turkish enterprises offering training for apprentices in the Ruhr area, in Cologne and Bonn (Bmb+f 1999, www.uni-essen.de/zft 1999).

To sum up, it can be said that businesses of people from Turkish origin do not contribute to the formation of a segregated ethnic economy and community. On the contrary, they mitigate the unemployment problem among Turkish immigrants, they create jobs for Germans and other immigrants, they supply formally recognised apprenticeship training for young people and they are embedded in a net of German clients and suppliers. The success of Turkish entrepreneurs is so important that it is recognised and supported by various regional and federal ministries.

7 Conclusion: Trends Towards an Ethnic Underclass in Germany

The report has shown that there are large differences in the legal status and socio-economic position across the various groups of immigrants. Germany has first class and second class immigrants, and the latter run the risk to become a stable underclass. First class immigrants are EU-nationals, naturalised immigrants and second generation immigrants with high educational levels. Second class immigrants are non-EU nationals, in particular Turkish

immigrants, refugees and undocumented immigrants. Second class immigrants have few political rights, they are partially or totally excluded from employment and the barriers to naturalisation are higher for them than for first class immigrants. This institutional discrimination against second class immigrants is accompanied by everyday discrimination, which strikes this group most, too. Integration policy ignores to some extent this division and it is designed for the most needy groups, such as new immigrants, particularly low-income groups and Turkish immigrants, but it frequently reproduces the legal discrimination. For instance by the fact that de-facto refugees cannot attend language courses, by the fact that many social benefits are related to employment, while second class immigrants are very frequently excluded from employment with social security affiliation.

Turkish immigrants are the greatest homogenous immigrant group in Germany and also one of the most excluded groups. In the last years some indicators of residential and cultural segregation can be observed in this group, which might be a consequence of their worsening socio-economic position, the relative high number of new immigrants, the increased discrimination they have suffered since German unification and their partial withdrawal into their communities. In difficult times it is a normal reaction that people search support in their families and communities. It is too early to affirm that an ethnic underclass is emerging within the group of immigrants from Turkish origin, but there are some trends into this direction. However, many Turkish immigrants have reacted to their problems by taking the risk of creating their own businesses and thus solving their economic problems and to some extent the education problems of their children on their own and in collaboration with German institutions.

Refugees and undocumented immigrants occupy the lowest positions on the labour market or are even excluded from formal employment. They are not protected from exploitation through trade-unions or social rights. In most cases they have no access to social security benefits, so that they are not protected against the risks of illness, invalidity, unhealthy housing conditions and income loss. They cannot plan their lives in Germany and their children are, in general, excluded from the vocational training and secondary education system. In addition, undocumented immigrants cannot officially engage against racist discrimination, because they have to be afraid to be discovered as "illegal". Thus, the danger of an ethnic underclass is accompanied by the danger of increasing racism of native Europeans against Undocumented immigrants are an easy target for scapegoat mechanisms because of their institutional non-acceptance.

German politicians are challenged to fight social exclusion and the formation of an underclass of immigrants. Yet, a German political class seems to be lacking the will to do so. For example, even the new citizenship law draws again dividing lines between EU-nationals and non-EU nationals; in addition, it still sticks to the idea that multiple citizenship should be prevented, at least for Turkish immigrants. A proof of good will and an important symbolic act might be the anti-discrimination law, which has been promised for this legislation period, and the currently discussed amnesty decree which shall give a secure residence status to tolerated de facto refugees.

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9 Statistical Appendix

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Table 1: Migration of Foreigners to and from Germany since 1980 (in thousand)

Year	Total Immigrants	Turkish	Yugoslavs ¹	Greeks	Italians	Poles	Ex-Soviet-Union ²
Immigration							
1980	631.4	213.3	41.9	15.8	86.1	42	2.40
1985	398.2	47.5	22.5	9.5	39	72.2	1.20
1990	842.4	83.6	65.2	26.5	36.9	201	37
1995	792.7	73.6	54.1	20.3	48	87.2	33
1996	708.0	73.2	69.2	18.8	45.8	77.4	31.9
1997	615.3	56	31.2	16.4	39	71.2	24.8
1998	605.5	48	59.9	16	35.1	66.1	21.3
Emigration							
1980	385.8	71.4	41.1	22.3	77.4	27.7	1.20
1985	366.7	60.6	30.6	16.4	51.4	56.8	1.00
1990	466.0	35.1	38.3	14.3	34.1	157.8	11.4
1995	567.4	43.2	40.4	19.3	34	70.7	13.5
1996	559.1	43.5	82.6	20.1	36.8	71.7	12.6
1997	637.1	46	44.5	21.8	37.6	70.2	11.2
1998	639	45.1	45.1	19.9	36.9	60.7	10.3

Source: Statistisches Bundesamt, various years. AID 3, 1998. Notes: Since 1992 data refer to West and East Germany and before they refer to West Germany. ¹ Until 1991 former Socialist Federal Republic of Yugoslavia, in 1992 former Republic of Yugoslavia and Macedonia and Bosnia-Herzegovina, since then Serbia and Montenegro and cases where the exact origin was unclear. ² Russian Federation. ³ different definition in AID.

Table 2: Native-born and Immigrants in Germany by Nationality, 1993 and 1998

Nationality	Absolute numbers in thousand		% of total population	
	1993	1998	1993	1998
Turkish	1918.4	2110.2	2.4	2.6
Ex-Yugoslavs ¹	929.6	719.5	1.1	0.9
Greeks	351.9	363.5	0.4	0.4
Italians	563.0	612.1	0.7	0.7
Poles	260.5	283.6	0.3	0.3
Ex-Soviet-Union ²		215.3		0.3
Total Immigrants	6878.1	7319.6	8.5	8.9
Germans³	74291.9	74638.4	91.5	91.1
Total	81170	81958	100.0	100

Sources: Bundesministerium für Arbeit und Sozialordnung 1995; Eurostat: Recent Demographic Trends 1996. Ausländerbeauftragte 1999. Notes: ¹ Serbia and Montenegro. ² Figure for 1997.

Table 3: Ethnic Germans (*Aussiedler*) and Asylum Seeker since 1980

Year	<i>Aussiedler</i> (ethnic German newcomers)					Asylum Seeker (demands)			
	Poland	Ex-UDSSR	Rumania	Ex-CSSR	Total ¹	Total ²	Europe	Africa. America. Asia	
1980	26.37	6.954	1.576	1.733	52.071	107.818	65.809	40.554	
1985	22.075	460	14.924	757	38.968	73.832	18.174	52.488	
1990 ²	113.253	147.455	107.189	1.324	397.075	193.063	101.631	85.512	
1995	1.677	209.409	6.519	62	217.898	127.937	67.411	58.528	
1996	1.175	172.181	4.284	14	177.751	116.367	51.936	61.534	
1997	687	131.181	1.777	10	134.419	104.353	41.541	60.111	

Source: Statistisches Bundesamt 1998b. Notes: ¹ includes people from Bulgaria, Hungary and other eastern countries. ²In Germany since 1.11.1990 and figures refer only to *Aussiedler* hosted by regions (*Bundesländer*). ³Includes refugees without citizenship. Since 1994 only first application for asylum are taken into account.

Table 4: Regional distribution of Immigrant Population by Region, 31/12/1997

Region	Immigrant Population in % of Total Populaion
Baden-Württemberg	12.3
Bayern	9.2
Berlin	13.9
Bremen	12.2
Hamburg	18.2
Hessen	13.9
Niedersachsen	6.1
Nordrhein-Westfalen	11.2
Rheinland-Pfalz	7.5
Saarland	7.4
Schleswig Holstein	5.2
Western Germany	10.1
Brandenburg	2.3
Mecklenburg-Vorpommern	1.4
Sachsen	7.4
Sachsen-Anhalt	1.8
Thüringen	1.2
Eastern Germany	2.5

Source: Bundesanstalt für Arbeit 1999.

Table 5: Structure of Immigrant and Non-Immigrant Population by Age, 1995

Age	Long-term Immigrants	Households receiving Immigrants since 1984			Germans	
		West-Germany	<i>Aussiedler</i>	Refugees	Family-reunification	West
Until 16	22	33	36	32	19	21
17 - 40	36	38	44	51	33	35
41 - 65	38	25	(16)	17	30	31
66 & more	4	(4)	(4)	(0)	17	14

Source: SOEP 1995 in: Statistisches Bundesamt 1998a. Note: () Case number < 30.

**Table 6: Employed Immigrants since 1980 in Germany
(different nationalities in thousand)**

Year	Total Immigrants	Turkish	Yugoslavs ⁵	Greeks	Italians	Poles	Ex-Soviet-Union
1980	2143	590.6	357.4	133.0	309.2		
1985	1844 ⁴	499.3	293.5	102.9	202.4		
1990	2309	594.6	313.0	105.5	175.2		
1995	2982 ¹	600.4	418.7	116.7	204.6	137.7 ²	
1996	2934	578.2	408.2	113.1	203.2	224.3 ³	
1997	2868	559.8	373.7	108.7	199.7		
1998	2030	568.6	349.3	109	202.7		

Sources: Bundesanstalt für Arbeit 1999, AID 3, 1995; AID 1, 1996; 1, 1997; 2, 1999 (always for the 30th of June). Notes: Employed include self-employed, family helps, white-collar employees and workers. Before 1994 figures refer only to the ex-Federal Republic of Germany. The figures of the respective nationalities include only employed people with social security affiliation in June of every year. ¹ figure refers to 1994. ² figure refers to 1994 and includes only "Gastarbeiter" and "Saisonarbeiter". ³ figure includes "Werkvertragsarbeiter" and "Saisonarbeiter". ⁴ figure refers to 1987. ⁵ People from countries of former Yugoslavia.

**Table 7: Unemployment of Immigrants and Germans since 1980, West-Germany
(in thousand and unemployment rate)**

Year	Total ¹	Total Immigrants	Turkish	Yugoslavs ⁴	Greeks	Italians	Poles	Ex-Soviet-Union
In thousand ²								
1980		107.4						
1985		253.2						
1990		203.0						
1995		424.5	158.4	48.0	24.2	44.2	-	-
1996		481.7	181.7	51.1	26.5	49.8	-	-
1997		534.9	189.0	48.2	28.9	51.2	-	-
1998		506.3	179.6	43.5	25.0	48.1	-	-
Unemployment rate ³								
1980	3.5	4.8	6.3	2.8	4.1	5.5	-	-
1985	8.7	13.1	14.8	9.0	11.4	14.7	-	-
1990	6.6	10.1	10.0	6.0	9.7	10.5	-	-
1995	9.0	16.2	19.2	8.8	15.8	16.2	-	-
1996	11.2	18.6	22.5	9.9	17.8	18.0	-	-
1997	11.0	20.4	24.5	10.2	19.0	19.1	-	-
1998	10.4	18.7	23.2	11.6	18.2	18.0	-	-

Notes: ¹ Immigrants and Germans together. ² End December. ³ End September. ⁴ Includes all people of former Yugoslav nationality. Source: Ausländerbeauftragte 1997; AID 2, 1999.

Table 8: Occupation of Immigrants and Germans by Economic Sector, 1997
(in thousand and in % of total employed)

Economic Sector	Immigrants		Germans	
	1997		1997	
	1000	%	1000	%
Agriculture and Fishing	40	1.4	1009	3.1
Mining and Industry	999	34.8	7678	23.3
Energy, Water	9	0.3	330	1.0
Construction	274	9.6	2997	9.1
Commerce and Gastronomy	650	22.7	5594	17.0
Transport and Communication	149	5.2	1792	5.4
Other services without public administration	678	23.6	10283	31.2
Public administration	70	2.4	3254	9.9
Total Employed	2869	100.0	32937	100.0

Source: Statistisches Bundesamt 1998b.

Table 9: Immigrants and Germans by Occupation and by Generation, 1995

Status in Column %	Immigrants	Germans ¹	Second Generation Immigrants ²	Second Generation Germans
Unskilled workers	16	3	2	1
Semi-skilled workers	39	8	25	8
Skilled workers	23	16	30	24
Routine employees	8	11	16	14
Service class	10	41	26	43
Self-employed	4	12	1	4

Source: SOEP in: Statistisches Bundesamt 1998a. Note: ¹ Rates do not sum up to 100% because civil servants were excluded. ² Immigrants that had been enrolled in a German school and who in 1991 were not over age 25. For Germans the same age group was selected (16-25).

Table 10: School Leavers by National Origin, Germany 1992, 1995 and 1997
(in % of school leavers of respective nationality)

School leavers	1992		1995		1997	
	Immigrants	Germans	Immigrants	Germans	Immigrants	Germans
End of compulsory primary school without certificate ¹	22.7	7.3	20.0	10.3	19.4	7.7
Certificate of compulsory primary school ²	43.6	25.2	42.9	24.3	42.7	25.1
Secondary school certificate	33.7	67.5	37.1	65.4	37.9	67.2
Total school leavers	100	100	100	100	100.0	100.0

Source: Ausländerbeauftragte 1995, 1997, 1999. Note: ¹ People who finished special schools for pupils with learning problems (*Sonderschule*) are included here. ² Hauptschulabschluß.

11-15-99



The Ethnic Economy and Social Exclusion: The View from North America
by Ivan Light

An ethnic economy consists of coethnic self-employed and employers, their co-ethnic employees, and their unpaid family workers. Coethnics not employed in the ethnic economy in any of these capacities work as employees in the general labor market.¹ Thus defined, an ethnic economy distinguishes the employment that immigrant and ethnic minorities had created on their own account from employment that they found in the general labor market. In this sense, the Cuban ethnic economy of Miami comprises self-employed Cubans, Cuban employers, and their Cuban employees in Miami. It does not include Cubans who work for wages in the general economy. Ethnic economies depend upon ethnicity not national origins for their boundaries. For example, although Chinese-speaking, Shanghainese entrepreneurs played the role of ethnic minority in Hong Kong, a Cantonese city (Wong, 1988), so their firms compose a Shanghainese ethnic economy. Similarly, Iranians of four different ethno-religious backgrounds cooperated mainly with co-religionists in Los Angeles, a circumstance which created four thinly-linked Iranian ethnic economies, not just a unitary Iranian ethnic economy (Light et al., 1992). Table 1 compares the dimensions of an ethnic economy for four well-documented immigrant groups in the United States.

Table 1 Comparative Ethnic Economies

	MIAMI		LOS ANGELES	
	Cuban Mariels 1980	Haitians 1980	Iranians 1988	Koreans 1986
Immigrant Economy				
Self-Employed	15.2	0.5	56.7	47.5
Employees	30.9	0.2	4.6	27.6
General Labor Market				
Unemployed	26.8	58.5	1.9	na
Employees	27.1	40.8	36.8	24.9
Total (Percentage)	100.0	100.0	100.0	100.0

Sources: Stepick 1989; Min, 1989; Light, et al., forthcoming.

na not available

An ethnic economy is ethnic because its personnel are co-ethnics. Intended only to distinguish whether work opportunities for the group are created within or outside of the group, the concept of ethnic economy is agnostic about the locational clustering or density of ethnic-owned firms which might, indeed, be evenly distributed among neighborhoods and industries (Light and Karageorgis, 1994). The concept is also agnostic about the intensity of ethnicity within the ethnic economy and does not focus attention upon whether trade is conducted by owners for the benefit of co-ethnic buyers, whether at the retail or wholesale level (Bonacich and Modell, 1980: 111). Owners are in their own group's ethnic economy whether their customers are co-ethnics or not. The concept of ethnic economy neither requires nor assumes a foreign cultural ambience. True, Bonacich and Modell's (1980) research found that those in the Japanese American ethnic economy were more Japanese than Japanese Americans of the same generation who worked in the general labor market, a finding which Fugita and O'Brien (1991: ch. 7) have confirmed. This empirical result was not, however, a matter of definition. The Japanese American ethnic economy would have remained an ethnic economy even had the workers in this economy retained no higher Japanese ethnicity than Japanese Americans in the general labor market.

The concept of ethnic economy frustrates those who wish to build ethnicity, particularism, and niches into their definitions. On the other hand, it facilitates comparison of the economic integration and mobility of racial and ethnic minorities around the world. The ethnic economy's boundaries distinguish where a group has penetrated a host economy, taking the jobs it made available, and where that group has grafted new firms and jobs onto a host economy. A key feature of any group's economic strategy, this balance between self-created employment opportunities and those offered by the general labor market affects the ability of groups to accelerate their economic mobility. The normal process of ethnic succession creates a baseline of economic mobility against which it is possible to explain why some groups have gone up faster than expected and others more slowly (Light, 1981).

In the pluralistic societies of North America, immigrant and ethnic minorities have always competed for income and employment. Assimilation theory assumed that insertion into the economic mainstream improved immigrants' earnings chances, and that insertion required and accelerated acculturation and assimilation (Hirschman, 1983: 400). Some ethno-racial groups have turned heavily to entrepreneurship, others have made average use of it, and still others have made below-average use. High-entrepreneurship groups include: Arabs, Armenians, Chinese, Gypsies, Greeks, Italians, Japanese, Jews, Indians and Pakistanis, Lebanese, Koreans, and Persians. Groups of Western and Central European origin have generally displayed only average entrepreneurship in North America as have Cubans and Latin Americans. Blacks, Mexicans, Vietnamese, and Puerto Ricans have had below-average rates of

entrepreneurship in North American towns and cities (Fratone and Meeks, 1985; Fratone, 1986; Hoffman and Marger, 1991). Castles et al. (1991) identify quite similar patterns in Australia, another pluralistic market society.

After initial confusion, the literature now distinguishes an ethnic economy from an ethnic enclave economy (Light, et al, 1992; Model, 1992; Mar, 1991; Alvarez, 1990; Morawska, 1990: 202; Cobas, 1989). The ethnic enclave economy is a special case of the ethnic economy. The concept of the ethnic enclave economy derived from dual labor market theory, itself a product of institutional economics (Averitt, 1968). Every immigrant group or ethnic minority has an ethnic economy, but only some have an ethnic enclave economy (Celas, 1991: 122). This discrepancy arises because an ethnic enclave economy requires locational clustering of firms, economic interdependency, and co-ethnic employees whereas an ethnic economy requires none of these. When ethnic firms are not clustered conspicuously in a neighborhood like Miami's Little Havana, or when firm owners have no employees, or when vertical and horizontal integration do not obtain, then an ethnic economy exists but not an ethnic enclave economy. Since all three conditions rarely obtain, the concept of ethnic enclave economy fits many fewer cases of ethnic self-employment and co-ethnic hiring than does the ethnic economy.

Ethnic economies have a formal sector and an informal sector. Although the balance varies from one ethnic economy to another, some portion of any ethnic economy is formal and another portion is informal. However, most of the literature on the ethnic economy depends upon published government statistics that define participation in the formal economy, and exclude informal sector business. This bias has underestimated the size of ethnic economies' informal sectors. Just in terms of the existing literature, therefore, ethnic economies are preponderantly formal, not informal. Some ethnic economies are, nonetheless, almost completely informal, as illustrated by the Haitian economy of Miami. However, although every economy has only one informal and one formal sector, the same economy will have as many ethnic economies as it has ethnic groups, and every ethnic economy has an informal and a formal sector.

Extent of the Ethnic Economy

Although ethnic economies are ubiquitous, their size varies. In general, ethnic economies are bigger and more prominent in North America and in Australia than in Europe although the divergence is decreasing (Castles, et al., 1991; Palidda, 1992: 84-85). State policies importantly influence the size of ethnic economies (Aldrich and Waldinger, 1990: 120-21). In North America, legitimated ethnic pluralism in society coexists with neo-Liberal ideologies that encourage immigrant and ethnic minority self-employment. Labor and licensure laws are lax in North America in comparison to Europe. In North America, anyone can open a business who has the money to start it. In contrast, opening a business is

more difficult than in North America; and EU-countries further restrict the access of non-EU citizens to self-employment. The European countries have constrained non-EU residents to work as employees in establishments owned by citizens of the host country (Ward, 1987: 162). The reduction of labor shortage was the only economic function that authorities envisaged for aliens. Therefore, European countries introduced legal obstacles that reduced the extent of immigrant self-employment relative to what one finds in North America and Australia. With the recent and often unlawful entrance of resident ethno-racial minorities into business ownership, European societies are developing ethnic economies more visible than they once were, but still appreciably smaller than what exists in Australia and North America (Palidda, 1992; Boissevain, et al. 1986; Boissevain and Grotenberg, 1986; Blaschke and Ersoz, 1986; Guezengar, 1984: 115-117).

Beyond frank legal discrimination against immigrant business, European countries also impose disguised restrictions. In the Netherlands, for example, formally egalitarian laws raise obstacles to entrepreneurship that in effect reduce the chances in entrepreneurship of immigrants relative to Dutch natives (Boissevain and Grotenbreg, 1986; Ward, 1987: 92). Conversely, American laws do not discriminate against foreign entrepreneurs, and even encourage immigrant and ethnic business. First of all, in the United States, Canada and Australia foreign entrepreneurs receive priority immigration status. European countries do not offer this priority. Additionally, American and Canadian laws mandate government purchasing preference for ethnic minority entrepreneurs (Waldinger, 1992a; Bates, 1987: 540). In the American marketplace, federal, state, and even municipal governments were the principal agencies of affirmative action in small business. Setting quotas for ethnic minority and women entrepreneurs, governments "set aside" some portion of their procurement for these entrepreneurs. The policy sought to improve the entrepreneurial representation of benefitted categories and groups. Insofar as they achieved these goals, affirmative action policies did so by redistributing government purchasing unequally among groups.

In theory an ethnic economy cannot exist when law forbids self-employment as law once did in the former Soviet Union; but experience shows that such laws are always evaded. Again in theory, fully proletarianized ethnic groups have no ethnic economy. All workers are employees. However, fully proletarianized groups are theoretical constructs that have no counterpart in reality. Even under Soviet socialism, where private enterprise was relegated to black markets, all ethnic groups, nations, and immigrant minorities had a two sector economy: the general labor market plus the ethnic economy (Grossman, 1977, 1987 1989; Nee, 1989; Slider, 1991). In most cases, the larger sector consisted of wage workers employed in state and cooperative enterprises. The smaller, clandestine sector consisted of the self-employed and any employees. In contemporary market societies, no ethnic or immigrant minority operates a one-sector, wage-only economy.

Within the same labor market, groups differ in the size of their ethnic economy. The range of inter-group variation is wide in North America, and the same group's profile can change quickly. Using census data from 1980, Light and Bonacich (1988: chs. 1, 7, 8) found that 23 percent of foreign-born Koreans in Los Angeles were self-employed in 1980 compared with only 7 percent of non-Koreans. They estimated that another 12 percent of Koreans found employment in Korean-owned firms; therefore, about one-third of Koreans worked in the Korean economy in 1980. However, Min's 1986 sample of Koreans in Los Angeles found that 47.5 percent were self-employed and another 27.6 percent were their employees. On Min's reckoning, three-quarters of Koreans worked in the Korean ethnic economy and only one quarter in the general labor market (Table 1).

Koreans are unusually entrepreneurial among American immigrants. In an effort to obtain more general evidence about immigrant entrepreneurship, Yoon compiled a list of 99 "ancestry groups" from the US Census of 1990. Yoon's list included foreign born and native born persons. On Yoon's list the mean self-employment rate was 10.2 percent, and the mean estimated ethnic economy was 15 percent. Of the 99 ancestry groups, only 4 ethnic economies failed to reach 5 percent self-employed. At the other extreme, 56 ancestry groups had estimated ethnic economies that exceeded 15 percent of the labor force. Three of Yoon's ancestry groups (Koreans, Israelis, Palestinians) had ethnic ownership economies that exceeded 30 percent of their total labor force. Yoon's results suggest that ethnic economies were generally larger than the ones Fratoe and Meeks had measured in 1980, a decade earlier. It is probable that, just as the data suggest, ethnic economies did increase in the United States between 1980 and 1990.

Table 2 assembles a list of 37 foreign-born groups from the 1990 U.S. Census. The list shows the male, female, and total self-employed and unpaid family workers of each national origin group as a percentage of that group's labor force in 1990. When combined with the total self-employed and unpaid family workers, this estimate yields an estimated percentage of each group's labor force that worked in the ethnic economy in 1990. Of the 37 national origin groups in the table, 27 percent had total self-employment below 5%. After adding an estimate of co-ethnic employees to the self-employed, only two groups (5.4%) of the 37 still had ethnic economies below five percent. Ninety-five percent of foreign nationalities had ethnic economies that included at least five percent of their total labor force. Of the 37 foreign-born groups, 43% showed ethnic economies between five and ten percent of their labor forces; 46% showed ethnic economies between ten and twenty percent of their total labor force; and five percent had ethnic economies that exceeded 20% of their total labor force. The mean ethnic economy of all the foreign born was 11.1% of the total labor force; and the median was 10.4%.

Table 2
Ethnic Economies as a Percentage of All Workers for 37 Foreign Born
Groups by National Origin, 1990

Birthplace	Self-Employed and Unpaid Family Workers			Estimated Employees	Ethnic Economy
	Men	Women	Total		
Korea	23.5	18.3	20.9	10.5	31.4
Greece	17.9	11.1	15.7	7.8	23.5
Iran	14.1	9.8	12.8	6.4	19.2
France	11.9	9.8	10.8	5.4	16.2
Italy	13.1	6.8	10.8	5.4	16.2
Soviet Union	13.1	7.4	10.7	5.4	16.1
Canada	12.2	8.2	10.2	5.1	15.3
Germany	11.3	8.5	9.7	4.8	14.6
Yugoslavia	11.2	6.6	9.5	4.7	14.2
United Kingdom	9.5	7.8	8.7	4.4	13.1
China	9.5	7.4	8.6	4.3	12.9
Taiwan	8.7	8.3	8.5	4.3	12.8
Japan	8.3	8.6	8.5	4.3	12.8
Poland	9.4	6.7	8.3	4.2	12.5
Thailand	9.8	6.9	8.1	4.1	12.2
Cuba	10.1	4.5	7.7	3.9	11.6
Ireland	9.2	6.0	7.7	3.9	11.6
Peru	7.2	6.5	6.9	3.5	10.4
India	7.2	6.2	6.9	3.5	10.4
Vietnam	6.1	7.1	6.5	3.3	9.9
Hong Kong	6.8	5.8	6.3	3.2	9.5
Cambodia	6.1	6.0	6.1	3.1	9.2
Honduras	5.5	6.4	5.9	3.0	8.9
Dominican Republic	7.1	3.7	5.6	2.8	8.5
Guatemala	4.5	7.3	5.6	2.8	8.5
Portugal	6.5	3.9	5.4	2.7	8.1
Nicaragua	4.9	5.2	5.1	2.6	7.7
Mexico	5.0	4.9	4.9	2.5	7.4
El Salvador	4.1	6.2	4.9	2.5	7.4
Ecuador	5.6	3.6	4.7	2.4	7.1
Trinidad/Tobago	5.4	3.4	4.3	2.2	6.5
Jamaica	5.3	3.3	4.2	2.1	6.3
Haiti	4.9	2.2	3.7	1.9	5.6
Philippines	4.0	3.1	3.5	1.8	5.3
Panama	4.4	2.7	3.5	1.8	5.3
Guyana	3.4	2.6	3.0	1.5	4.5
Laos	2.6	2.5	2.5	1.3	3.8
All Foreign Born	8.0	6.5	7.4	3.7	11.1

Source: U. S. Bureau of the Census, 1990 Census of Population. The
Foreign-Born Population in the United States (Washington DC: USGPO,
1993), Table 4

Aggregated Ethnic Economies

Although this evidence shows that the ethnic economies of about three-quarters of all ethnic groups enlist a significant share of the group's labor force, the ethnic economies of two very big groups were unusually small. The two groups were Mexicans and Blacks. Yoon's estimates of both groups' ethnic ownership economy exceeded ours. Yoon found a Mexican ancestry ethnic economy of 8.4 percent compared to our estimate of 5.9 percent. Yoon also estimated the African American ancestry ethnic ownership economy at 5.6 percent compared to my estimate, 3.3 percent. My estimates put the African American and Mexican ethnic ownership economies below 5% whereas Yoon's shows them above 5%, but still small. Without quibbling about the difference, one wonders whether, if all the minority ethnic groups were aggregated, the small ethnic ownership economies of Hispanics and Blacks, the two biggest categories, would not reduce the aggregate ethnic ownership economy of all minority groups.

Fortunately, official statistics of unusual quality are available to assess this issue. Table 3 shows the number of firms and the number of employees for blacks, Asians, and Hispanics. We treat firms as equivalent to owners. This treatment understates the true number of owners because each firm is counted only once whereas, in reality, some firms have multiple owners. Similarly, we estimate that half the employees of each firm were coethnics and half were non-coethnics. Waldinger declares that ethnic employers prefer coethnic employees for unsentimental reasons, not just group chauvinism. A fifty percent estimate of coethnics among employees is realistic and even conservative in the light of the literature.

Table 3 shows much variation among the ethno-racial categories in respect to the share of their total labor force that was in their ethnic ownership economy. The Asian category, which includes Pacific Islanders and indigenous peoples, had 19.2 percent of its labor force in the category's ethnic economy. Among Hispanics, a hodge-podge of Spanish-speaking groups, the ethnic economy included 9.9 percent of the labor force. Among African Americans, 5.6 percent worked in the ethnic economy. When the three minority categories are aggregated, their average ethnic economy includes 9.5 percent of the aggregated population. That is, 9.5 percent of Asians, Blacks, and Hispanics in the entire labor force worked in an ethnic economy as an owner or coethnic employee. By the standard we adopted earlier, the independent ethnic economy of the blacks, although the smallest of the three categories, is nonetheless significant. The ethnic economy of the Hispanics is highly significant, and that of the Asians is extremely significant. For the aggregate of the groups, the ethnic economy approaches high significance.

On the other hand, when the same method is applied to all persons, including non-minorities, we find that 24.1 percent of the entire labor force probably worked in ethnic economies. This estimate indicates that the whites had a 2.5 times higher

proportion of their labor force in ethnic economies than did non-whites in 1992. The direction of this result is compatible with the finding of Logan, Alba, and McNulty who, using a different technique, concluded that the ethnic ownership economies of non-Hispanic whites included many more industries in seventeen metropolitan areas than did those of any other group. Since their industries were more numerous, one presumes that the ethnic economies of the whites also included a higher share of the white labor force than did the ethnic economies of the non-whites. The use of non-white data to illustrate the size of ethnic economies actually understates their true size.

Table 3 Minority-Owned Firms in the United States, 1987.

	Number of Firms	Number	Firms with Employees	
			% of All Firms	Number of Employees
Blacks	424,165	70,815	16.7	220,464
Hispanics	422,373	89,908	21.3	264,846
Asians & Pacific Islanders	355,331	92,718	26.1	351,345
All Minorities*	1,213,750	248,149	20.4	836,483

Source: US Department of Commerce, Bureau of the Census, 1987 Economic Censuses. MB87-4. Survey of Minority-Owned Business Enterprise. Summary. Washington DC: US Government Printing Office, Table 1, p.9.

* Includes groups not shown separately.

Estimating the Ethnic Ownership Economy

To estimate an ethnic ownership economy from the self-employment rate, a rule of thumb is employed. According to that rule, an ethnic economy approximates the ethnic group's self-employment rate plus one-quarter of the self-employment rate. This rule of thumb permits one to estimate the entire ethnic economy when one has only the self-employment rate, a very common situation. Such a capability is certainly useful, but how accurate is it? Applied to Iranians in Los Angeles, this rule of thumb would overestimate coethnic employees. In fact, the Iranians had only one coethnic employee for every ten self-employed whereas our rule of thumb assumes one coethnic employee for every four owners. On the other hand, Table 3 shows that for all ethnic minorities in the United States, there were 70 employees for every 100 self-employed. If half of the employees were coethnics, then 100 firms would hire 35 coethnics and 35 non-coethnics. Based on the rule of thumb, our estimate would have been only 25 coethnic employees, overly

conservative.

Every ethno-racial category did not have the same ratio of employees to firms. Blacks had 52 employees for every 100 firms; Hispanics had 63; and Asians had 99 employees for every 100 firms. If we assume that one half of the employees were coethnics in each ethnic economy, then blacks had the same ratio of employees to self-employed as our rule of thumb; the other two groups had higher ratios of employees to self-employed than our rule of thumb. This evidence shows that our rule of thumb underestimates the actual employment experience of the Hispanics and Asians, approximates the experience of the blacks, and exaggerates the experience of the Iranians. In general, our rule of thumb works well for low and medium self-employment rates, but for high rates it exaggerates the employment component of an ethnic economy.

Nonetheless, in the black, Hispanic, Asian, and Iranian ethnic ownership economies, the self-employed outnumber their employees. The extent of that disparity varies from group to group, but it is usually substantial. Among Iranians the self-employed were tenfold more numerous than their employees; among Asians, the self-employed were only 1.3 times more numerous. Other groups fell between these extremes. Nonetheless, the invariant surplus of self-employed in among these ethno-racial minorities does contrast with the general labor market economy in which we find 158 employees for every 100 self-employed. The discrepancy reminds us that the firms of ethno-racial minorities generally smaller than those of non-minority owners. As one result, they employ fewer workers.

Economic Mobility and Wealth

Assimilation theory originated in North America as an explanation of the cultural and social change through which European immigrants had passed in the first half of the twentieth century. Portes and Zhou define assimilation as the socialization of "culturally diverse groups into common normative expectations so that they can join the mainstream." Sociologists commonly distinguish structural assimilation, which includes inter-marriage and access to primary groups of the host society, from acculturation, which is the acquisition of the language and superficial cultural traits of the host society. Acculturation precedes assimilation in time. Acculturated immigrants need not assimilate, but many do. Acculturation just implies cultural fluency. It does not include inter-marriage or full acceptance into host society primary groups. Assimilation requires generations to accomplish. Its speed is admittedly variable, faster for some than for others, but North American assimilation theorists insist that assimilation is irresistible, irreversible, and uni-directional.

Why must assimilation ultimately prevail? Assimilation theory claims that economic self-interest induces immigrants first to acculturate and later to assimilate. The pressure of economic self-interest is unrelenting, and it ultimately compels conformity to its

demand. That is, in order to obtain well-paid jobs in the general labor market, adult immigrants must learn English. Later, in additional pursuit of economic advantage, they forsake the networks, neighborhoods, even the religion of their childhood. As one immigrant put it, "If you wanna da mon, you gotta learna da ing." Assimilation theory enthusiastically agrees with this immigrant's judgement. This immigrant speaks broken English. Someday this immigrant's grandson will have perfect command of English, an education, and a good job. In order to obtain these, he will, so argues assimilation theory, voluntarily have abandoned his grandparents' language and cultural heritage and married a non-coethnic wife, who has abandoned her grandparents' cultural heritage too. Over a sequence of three generations, immigrants move from foreign monolinguals to English monolinguals. Passing from acculturation to assimilation, so the theory continues, every immigrant's descendants will have individually forsaken their ethnic language, culture, and attachments out of materialist motives. The ethnic groups whence they once emerged will then disappear into the melting pot.

Assimilation theory is still the mainstream view in North America. It is also importantly true, especially when applied to white immigrants. Non-white immigrants acculturate, but, thanks to racism, they do not assimilate. Nonetheless, even applied to white immigrants, strict assimilationism now seems overstrong. Studies of ethnic economies have cooled scholarly enthusiasm for assimilation theory. Ethnic economies unhitch the motive of economic self-interest that presumably drives immigrants into the cultural mainstream. Ethnic economies render slow assimilation more lucrative for their participants than fast, and non-assimilation more lucrative than assimilation. For those who work in ethnic economies, the motive of economic self-interest does not require either acculturation or assimilation. On the contrary, for ethnic economy participants, economic self-interest promotes retention of the ethnic cultural heritage (including language fluency). Ethnic economy participants need to retain ethnic cultural traits and ethnic networks in order to earn their living; therefore, economic self-interest does not drive them into the cultural mainstream as assimilation theorists predicted it would.

The more lucrative one's ethnic business, the stronger one's ethnic attachment, and Americans' conventional wisdom proclaims that self-employment is lucrative. One reason is the contribution of self-employment to wealth generation. The self-employed amass and own more wealth than do wage and salary earners. Here we distinguish wealth and income. In contrast to income, which is a regular infusion of money or goods, wealth is a household's store of valuable assets. These stored assets are either fully monetarized as are bank accounts, or are convertible to money, as are houses, jewelry, and vehicles. Although high incomes make wealth creation easier, and often go together, wealth and high income are not identical in that a person or household can have one without the other.

Oliver and Shapiro found that the self-employed of all races own "from two to 14 times as much net worth as their salaried counterparts." The self-employed's advantage in wealth greatly exceeds their advantage in income. In Oliver and Shapiro's data, self-employed whites earned 73 percent of what upper-white-collar whites earned, but the self-employed whites had nearly three times more net financial assets than did the upper-white-collar whites. The reasons for this disparity are apparent. The self-employed own businesses; their business represents personal and household wealth to its owners. Indeed, the income of the self-employed is obtained from the proceeds of their business after the cost of servicing their loans and their equity investment has already been deducted. Therefore, as the self-employed pay off any loans, their equity share in their own business grows, and as it grows, their wealth increases. Every pay period, the self-employed receive income plus any growth of their equity share whereas employees receive only their paycheck. Additionally, as Blau and Graham point out, the self-employed are also more likely than wage earners to have inherited a business. Here are two reasons why the self-employed own so much more wealth than do employees. Even if the after-tax incomes of the self-employed were identical to those of employees, the self-employed would hold and amass more wealth than employees for these two reasons.

Business Owners' Incomes

To estimate whether ethnic business owners earn more income than they would have in wage employment, one could simply ask them. They should know. However, that ingenious question has only been posed in Australia where two-thirds of immigrant entrepreneurs said they were "better off in terms of money" as a result of operating a small business than they would have been had they worked for wages. By contrast, only one-third of native Australian entrepreneurs said they were financially better off as owners than they would have been as employees. Collins concludes that business ownership was more advantageous to entrepreneurs of non-English-speaking background than to those already fluent in English, a result that should generalize to North America.

However, North American researchers have gone to census data rather than to business owners for the answer to this question. Early research simply assumed that self-employment fetched higher incomes than did wage employment. Only in the 1980s did this assumption undergo scrutiny. Early evidence tended to show, as expected, that the self-employed earned higher incomes than coethnic wage earners. The key contribution was that of Portes and Bach. In a statistical comparison of working-class men of Cuban and Mexican origins, Portes and Bach found that the Cuban men experienced much more rapid economic advancement because an ethnic enclave economy in Miami encouraged their entrepreneurship. Net of human capital, the Cubans in the ethnic enclave economy earned more than Cubans employed in the general labor market. Additionally

Wilson and Portes and Portes and Bach found that participants in the ethnic enclave actually earned higher education-adjusted wages than did their coethnic counterparts in the general economy. This finding challenged the accepted wisdom, and made the ethnic enclave economy seem even more advantageous since employees as well as employers earned high money returns in it.

Sanders and Nee opened a useful debate on this subject. Although they wrongly conceded that entrepreneurs earned higher human capital adjusted earnings than wage workers, a finding subsequently reversed, Nee and Sanders disputed Wilson and Portes' claim of positive returns on human capital for immigrant workers in the ethnic enclave economy. Instead, they reported that an ethnic enclave economy financially benefitted a group's employers, but harmed its workers. In partial rebuttal, Zhou pointed out that workers often accept low-wage employment in ethnic economies in preference to the general labor market because of the symbolic reassurance it offers, the advantage of being able to work longer hours and to evade taxes, as well as the possibilities they perceive for training in hard-to-acquire entrepreneurial skills. Ethnic economies are the West Point of future ethnic entrepreneurs. Nonetheless, in narrowly economic terms, Sanders and Nee first showed that the effect of an ethnic enclave economy might be mixed or even negative rather than wholly beneficial.

A lengthy debate ensued. Although empirical tests of relative wages have sometimes failed to substantiate Portes' enclave economy findings, the debate about employee earnings slightly was misspecified because most participants in ethnic economies are self-employed or employers, not employees. The non-employer self-employed are the largest class, and the debate over employees' wages had simply overlooked the self-employed themselves. Coethnic employees are less numerous than the self-employed. Therefore, as discussed in the preceding chapter, the economic welfare of the ethnic economy's employees is less significant than the welfare of its self-employed and employers. An ethnic economy increases the wealth of the ethnic community so long as the self-employed are more numerous than employees. Among all minority-owned firms, only 20% had any employees in 1987. Furthermore, the relative earnings of coethnic employees depend upon industry, gender, locality, the ratio of self-employed and employees, and so forth. For example, women employees may earn relatively more than men, San Francisco's Chinatown may pay more than New York's, Mexicans have more employees than do blacks in San Jose, and the Asian ethnic economy generates more income than does the black ethnic economy.

In addition, Sanders and Nee stipulated that ethnic entrepreneurs in the enclave earned more than their counterparts in the general labor market. This was then the common view. Actually, to estimate the earnings of the self-employed is a bigger problem than they realized because raw census data deceive. As Reitz points out, census income data on self-employment are not fully comparable with those on employed persons. First, the income of the self-

employed requires a year-end accounting because one must subtract costs from receipts. The self-employed may not know what their current income actually is. Additionally, one must decompose the income of the self-employed into a component derived from their work and a component derived from their equity investment. For example, if a business owner had invested \$100,000 in her business, and later has earned \$40,000 after she has paid all her costs, we cannot declare the whole \$40,000 proprietor's income. After all, her \$100,000 equity investment would have yielded \$8,000 if invested in government bonds. Therefore, an accountant would declare \$8000 of her \$40,000 income a return on capital, leaving only \$32,000 as proprietor's income.

These considerations suggest that census income data probably overstate the incomes of the self-employed. Moreover, even census data show that the self-employed earn less than wage and salary workers in the majority of cases. True, evaluating specific cases, Portes and Zhou showed that Cuban, Chinese, Japanese, and Korean self-employed earned more than comparably productive coethnics in the general labor market. Light and Roach obtained the same results in Los Angeles. These results demonstrate that entrepreneurship has enabled several American ethnic groups to increase their mean income above what wage and salary employment in the general labor market would have provided. This was an important lesson. Yet, those cases are exceptional because, on average, the self-employed earn slightly lower money returns than equally productive wage and salary workers.

Maxim's statistics demolished the assumption that self-employment was always superior to wage employment in respect to income. The finding certainly weakened the claim that ethnic ownership economies always accelerated the income growth of business owners above and beyond what the mainstream labor market would have provided. Low proprietor incomes made the ethnic ownership economy resemble what Wiley called a "mobility trap." A mobility trap looks inviting, but those who enter later find their career prospects worse inside it than they would have been outside. This issue produced many empirical studies intended to show just how much the self-employed and their coethnic employees earn relative to equally productive, coethnic employees in the general labor market. On the side of the ethnic economy are amassing wealth and the prospect of future entrepreneurship for trainees; on the side of the general labor market are high wages.

But how great is the benefit of high wages that one cannot realistically obtain? When ethnic economies pay little, their participants have been recruited from the underemployed, the unemployed, and the discouraged workers of the general labor market. These are workers who, thanks to social exclusion, enjoy diminished chances in the general labor market. If either business owners or employees earn less in the ethnic economy than in the general labor market, then new entrepreneurs and new employees can only be recruited from the unemployed, the underemployed, or from

discouraged workers. In either case, an ethnic economy raises the earnings of the formerly unemployed, underemployed, or non-workers above zero. Conversely, if the self-employed or employed earned more in the ethnic economy than in the general labor market, as they often do, then the more who moved into the ethnic economy, the richer their ethnic group would become. Therefore, whether earnings in the ethnic economy are more or less than those in the general labor market, an ethnic economy confers economic benefit. The benefit is great when entrepreneurs and/or their coethnic employees earn more than do counterparts employed in the general economy. It is small when entrepreneurs and their coethnic employees earn less.

Guarnizo usefully distinguishes three sectors of the ethnic economy, and measures their size. The sectors are: subsistence, growth, and transition. Businesses in the ethnic economy's subsistence sector provide a sparse living for the owner; but they do not provide upward mobility. Subsistence firms were 43 percent of the Mexican-owned businesses in Guarnizo's sample. "In spite of their scanty economic returns and possibilities, entrepreneurs at this level remain in business either because their only alternative is unemployment, or because of an ideological conviction that if they persevere, they will eventually make it." At the opposite pole, growth firms were vehicles for the upward mobility of their owners. Twenty-one percent of Mexican firms were growth firms whose owners enjoyed income mobility. Transition firms were those in the middle, wavering between growth and subsistence. These were 36 percent of all firms in Guarnizo's sample. These results display the income range along which ethnic-owned firms typically array, reminding us that ethnic ownership economies confer a range of economic benefits.

Employment Creation

Ethnic ownership economies create employment, and most of this employment goes to coethnics. An ethnic economy's contribution to employment creation depends upon how successfully it meets three challenges. The first challenge is to generate business firms whose owners have a reliable job, the firm they own and run. The higher the rate of self-employment, the more jobs an ethnic economy offers coethnics as a business owner. Thus, Cubans in the United States had 154.1 business owners for every thousand workers in 1992. Conversely, in the same year, Puerto Ricans had 44 business owners for every 1,000 workers. The Puerto Rican rate was only 28 percent of the Cuban rate. Cubans were creating jobs for business owners at a more rapid rate than were Puerto Ricans. If Cubans and Puerto Ricans had the same employment chances in the general labor market, Cubans had more employment chances overall than did Puerto Ricans just because their ethnic ownership economy was bigger.

A second challenge involves maximizing the number of employer firms in an ethnic economy. Unless employer firms have been created, an ethnic economy consists exclusively of non-employer self-employed. Ethnic economies can expand coethnic employment by adding wage jobs to firms, not just by adding self-employment.

Generally speaking, the higher the share of employer firms in an ethnic ownership economy, the more employment that economy offer. Employer firms offer the potential for drastically increasing the employment of ethnic economies. Among all American self-employed persons in 1992, 181 employer firms existed for every 1000 firms. Therefore, operating at the same rate, if an ethnic economy contained 1,000 firms, it would contain 181 employing firms and 819 non-employer firms. However, ethno-cultural or ethno-racial groups do not convert firms into employer firms at the same rate much less at the average rate. Comparing groups, we find that their ethnic economies contain quite different proportions of employing firms.

For instance, Cubans had 192 employer firms per 1,000 firms in 1992 whereas Puerto Ricans had only 130 employer firms per 1,000 firms in that year (Table 4). However, to explain why Cubans had relatively more employer firms than Puerto Ricans, one must mention two prior challenges, not one. The first challenge involved the Cubans' prior ability to convert civilian labor force into firms that give employment to their owners; the second involves the Cubans' secondary ability to generate employer firms. Because the Cubans could make firms more easily than Puerto Ricans, their ethnic economy offered self-employment to more coethnics. Because the Cubans could also generate a higher proportion of employer firms than could Puerto Ricans, Cubans had a second advantage in employment creation, wage jobs. However, Cubans would have had more employer firms than Puerto Ricans even if they did not have a superior ability to convert firms in general to employer firms. That is, if Cubans had 200 firms and Puerto Ricans only 100, then even if Cubans and Puerto Ricans had the same proportion of employer firms, the Cubans would still have twice as many employer firms as do Puerto Ricans. However, if Cubans also convert firms into employer firms at a rate higher than Puerto Ricans, then Cubans will have *more than twice* as many employer firms as do Puerto Ricans even though Cubans had only twice as many firms in general. In fact, as Table 4 shows, Cubans generated employer firms more abundantly than did the American economy as a whole so that their observed share of employer firms exceeded their share of all firms.

The third challenge of employment creation requires job creation. Success here depends upon *how many employees* the average employing firm hires. The more employees the average employing firm hires, the more employment that ethnic economy offers. After all, even if employer firms are numerous, they will not create much wage employment if the average employer firm hires only one worker. In fact, a small base of employer firms could create more total employment than a big base provided the firms in the small base economy hire more workers on average than do firms in the big base economy. In the U. S. economy, all employer firms averaged 8.74 employees per firm in 1992. Ethnic economies that surpass this standard converted employer firms to workers at a more rapid rate than did employer firms in general. To establish an ethnic

economy's success in this conversion, we need only multiply its employer firms by 8.74, comparing the hypothetical result with the actual number of employees that the ethnic employer firms reported.

Successive Challenges

Table 4 compares the ethnic economies of two ethno-racial categories (Asians and Pacific Islanders, Hispanics) and four ethnic groups (Blacks, Mexicans, Puerto Ricans, Cubans) in 1992. Using published data, Table 4 displays each group's actual business parameters in the observed column. Next to that, in the expected column, Table 4 displays the number that, given its civilian labor force, each group would have created had it generated this resource at the average rate of the whole American economy. For example, blacks had 620,912 firms in 1992, but they would have had 1,907,621 if blacks had generated firms from their civilian labor force at the same rate as did the entire American economy. Similarly, blacks had 64,478 employer firms in 1992, but they would have had 346,615 employer firms if they had reached the expected number of firms in 1992 and had generated employer firms from that number at the same rate as did the entire American economy. The last column of Table 4 shows the observed number as a percentage of the expected. For example, the actual number of black-owned firms was only 32.5 percent of the number that would have been expected had blacks generated firms at the same rate as did the entire US economy. Similarly, the number of black-owned employer firms was only 18.6 percent of what it would have been had blacks generated employer firms from all firms at the same rate as did the entire US economy. These employer firms hired only 11.4 percent as many employees as would have been expected had black-owned employer firms been as numerous as expected and had they hired workers at the same rate as did all employer firms, two prior challenges.

Since Table 4 piles up contingencies, ethnic firms that fall short of the first fall farther behind in the second; and failing the second, fall farther behind in the third. Reading down the third column, one notes successive shortfalls in a declining percentage. That is, where a percentage is lower than was the percentage directly above it, the ethnic or racial group or category fell farther behind at this point. Thus, we read that black-owned firms were 32.5 percent of expected, but black-owned employer firms were only 18.6 percent of the expected number. Had blacks constructed employer firms at the same rate as the American economy, then black-owned employer firms would have been 32.5 percent of the expected too. Because blacks constructed fewer employer firms than the economy's average and also created firms at a lower rate than the economy's average, their observed employer firms' share of the expected number was even lower than the share of their observed firms to the expected number of all firms. Similarly, had black-owned employer firms hired employees at the same rate (8.74 employees per firm) as all employer firms, then the employees of black-owned firms would have been 18.6 percent of the expected number rather than 11.4 percent. The fact that black firms' employees were an even lower share of the expected number than were the black-owned employer firms indicates that black-owned

employer firms, few in number, were also hiring fewer employees per firm than did all employer firms in the American economy.

Table 4 Ethnic Economy Statistics by Ethno-Racial Category for the USA, 1992

	Observed	Expected ¹	Observed as % of Expected
Blacks			
All Firms	620,912	1,907,621	32.5
Employer Firms	64,478	346,615	18.6
Employees	345,193	3,029,415	11.4
Payroll (\$000)	4,807,000	57,880,002	8.3
Hispanics			
All Firms	771,708	1,527,228	50.5
Employer Firms	115,364	277,497	41.6
Employees	691,056	2,425,328	28.5
Payroll (\$000)	10,768,000	46,345,015	23.2
Mexicans			
All Firms	378,614	980,751	38.6
Employer Firms	56,277	178,202	31.4
Employees	323,883	1,557,489	20.2
Payroll (\$000s)	4,533,844	29,761,694	15.2
Puerto Rican			
All Firms	47,401	144,533	32.8
Employer Firms	6,162	26,262	23.5
Employees	33,797	229,527	14.7
Payroll (\$000)	621,742	4,386,041	14.2
Cubans			
All Firms	93,096	81,359	114.4
Employer Firms	17,839	14,783	120.7
Employees	120,477	129,203	93.0
Payroll (\$000)	2,105,136	2,468,553	85.3
Asians & Pacific Islanders			
All Firms	606,426	727,867	83.3
Employer Firms	136,351	132,253	103.1
Employees	860,408	1,155,891	74.4
Payroll (\$000)	13,327,883	22,084,453	60.3

¹ Expected statistics are generated by multiplication of base numbers derived from the "all persons" statistics. Civilian labor force of each ethno-racial group in 1992, expressed in thousands, is multiplied by 134.7 to obtain the expected number of all firms. The mean number of firms per 1,000 persons in the civilian labor force is 134.7. The expected number of all firms is multiplied by .1817 to obtain the expected number of employer firms from the expected number of all firms. Among all persons, employer firms are .1817 as numerous as all firms. The expected number of employer firms is multiplied by 8.74 to obtain the expected number of employees. Among all persons, there were an average of 8.74

employees per employer firm. The expected number of employees is multiplied by \$19,106 to obtain the expected payroll. Among all employer firms, the average payout per employee was \$19,106.

Sources: U. S. Bureau of the Census, *1992 Economic Census, Survey of Minority - Owned Business Enterprises, Hispanic* MB92-2 (Washington DC: USGPO, 1996), Table 2; Idem., *1992 Economic Census, Survey of Minority - Owned Business Enterprises, Black* MB92-1 (Washington DC: USGPO, 1996), Table 1; U. S. Bureau of the Census, *Statistical Abstract of the United States 1996* (Washington DC: USGPO, 1996), Table 616; U. S. Bureau of the Census, *1992 Economic Census, Survey of Minority-Owned Business Enterprises, Asians and Pacific Islanders, American Indians and Alaska Natives* MB92-3RV (Washington, D. C.: USGPO, 1996), Table 1.

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For the most part, Table 4 displays ethnic economies that perform below national norms. Five of six ethnic economies recorded fewer firms than expected; four of six recorded fewer employer-firms than expected. All six ethnic economies recorded fewer employees and smaller gross payrolls than expected. Even Cubans, who had more than the expected number of firms and even of employer firms, just as Portes and his coworkers have reported, had fewer employees than expected from national norms and smaller gross payroll than expected. Since Table 4 includes some very large and important groups, its dismal message is of substantive importance: some of the largest ethno-racial minorities have small ethnic economies. This is a big fact. However, one cannot generalize from Table 4 to ethnic groups that are not included because the Economic Census published no data about them.

At the same time, Table 4 shows considerable range in the employment generation of the ethnic economies it compares. At the top end, the Cubans had more employers and self-employed than expected, and 93 percent of the employees expected. Adding the self-employed, the employers, and the employees, the Cubans had generated employment in their ethnic economy above the national rate. Where they expected an ethnic ownership economy of 210,562, the Cubans actually had an ethnic ownership economy of 213,573. At the bottom end, African Americans had fewer firms, fewer employers, and fewer employees than would have been expected from national norms. Expecting an ethnic economy of 4,937,036, the African Americans actually had an ethnic economy of only 966,105. The other categories and groups fell between the Cubans and the blacks.

Expanded Ethnic Economies

One way to assess the importance of the ethnic economies' employment contribution is to ask how large that *expected* ethnic economy's employment was relative to each category and group's unemployment problem in 1992. This exercise shows whether the expansion of a group or category's ethnic economy to the national average might have eliminated that group's or category's unemployment. Accordingly, we compare the expected employment that each group would have generated had it reached national norms with

its actual unemployment problem, ascertaining how much of that unemployment an expanded ethnic economy could potentially have absorbed. An *expanded ethnic economy* is the expected ethnic economy minus the observed. This quantity indicates by how much a group's employment would have expanded over the observed if that ethnic economy had met national averages. If the expanded ethnic economy surpasses a category's total unemployment, we can conclude that expansion of the ethnic economy to the national average should reduce unemployment among coethnics.

Table 5 compares the observed and expanded ethnic economy with total unemployment and the unemployment rate for the five ethno-racial groups for whom the Economic Census published data. Among blacks, Hispanics, Mexicans and Puerto Ricans, the expanded ethnic economy greatly exceeded total unemployment of coethnics in 1992, indicating that expanding the ethnic economy of these groups and categories had some potential for reducing group unemployment. In fact, expansion of the African American ethnic economy beyond its actual size to *half* the expected size would have created 2,011,000 new jobs and businesses in 1992, enough potentially to employ the entire population of unemployed blacks in that year. A comparable expansion of the Hispanic ethnic economy to 50 percent of the economy's average would also have created enough new jobs and businesses to employ all the unemployed Hispanics.

Table 5 Unemployed and Ethnic Economy Employment, 1992

	Unemployment		Ethnic Economy	
	Number	Rate	Observed	Expanded ¹
Blacks	2,011,000	14.2	966,105	3,970,931
Hispanics	1,311,000	7.7	1,462,764	2,489,792
Mexicans	782,000	10.7	702,497	1,835,743
Puerto Ricans	141,000	13.1	81,198	374,060
Cubans	47,000	7.8	213,573	- 3,011

Sources: Same as Table 3.3

1 The expanded ethnic economy = (ES + EW) - (OS + OW) where ES is a group's expected total self-employment; EW is a group's expected wage employment; OS is a group's observed self-employment; and OW is a group's observed wage employment.

However, although expansion of an ethnic economy has the potential to reduce a group's unemployment, the case of the Cubans suggests that expansion of an ethnic economy will not eliminate unemployment. That is, the Cuban ethnic economy exceeded national norms in 1992, but 7.8 percent of Cubans still remained unemployed in that recession year. We do not know how much or even whether drastic expansion of the Cuban ethnic economy beyond this level

would ultimately have eliminated unemployment among Cubans. But it is clear that merely exceeding national norms did not achieve this goal for the Cubans in 1992. This result should not surprise us. After all, the well - developed ethnic economies of the non-Hispanic whites had not eliminated unemployment among them in 1992 either. One obvious reason is the ethnic pluralism of the actual employment base, a reality that census data does not expose. Although ethno-racial particularism is a strong factor in small firms' hiring, even ethnic firms hire non-coethnics; Cubans hire some non-Cubans; African Americans hire some non-blacks, Koreans some non-Koreans, and so forth. In an extreme case, actually documented in the literature, where ethnic entrepreneurs prefer non-coethnic employees, even drastic expansion of the ethnic employers' employment base will not reduce coethnic unemployment at all!

Nonetheless, within this limitation, expansion of ethnic ownership economies reduces coethnics' unemployment rate, increases their labor force participation, and raises gross earned income of the group. Indeed, the existence of ethnic economies shows that some of this benefit has already occurred. In the case of African Americans, whose ethnic economy is small, Table 3.4 shows that nearly a million workers owed their employment to it in 1992. A thought-experiment makes the point. If this African American ethnic economy had disintegrated on Jan. 1, 1993, would all of those 966,105 workers have found a job in the general labor market on January 2, or would some of them have become unemployed? If even half of them would have become unemployed, then the African American economy in 1992 had already reduced African American unemployment by nearly 15 percent below what it otherwise would have been. If all of them would have become unemployed on Jan. 2, then the African American ethnic economy had reduced unemployment among coethnics by about 30 percent. Thus, even in this relatively small one, the ethnic ownership economy's contribution to coethnic employment was appreciable, and should be considered an economic contribution in conjunction with its contribution to wealth, income, and wages.

Wages in the Ethnic Economy

Returning now to wages in the ethnic economy, discussed already above, we find useful evidence in Table 4, which shows that for all six of the ethno-racial groups and categories, payroll was the weakest performance of all ethnic economies. Compared to the ethnic economies' production of employer firms and of employees, which were generally weak, the ownership economies' production of payroll was even weaker. For example, in the case of African Americans, their ethnic economy generated only 11.4 percent as many employees as it would have had the African American ethnic economy generated employees at the same rate as the general economy. However, the African American ethnic economy generated only 8.3 percent of the expected payroll. This amounts to 27 percent less payroll than employees. These are low-paying jobs. Even Cubans, whose employer firms and employees exceeded national norms in

number, produced only 85 percent of the expected payroll. The Cubans' payroll was eight percent below their employment.

The implication is straightforward: ethnic economies pay lower wages than the general labor market. However, although all ethnic economies pay badly, some pay worse than others. The Puerto Rican ethnic economy, small in size, paid the highest wages, reaching 96.5 percent of the expected level. At the opposite extreme, the African American ethnic economy's payroll was only 72.8 percent of what it would have been had the African American ethnic economy paid wages at the average level of the general labor market. Other groups fell between Puerto Ricans at the top and African Americans at the bottom. Although the data in Table 4 are not comprehensive, and the possibility exists that some ethnic economies for whom the Economic Census did not report data actually meet or exceed national payroll levels, Table 4's results warrant the conclusion that payroll is the weakest performance dimension of ethnic economies, and that major ethnic economies pay wages that are below the average level in the general labor market.

From these conclusions one might infer, as Sanders and Nee did, that employers are the only economic beneficiaries of ethnic economies, and that employers in ethnic economies exploit their coethnic workers. This conclusion fits some individual ethnic economies in some localities, but it would be premature to embrace the generalization. First, the real issue is not whether ethnic economies generate payroll at the same rate as does the general labor market, but whether ethnic economies reward employee productivity as generously as do American firms in general. If employees in ethnic economies are the least productive, least skilled, and least educated of coethnics, then it would be no wonder if they were paid less on average than more qualified coethnics employed in the general labor market. Exactly this situation prevails in the ethnic economy's informal sector whose workers are, on average, less educated than those in the formal sector. Moreover, the evidence on productivity-adjusted wages is equivocal. Some researchers report that ethnic economies pay productivity-adjusted wages that match those in the general economy to all their employees; others report that men employees in ethnic economies receive productivity-adjusted wages that are as high as those in the general labor market, but women employees do not; still others report that no employees obtain productivity-adjusted wages that equal those paid in the general labor market. Conclusive evidence is not yet available.

Additionally, even when ethnic economies pay productivity-adjusted wages appreciably lower than those in the general labor market, the possibility exists that the low wages are a condition of the job's existence. In that case, the low wages and the job itself represent contributions of the ethnic economy to employment of coethnics; and the low wage exceeds the general labor market's counter-offer, zero. Consider a situation in which 500 Chinese waiters in Los Angeles' Chinatown average only \$6.00 per hour

whereas 5 Chinese waiters outside of Chinatown average \$20 per hour. This imbalance suggests that Chinese restaurant owners are paying Chinese waiters less than what non-Chinese employers pay outside Chinatown. Unfortunately, it may turn out, there are no more waiters' jobs outside Chinatown; and, worse, Chinatown restaurants obtain business by price competition with restaurants outside Chinatown. The low prices bring customers into Chinatown restaurants, and are a condition of existence for the Chinatown restaurants. In this case, a realistic one, the highly unequal productivity-adjusted wages inside and outside Chinatown do not prove that Chinese restaurant owners exploit Chinese waiters. Possibly the inexpensive Chinese restaurants they created had created 500 low-wage jobs for waiters, even taking 500 people off the unemployment rolls to fill them. Karl Marx would insist that unless we know the owners' profit, we cannot infer exploitation from low wages alone.

Finally, more than half of the participants in most ethnic economies are non-employing self-employed. In the African American ethnic economy, for example, we find 556,434 non-employer self-employed, 64,478 employers, and 345,193 employees (Table 4). Even if all the employers exploit all their workers, only 42 percent of those in the African American ethnic economy would be exploited or exploiters. Fifty-eight percent of the workers in the African American ethnic economy are non-employer self-employed who, employing no workers, cannot exploit any workers. To the extent that these non-employing self-employed obtain wealth and income that facilitates their economic mobility, the African American ethnic economy enhances the economic welfare of most of its participants even if, for the sake of argument, we concede that all the ethnic economy's coethnic employees are exploited. Under the circumstances, evidence that ethnic economy wages are low cannot support the inference that bosses exploit workers or that ethnic economies benefit only employers.

These conclusions are only strengthened when we include the ethnic economy's informal economy sector in our assessment of the overall economic advantageousness of ethnic economies. The information reported by the Economic Census (Table 4) completely excludes the informal economy, and this exclusion most understates the ethnic economies of poorer and less resource-endowed groups such as Mexicans and African Americans. Self-employed workers in the informal sector are prevailingly those who have less skill and productivity in the first place, and, to that extent, the low money returns of the informal economy are comparable to what they might earn in the general labor market. Additionally, people in the informal economy are mostly underemployed or unemployed. They are people to whom the general labor market offers either no income or not enough. Many are desperate. Therefore, they undertake self-employment to obtain some money where otherwise they would have none. Under the circumstances, the ethnic economy's informal sector just adds employment to the ethnic group and reduces real unemployment and underemployment. Finally, most people in the

informal sector are self-employed, not employees. The garment manufacturing industry is the major exception. Therefore, most informal economy workers cannot be exploited by bosses. If the ethnic economy's informal sector just disappeared tomorrow, then the economic welfare of the participants, who are usually recruited from the poorest ethno-racial minorities, would immediately decline. It makes no sense to reject the economic contribution of the ethnic economy's formal sector, declaring it exploitative, without rejecting that of the ethnic economy's informal sector too.

Illegal Enterprise

In addition to the formal sector and the informal sector, the ethnic ownership economy has a third sector, the illegal enterprise sector. The illegal enterprise sector consists of firms that provide proscribed commodities to willing buyers. Examples of proscribed commodities include recreational drugs, pornography, prostitution, gambling, and usurious loans. Providing these proscribed commodities is the core activity of what used to be called organized crime, but which analysts now call illegal enterprise in recognition of its affinity with legal business as well as its decentralization. Because it involves the production and sale of commodities to willing buyers, illegal enterprise is a business as well as a crime. Unlike predatory crimes, such as robbery, which require victims, illegal enterprise produces no victims to serve as complainants in a court of law. Therefore, illegal enterprise is a victimless crime that is illegal as a matter of social policy.

Following the logic of this inquiry, one must ask whether ethnic criminals would not earn more if they had wage jobs in the general labor market? On its face, this question is preposterous. The Godfather does not want a loading job in a warehouse! However, when they have matured out of youthful recklessness, successful criminals prefer legitimate business to illegal business. Indeed, for those most successful in organized crime, the usual way out of the rackets is not through police suppression, the legend of Elliott Ness notwithstanding, but rather through the slow inter-generational transfer of assets from illegal business to legal business. Once reinvested in Nevada real estate or casinos, dollars that originated in illegal drug deals create a completely legal business whose owners are entrepreneurs, not racketeers. Thanks to the fluidity of American society, even one generation away from crime, the children of successful racketeers can move into the highest reaches of society. The archetype is President John F. Kennedy, whose father made the family fortune by bootlegging liquor during the Prohibition era, 1919-1933. What Daniel Bell once called a "queer ladder of mobility" has permitted many illegal entrepreneurs to break into respectability.

Of course, everyone in the illegal economy is not the Godfather; whether employed or self-employed, most organized criminals earn modest incomes in crime careers that are interrupted by imprisonment and shortened by violent death. From a narrow

economic standpoint, a warehouseman's job would usually be more lucrative than such a life if only because a warehouseman can anticipate more earning years thanks to his longer life span. In illegal enterprise as in crime generally, the excitement and the enjoyment of power, not just the money, are major attractions that bring people to the life. However, for most youthful offenders who survive adolescence, when heart means everything, maturation breeds reflection upon the incarceration and early death that await them. At this point, although possibly not before, the decision to remain in illegal enterprise does compete with economic alternatives available in the general labor market as well as with legal sectors of the ethnic economy. Eighty-five percent of ex-delinquents have exited crime forever by age 28. Were more legitimate options available to mature criminals, possibly more would retire from illegal enterprise than actually do so. To that extent at least, the employment creation capability of the illegal sector locks some participants into lifelong careers in illegal enterprise. Realistically speaking, the ethnic economy's legal sector is the most likely employer for gangsters looking for an exit from illegal business. Since their educational credentials are weak, the ex-racketeers could not get jobs in the general labor market even were social exclusion no barrier. The recruitment of former racketeers into legitimate business is an unrecognized contribution of ethnic economies to social order.

Social Exclusion and Disadvantage

Economic disadvantage is the oldest explanation of immigrant and ethnic entrepreneurship. The idea has figured importantly in the history of sociology. Economic disadvantage has two principal forms. The first is disadvantage in the labor market; the second is resource disadvantage. Here disadvantage in the labor market means protracted inability of immigrants to obtain wage employment at a level and a wage compatible with their productivity. Therefore, they are disadvantaged relative to non-immigrants of comparable productivity. Resource disadvantage means immigrants bring weak human capital endowments that eventuate in and promote under- and unemployment. Because immigrants and ethnic minorities have less human capital than non-immigrants, they make less attractive employees on the average than do the native workers.

Either way, the disadvantaged turn to self-employment out of frustration with their prolonged and irreversible marginality in the wage labor force of their adopted country. Indeed, for the long-term unemployed, self-employment offers the only alternative to the dole. Since immigrants and ethnic minorities confront social exclusion, a state of unequal reception in political, social, and economic spheres, the immigrants and ethnic minorities commonly experience both forms of disadvantage (Buck and Harloe, 1998). They complete less education, and they receive lower money returns on the education they have received. In this sense, social exclusion causes economic disadvantage; disadvantage causes self-employment; and self-employment creates ethnic economies. In turn, ethnic economies create an institutional basis for economic

separation, thus delaying or even aborting assimilation.

Successful as far as it goes, the disadvantage theory has one major limitation. It overlooks the contribution to their entrepreneurship of the immigrants' social capital, human capital, cultural capital, and even financial capital, where applicable. That is, the disadvantage theory presumes that the disadvantaged always have the resources entrepreneurs need. Were that true, then disadvantage would give the immigrants the motive for entrepreneurship, thus permitting entrepreneurship to flourish wherever there is disadvantage and in exact proportion to it. However, immigrants display huge variation in the resource endowments they bring to destination countries. In some cases, immigrants are generously endowed with all the resources that entrepreneurs need. In this case, when they experience social exclusion and attendant disadvantage, they readily turn to self-employment. Ethnic economies then operate at high levels of visibility and centrality.

However, when immigrants bring few resources of human, social, cultural, or financial capital, then the pressure of social exclusion, which certainly engenders disadvantage, does not also convey the capability to convert the disadvantage into entrepreneurial business. Under these circumstances, disadvantaged immigrants turn to the informal economy where their self-employment goes unnoticed and uncounted by official enumerators. In Paris, they sell trinkets from blankets in metro stations or, in Los Angeles, bags of oranges at the freeway entrances. Of course, this petty commercial activity is self-employment just as is the ownership of a factory employing 300 coethnics. However, it is low level self-employment in the informal sector, and the people who engage in the activity, just one step ahead of beggars, have scant chance to break into the ethnic economy's formal sector, where living conditions are better. Both of these businesses -- the factory and the metro station -- are responses to social exclusion and disadvantage, but the factory owner has brought with him or her financial, social, and cultural resources that the informal sector's self-employment entirely lack. For these reasons, one can justifiably conclude that social exclusion promotes self-employment, but social exclusion only promotes entrepreneurship when those excluded have strong and independent capital resources.

From an economic point of view, a high-level ethnic economy offers more competition to the host economy than does a low-level ethnic economy. That is, a profitable and large scale ethnic economy, with many substantial firms, offers immigrants and ethnics excellent economic opportunities in the second and third generation. The general labor market may find it difficult to match what the prosperous ethnic economy can offer. In that case, the descendants of immigrants will choose the ethnic economy, and its separation from the mainstream, even when social exclusion no longer disadvantages them. In contrast, a marginal ethnic economy, lived at the margin of subsistence, compares unfavorably to what

the immigrants and their descendants might obtain in the general labor market were only social exclusion no longer a barrier. This thought experiment suggests that successful ethnic economies pose greater long-run barriers to assimilation than do unsuccessful ethnic economies.

Conclusion and Summary

An ethnic economy consists of the self-employed, employers, their co-ethnic employees, and their unpaid family workers. Every ethnic or immigrant group has an ethnic economy, but ethnic economies may be large or small. Whether they pay more or less than the general labor market, ethnic economies raise group incomes, and, when large and lucrative, accelerate group economic mobility above what full employment would permit. Large and lucrative ethnic economies require strong entrepreneurial capacity. Entrepreneurial capacity means a group's ability to exploit demand conditions. Entrepreneurial capacity depends upon resources.

Ethnic economies disconnect the motive of self-interest that drives immigrants into the general labor market and thence into acculturation and assimilation. However, although ethnic economies slow assimilation and acculturation, they need not stop either. Ethnic economies are a partial product of social exclusion. Social exclusion creates economic disadvantage, which encourages compensatory entrepreneurship. In this sense, ethnic economies represent a collective response to social exclusion. However, social exclusion and disadvantage cannot explain the size of ethnic economies or their prosperity. Economic disadvantage alone creates an informal economy whereas, when combined with strong resources, economic disadvantage creates an ethnic economy in the formal sector. A strong ethnic economy has more attraction for subsequent generations than does a weak one.

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ENDNOTES

Bonacich and Modell (1980: 45, 110-111, 124) were the first operationally to define an ethnic economy in this way.

It was developed by Alejandro Portes and his co-workers in a series of publications during the 1980's (Wilson and Portes, 1980, Portes, 1981; Portes

and Bach, 1985).

This state of affairs is lamentable because the ethnic economy presumably continues into informality, and the existing literature obscures that continuation.

For a review of current French literature on this subject, see Gildas Simon, 1993.

Stephen Castles and Mark J. Miller, The Age of Migration: International Population Movements in the Modern World (New York: The Guilford Press, 1993), p. 110..

Evidence does not indicate that government set-asides were very effective in achieving these goals (Waldinger, et al., 1990: ch. 7). Only 32 metropolitan areas had municipal set-asides programs.

Even if they failed to achieve their objective, as Pryde and Green (1990: 40-41) maintain, the laws hoped to influence entrepreneurship by manipulating demand.

2. In-Jin Yoon, *Own My Own* (Chicago: University of Chicago, 1997), 20-21.

2. Jock Collins, "Cosmopolitan Capitalism: Ethnicity, Gender and Australian Entrepreneurs," Vol 1, (PhD diss., University of Wollongong, 1998); Robert Kloosterman, Joanne van der Leun, and Jan Rath, "Across the Border: Immigrants' Economic Opportunities, Social Capital and Informal Business Activities," *Journal of Ethnic and Migration Studies* 24 (1998): 258.

2. Maria De Lourdes Villar, "Hindrances to the Development of an Ethnic Economy Among Mexican Migrants," *Human Organization* 53 (1994): 263-268.

2. Yoon, *Own My Own*, 20-21.

2. Roger Waldinger, *Still the Promised City?* (Cambridge MA: Harvard University, 1996), 303.

2. John R. Logan, Richard D. Alba, and Thomas McNulty, "Ethnic Economies in Metropolitan Regions: Miami and Beyond," *Social Forces* 72 (1994): 697; and Jeffrey G. Reitz, *The Survival of Ethnic Groups*, (Toronto: McGraw Hill, 1990), Table 4.12; M.D. R. Evans, "Immigrant Entrepreneurship: Effects of Ethnic Market Size and Isolated Labor Pool," *American Sociological Review* 54 (1989): 957.

2. Logan, Alba, and McNulty, "Ethnic Economies in Metropolitan Regions: Miami and Beyond," 701.

2. M.D. R. Evans recommends a ratio of one coethnic employee for each minority firm so our actual ratio is much more conservative than the literature would permit. "Immigrant Entrepreneurship: Effects of Ethnic Market Size and

Isolated Labor Pool," 957.

2. For classic statements, see: W. Lloyd Warner and Leo Srole, *The Social Systems of American Ethnic Groups* (New Haven: Yale University, 1945); and Milton Gordon, *Assimilation in American Life* (New York: Oxford University, 1964).

2. Alejandro Portes and Min Zhou, "Divergent Destinies: Immigration, Poverty, and Entrepreneurship in the United States," Written for the Project on Poverty, Inequality, and the Crisis of Social Policy of the Joint Center for Political and Economic Studies, Washington, DC. 1992: 492.

2. Jeffrey G. Reitz and Sherrilyn M. Sklar, "Culture, Race, and the Economic Assimilation of Immigrants," *Sociological Forum* 12 (1997): 233-234; Roger Waldinger, *Still the Promised City?* (Cambridge MA: Harvard University, 1996), 95; Charles Hirschman, "America's Melting Pot Reconsidered," *Annual Review of Sociology* 9 (1983):400.

2. Portes and Zhou, "Gaining the Upper Hand," 492

2. "The importance of ethnic enterprise in Asian American economic achievement is clearly suggested in our analysis. Self-employment among Asian Americans is generally associated with high earnings." Victor Nee and Jimmy Sanders, "The Road to Parity: Determinants of the Socioeconomic Achievements of Asian Americans," *Ethnic and Racial Studies* 8(1985): 85; see also, Portes and Zhou, "Gaining the Upper Hand," 511.

2. Edna Bonacich, "Making It in America," *Sociological Perspectives* 30 (1987): 446-466.

2. Ewa Morawska, *For Bread With Butter* (Cambridge: Cambridge University, 1985), 240.

2. ".... [Income] refers to flows of money, goods, or services, while assets refer to stocks of wealth or accumulations." Michael Sherraden, *Assets and the Poor* (Armonk NY: M. E. Sharpe, 1991), 96.

2. Sherraden distinguishes tangible assets and intangible assets. Tangible assets include money, securities, real property, jewelry, machine & equipment, durable household goods, natural resources such as farmland, oil, minerals, copyrights and patents. Intangible assets include: access to credit, human capital, and cultural capital in the form of knowledge culturally significant subjects, such as vocabulary, accent, dress, appearance, informal social capital such as friends & family, formal social capital, and even political capital in the form of participation, power, and influence in the state. *Assets and the Poor: A New American Welfare Policy* (Armonk, N.Y.: M.E. Sharpe, 1991), 102-04.

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2. For example, a lady with a high income who spends more than she earns will amass debts that are negative wealth.
2. Melvin L. Oliver and Thomas M. Shapiro, „Wealth of a Nation: A Reassessment of Asset Inequality in America Shows a Least One Third of Households Are Asset-Poor," *American Journal of Economics and Sociology* 49 (1990):143-144.
2. Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth* (New York: Routledge, 1997), 119.
2. To be sure, half of the self-employed fail in business within two years of starting, and three-quarters within five years. These strictures apply to the ones who succeed, not to the failures. REFS XXX.
2. Francine D. Blau and John W. Graham, "Black-White Differences in Wealth and Asset Composition," *The Quarterly Journal of Economics* 105 (1990): 33.
2. Jock Collins, "Cosmopolitan Capitalism: Ethnicity, Gender and Australian Entrepreneurs," Vols 1 and 2, (PhD diss., 1998 University of Wollongong II-363).
2. Alejandro Portes and Robert Bach, *Latin Journey* (Berkeley: University of California, 1985).
2. Kenneth L. Wilson and Alejandro Portes, „Immigrant Enclaves: An Analysis of the Labor Market Experiences of Cubans in Miami," *American Journal of Sociology* 86 (1980): 314.
2. Portes and Bach, *Latin Journey*, ch. 6.
2. Jimmy M. Sanders and Victor Nee, „Limits of Ethnic Solidarity in the Enclave Economy," *American Sociological Review* 52 (1987): 745-73.
2. Nee and Sanders, "The Road to Parity: Determinants of the Socioeconomic Achievements of Asian Americans," 75-93.
2. Min Zhou, *Chinatown : The Socioeconomic Potential of an Urban Enclave*, (Philadelphia : Temple University Press, 1992), 115-116, 150.
2. Thomas R. Bailey and Roger Waldinger, „Primary, Secondary, and Enclave Labor Markets: A Training Systems Approach," *American Sociological Review* 56 (1991):432-445.
2. Charles Choy Wong, „Black and Chinese Grocery Stores in Los Angeles' Black Ghetto," *Urban Life* 5 (1977): 439-64.
2. Jeffrey G. Reitz, „Ethnic Concentrations in Labour Markets and Their Implications for Ethnic Inequality," in Raymond Breton et al eds., *Ethnic Identity and Equality* (Toronto: university of Toronto, 1990), 135-195.
2. Reitz, 1990: 175

2. We mean higher net returns, not higher hourly returns. Bates points out that Asian American business owners work very long hours and so they earn higher returns than blacks. But, the black owners actually earned higher returns per hour than the Asians. Alejandro Portes disagrees, arguing that "their relative return per dollar or per hour" misses the point. The bottom line is the "wealth accumulated by the entrepreneur, his social and economic status, and his influence in the community." Cf: Portes, Alejandro, "A Dissenting View: Pitfalls On Focusing on Relative Returns to Ethnic Enterprise." *National Journal of Sociology* 10 (1996):45-47; and Timothy Bates, "Why Are Firms Owned by Asian Immigrants Lagging Behind Black-Owned Businesses?," *National Journal of Sociology* 10 (1996): 34.

2. Paul Maxim, "Immigrants, Visible Minorities, and Self-Employment," *Demography* 29 (1992): 182-183.

2. Portes and Zhou, "Gaining an Upper Hand," ; see also Nee and Sanders, "The Road to Parity: Determinants of the Socioeconomic Achievements of Asian Americans," 85.

2. Ivan Light and Elizabeth Roach. "Self-employment: Mobility Ladder or Economic Lifeboat?" ch. 7 in Roger Waldinger and Mehdi Bozorgmehr, eds., *Ethnic Los Angeles* (New York: Russell Sage Foundation, 1996), 203.

2. Maxim, "Immigrants, Visible Minorities, and Self Employment."

2. Norbert Wiley, "The Ethnic Mobility Trap and Stratification Theory," *Social Problems* 155 (1967): 147-59.

2. These are reviewed in Ivan Light and Stavros Karageorgis, "The Ethnic Economy," Ch. 26 in *Handbook of Economic Sociology* (Princeton: Princeton University, 1994).

2. Otherwise, participants are taking a pay cut to work in the ethnic ownership economy.

2. Luis Eduardo Guarnizo, "The Mexican Ethnic Economy in Los Angeles: Capitalist Accumulation, Class Restructuring, and the Transnationalization of Migration." (Davis CA: California Communities Program of the University of California, 1998), 7.

2. See also: Ivan Light and Elizabeth Roach, "Self-Employment: Mobility Ladder or Economic Lifeboat," ch. 7.

2. Because employer firms are less numerous than non-employer firms, an ethnic economy of 1,000 firms could not house 1,000 employer firms. The employer firms have to be some multiple (less than one) of all firms. This is an empirical, not a theoretical generalization. In principle, an ethnic labor

force of 1,000 workers could represent 1,000 employer firms each of whom hired no coethnic laborers. In this case, the size of the ethnic economy would be 100 percent, but its remuneration level would depend wholly upon business owners' returns and not at all upon wages. The wages would, after all, be paid to non-coethnics, and so would not affect the ethnic economy's remuneration level.

2. From Table 3.3

2. If a significant proportion of coethnics are illegal, and uncounted, we overestimate the rate at which ethnic communities convert labor force into business firms. "Mexican workers, and particularly the undocumented, are a vital economic asset to the Chicano community, one that has contributed significantly to the development, maintenance, and recent expansion of the Chicano business sector and middle class." Gilberto Cardenas, Rodolfo O. de la Garza, and Niles Hansen. "Mexican Immigrants and the Chicano Ethnic Enterprise: Reconceptualizing an Old Problem," *Mexican Immigrants and Mexican Americans: An Evolving Relation* (Austin: Center for Mexican American Studies of the University of Texas, 1986), 158.

2. "...If we tripled black businesses that would not substantially reduce the black unemployment rate nor would it significantly increase black wealth in America." Kunjufu Jawanza, *Black Economics* (Chicago: African American Images, 1991), 159. Kunjufu's claim is clearly wrong here.

2. Steven Gold, *Refugee Communities* (Newbury Park CA: Sage, 1992).

2. What counts here is the ratio between employees and gross payroll, not the observed payroll as a percentage of the expected payroll, col. 3 in Table 3.XX. As a percentage of expected payroll, observed payroll measures how much money was actually paid out in wages relative to how much would have been paid out had an ethnic economy generated employers, employees, and payroll at the same rate as the general economy. In this case, however, our interest is the relative performance of an ethnic economy in production of employees and of payroll. A poorer performance in production of payroll suggests wages that are lower than the general labor market paid.

2. Sanders and Nee, "Limits of Ethnic Solidarity in the Enclave Economy," XX.

2. McKeever, "Reproduced Inequality: Participation and Success in the South African Informal Economy."

2. Light and Karageorgis, "The Ethnic Economy," pp. XXX-XXX.

2. Ang Lee's feature-length film, "Pushing Hands" deals with underpaid workers in New York's Chinatown and their unscrupulous but coethnic employers.

2. Conditions in ethnic restaurants are truly deplorable. A federal

investigatory team swept thru 43 randomly picked restaurants in Los Angeles Koreatown. Investigators found employees had been underpaid by \$250,000. 41 of 43 restaurants had violated labor laws. Korean restaurant owners complain that they practice Korean labor customs, not American. K. Connie Kang, "41 Restaurants Violated Labor Laws." *Los Angeles Times* Aug 22, 1998.

2. Of course, if they do not pay their workers the wages they owe them or if they pay wages below the legal minimum, they are operating in violation of the law. See: K. Connie Kang, "41 Restaurants Violated Labor Laws," Section B1; idem, "Ex-workers' Suit Seeks Back Wages," *Los Angeles Times* Aug. 5, 1998.

2. Karl Marx defined exploitation as the owner's rate of profit where profit is money remaining after all the costs of the business have been paid, including the owner's labor charge. On Marx's definition, highly paid workers can be exploited worse than low-paid workers; and even low-paid workers are not exploited when the owner's profit is zero. Moreover, a profit exists only when a surplus remains after a business owner's labor charge and the opportunity cost of her capital have been deducted. On this accounting, hardly any ethnic minority or immigrant-owned businesses turn a profit. Without profit, they cannot exploit anyone. Karl Marx, "Wages, Price, and Profit." Pp. 398-440 in Karl Marx and Frederick Engels: Selected Works, vol. 2 (Moscow: Foreign Languages Publishing House, 1962).

2. Of course, predatory crimes have an economic basis too, but they do not take the form of a business. Therefore, they are not illegal enterprises. Loic Wacquant blurs this distinction, lumping the sale of stolen merchandise, pillage, break-ins, and stealing cars with gambling, drug sales, pimping, and even murder for hire. "Inside the Zone: The Social Art of the Hustler in the Black American Ghetto," *Theory, Culture, and Society* 15 (1998): 1-36.

2. Francis A. J. Ianni, *A Family Business: Kinship and Social Control in Organized Crime*, (New York: Russell Sage Foundation, 1972), XXXX.

2. Ronald Kessler, *The Sins of the Father* (New York: Warner Books, 1996), pp. 35-38.

2. Daniel Bell, *The End of Ideology* (Glencoe IL: Free Press, 1960), ch. 7.

2. Jack Katz, *Seductions of Crime : Moral and Sensual Attractions in Doing Evil* (New York : Basic Books, 1988).

2. James M. O'Kane, *The Crooked Ladder* (New Brunswick NJ: Transactions, 1992), 125; John M. Hagedorn, "Home Boys, Dope Fiends, Legits, and New Jacks," *Criminology* 32 (1994): 210.

2. Terrie E. Moffitt, "Adolescence-Limited and Life-Course-Persistent Anti-Social Behavior: A Developmental Taxonomy." *Psychological Review* 110 (1994): 675.



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Université de Liège

Investigation and workshop on an emerging ethclass in Europe

Belgian report

Rapport de recherche à destination de la Fondation Roi Baudouin

Directeur de la recherche :

Dr. Marco Martiniello
Chercheur qualifié FNRS
Maître de Conférences

Chercheur :

Jérôme Jamin

- Octobre 1999 -

A. Analyse comparative

1. Histoire des principaux groupes d'immigrants

Les flux migratoires et l'immigration du travail¹

Ce n'est qu'après la première guerre mondiale que l'on peut véritablement parler d'immigration en Belgique. En effet, c'est à ce moment que le gouvernement belge engage ses premières politiques d'immigration pour des raisons économiques : emploi des étrangers dans les mines de charbon, main-d'oeuvre bon marché pour le développement de l'industrie, etc. Auparavant, les étrangers en Belgique ne dépassaient pas 3 % de l'ensemble de la population et leur arrivée sur le territoire relevait d'initiatives personnelles. L'entre-deux guerres se caractérise par le recrutement provisoire d'une main-d'oeuvre issue d'Italie, de Pologne en fonction d'impératifs économiques. Ces flux migratoires organisés par l'Etat sont contrôlés par le biais de l'octroi ou non d'un permis de travail qui officialise l'existence d'un accord entre l'industriel employeur et la main-d'oeuvre étrangère. Celui-ci est réglé par le texte relatif à l'emploi de la main-d'oeuvre étrangère adopté le 31 mars 1936 par Arrêté Royal de pouvoirs spéciaux.

Après la seconde guerre mondiale, et ce jusqu'en 1974, la Belgique va signer une série d'accords bilatéraux avec plusieurs pays en vue de combler le manque de travailleurs belges disposés à travailler dans la mine et dans d'autres secteurs de l'industrie dans des conditions difficiles (bas salaire, faible protection

¹ LEWIN R., *Balises pour l'avant 1974* in COENEN M.-T. et LEWIN R. (ed.), *La Belgique et ses immigrés. Les politiques manquées*, Bruxelles, De Boeck, 1997, p.15-24.

sociale, etc.). Ici aussi, l'évolution de la gestion des flux migratoires est fonction de la conjoncture économique et du besoin de main-d'oeuvre. La période allant de 1946 à 1974 est donc essentiellement faite d'arrêts et de relances de l'immigration en fonction des facteurs évoqués plus haut. En 1974, la Belgique vient d'encaisser le premier choc pétrolier, et le conseil des ministres décide en raison de la crise économique naissante d'arrêter l'immigration de travail.

Les principaux accords bilatéraux à l'origine des principaux flux migratoires de l'histoire de l'immigration en Belgique

- Convention d'émigration avec l'Italie concernant des ouvriers pour travailler dans les mines. 1946.
- Convention d'émigration entre la Belgique et l'Espagne. Arrangement de procédure pour l'immigration des travailleurs espagnols dans les charbonnages belges. 1956
- Accord entre la Belgique et la Grèce concernant l'émigration de travailleurs grecs en Belgique en vue d'être occupés dans les charbonnages. 1957
- Convention entre la Belgique et le Maroc relative à l'occupation de travailleurs marocains en Belgique. 1964
- Accord entre la Belgique et la Turquie relatif à l'occupation de travailleurs turcs en Belgique. 1964
- Accord entre le gouvernement belge et le gouvernement italien relatif à l'emploi et au séjour en Belgique des travailleurs italiens et de leurs familles. 1966
- Convention entre la Belgique et la Tunisie relative à l'emploi et au séjour en Belgique des travailleurs tunisiens. 1969
- Convention entre le Royaume de Belgique et la République algérienne démocratique et populaire relative à l'emploi et au séjour en Belgique des travailleurs algériens et de leurs familles. 1970
- Accord entre le Royaume de Belgique et la république socialiste fédérative de Yougoslavie relatif à l'emploi et au séjour en Belgique des travailleurs yougoslaves. 1970

En 1974, à cause de la crise économique et du chômage, tous ces accords ont été suspendus lors de la décision par le gouvernement belge d'arrêter l'immigration de travail. Depuis cette date, les nouveaux immigrés, beaucoup moins nombreux, sont soit des étrangers bénéficiant du droit au regroupement familial, soit des réfugiés politiques ou des demandeurs d'asile issus des pays de l'est et d'Afrique. Il existe également d'autres statuts spécifiques concernant certaines catégories d'immigrés : voir le point n°2 sur les statuts légaux.

L'Etat belge et les communautés "ethniques"

Avec les différents accords bilatéraux signés par le gouvernement belge et de nombreux pays étrangers, la Belgique est progressivement devenue, depuis l'entre-deux guerres, un pays d'immigration. Aujourd'hui, à côté des Belges de souche, sa population est à la fois composée de nombreux belges aux origines étrangères - les immigrés de la 1ère, de la 2ème ou de la 3ème génération qui ont été naturalisés ou ont acquis la nationalité belge par d'autres moyens -, mais elle est également composée de nombreux étrangers résidant légalement en Belgique (près de 10 pc de la population). A ces Belges d'origine immigrée et ces étrangers résidant légalement en Belgique, il faut encore ajouter la population clandestine (l'ensemble des "illégaux") dont il est par définition difficile d'évaluer le nombre. Il existe dès lors plusieurs communautés "ethniques" regroupant ces individus, naturalisés ou non. Cependant, il est difficile d'obtenir des chiffres exacts concernant ces communautés pour la simple raison qu'en Belgique, après avoir obtenu la nationalité, les nouveaux Belges ne sont plus recensés en fonction de leur origine comme c'est le cas lorsqu'ils gardent leur nationalité et qu'ils sont dès lors recensés comme étrangers.

D'autre part, ces différentes communautés ne sont pas reconnues officiellement.

La constitution belge reconnaît uniquement et exclusivement l'existence des communautés et des régions correspondant aux groupes nationaux belges originaux, à savoir les Flamands (la Communauté flamande), les Wallons (la Région wallonne et la Communauté française) et la population belge germanophone (la Communauté germanophone). Seule cette dernière constitue une minorité vis-à-vis des deux groupes majoritaires, les Flamands et les Wallons. Certains vont d'ailleurs jusqu'à la définir comme la communauté la mieux protégée d'Europe². Mise à part cette reconnaissance constitutionnelle des groupes nationaux,

² PAUWELS J.-P., *Fédération par dissociation et protection des Minorités: le cas de la Communauté Germanophone en Belgique* in Working Papers in Comparative and International Politics, Department of Political Studies - University of Catania, 1998.

linguistiques et culturels, en tant que seuls groupes ethniques légitimes et officiels dans le système politique belge, il n'existe aucune reconnaissance publique des minorités d'origine immigrée ou non³.

Cette philosophie dans la politique belge des immigrés ressemble au modèle de l'Etat républicain français qui, dans son rôle assimilateur et intégrateur, efface les traces administratives du passé "ethnique" des nouveaux citoyens ayant obtenu la nationalité française. Dès lors, le discours officiel en Belgique va parler d'étrangers ou de Belges d'origine immigrée et non de minorités ethniques. Et de la même façon, ce discours parlera d'intégration de ces Belges d'origine immigrée et de ces étrangers et non d'intégration et de défense ou de protection de minorités ethniques. Peu à peu, le terme d'allochtone qui désigne les individus provenant d'un lieu autre que celui où ils vivent fait progressivement son entrée dans le jargon politique, principalement en Flandre. Depuis 1970 et les révisions constitutionnelles qui ont suivi (1980-1988-1993), la Belgique est devenue un Etat fédéral⁴. Cette transformation progressive et le passage de nombreuses compétences du pouvoir fédéral aux pouvoirs fédérés (communautés et régions) a permis un processus de différenciation au niveau des politiques d'intégration des immigrés et des étrangers entre les différentes instances fédérées. Nous aborderons ce point dans une section ultérieure.

Les principaux groupes d'immigrés

Les différents traités liant la Belgique à l'Italie, à l'Espagne, à la Grèce, au Maroc, à la Turquie et à bien d'autres pays, ont progressivement permis la formation de plusieurs communautés "ethniques" en Belgique. A côté de plusieurs minorités espagnole, grecque, algérienne, etc., les trois communautés suivantes doivent faire l'objet d'une attention plus particulière en raison du nombre important des individus qui les constituent: la communauté italienne (présente essentiellement en Région wallonne), la communauté marocaine et la communauté turque (présentes en Région wallonne mais surtout en Région flamande et bruxelloise). Ces communautés sont établies en Belgique depuis longtemps et comme nous l'avons déjà vu, elles sont directement liées à l'histoire de l'immigration. D'autre part, suite aux différentes modifications de la loi concernant la possibilité d'acquérir la nationalité belge pour la première, la deuxième et la troisième génération (voir section n°2), il est important de se rappeler qu'une bonne partie de ces immigrés sont devenus des citoyens belges à part entière. Dès lors, dans le cadre de notre étude sur les communautés marocaine et turque en Belgique, il sera autant question des Belges d'origine marocaine et turque que des étrangers marocains et turcs résidant en Belgique. Ceux-ci formant ensemble les deux plus grandes communautés "ethniques" en Belgique après la communauté italienne.

Pour des données chiffrées, voir la répartition des étrangers par nationalité en Belgique et le nombre de naturalisation par nationalité et par an en Belgique dans l'appendice.

2. Les statuts légaux

Nous l'avons vu, officiellement depuis 1974, il n'y a plus de nouvelle immigration du travail vers la Belgique. Néanmoins, cette politique d'immigration "zéro" ne concerne pas certains statuts et certains cas particuliers.

La loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.⁵

La loi du 15 décembre 1980 modifiée par les lois des 10 et 15 juillet 1996⁶ relative à l'entrée, au séjour, à l'établissement et à l'éloignement des étrangers représente le cadre juridique de base à partir duquel

³ MARTINIELLO M., *Sortir des ghettos culturels*, Presses de sciences po, Paris, 1997, p.71.

⁴ *La naissance de la Belgique fédérale* in POLITICOGRAPHE 1998, Kluwer Editorial, Diegem, p.91-97.

⁵ - ADDE asbl, *Loi du 15 décembre 1980, Arrêté royal du 8 octobre 1981 et autres dispositions du droit des étrangers, Modifiées par les lois (Vande Lanotte) des 10 et 15 juillet 1996 et par ses arrêtés d'exécution*, Bruxelles, 1997.

- DEVILLE A., *La réforme de la loi relative aux étrangers*, Courrier hebdomadaire du CRISP, n°1538, Bruxelles, 1996.

⁶ Les lois du 10 et du 15 juillet 1996 constituent la dixième révision en quinze ans de la loi de 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers. Les aspects les plus importants de cette dernière modification sont les suivants : restriction de l'accès au territoire, adaptation de la législation belge avec les accords internationaux conclus par la Belgique

émanent toutes les dispositions concernant les étrangers de toute nationalité en Belgique. Cette loi est le résultat concret de la philosophie actuelle du gouvernement belge vis-à-vis de l'immigration et des étrangers. Elle s'inscrit de façon logique dans la lignée des différentes législations des pays européens mais aussi dans l'esprit des accords et des traités instituant la Communauté européenne. Elle repose sur les quatre principes suivants : l'arrêt de l'immigration du travail (décidé dès 1974); le contrôle strict des frontières de l'espace Schengen comme le prévoient les accords du même nom (côte belge, aéroport, etc.); le respect de l'unité des familles et donc du principe du droit au regroupement familial; l'accueil des étudiants étrangers dans le cadre de la coopération au développement et enfin la protection des réfugiés comme le prévoient les conventions signées par la Belgique en la matière (voir infra).

Pour assurer ce caractère restrictif de l'entrée et du séjour des étrangers en Belgique, la loi de 1980 repose sur un ensemble de dispositions générales visant à assurer le caractère provisoire et temporaire de la présence des étrangers en Belgique : accès au territoire et court séjour; séjour de plus de trois mois; conditions d'établissement; limitations du séjour ou de l'établissement d'étrangers dans certaines communes; absences et retours de l'étranger; renvois et expulsions (le Ministre peut renvoyer l'étranger qui n'est pas établi dans le royaume lorsqu'il a porté atteinte à l'ordre public ou à la sécurité nationale); mesures de sûreté complémentaires (l'étranger qui a reçu l'ordre de quitter le territoire et l'étranger renvoyé ou expulsé qui n'ont pas obtempéré dans le délai imparti peuvent être ramenés par la contrainte à la frontière); la détention des étrangers non admis sur le territoire (les étrangers peuvent être détenus pendant le temps strictement nécessaire pour l'exécution de la mesure d'expulsion. Cette détention doit avoir lieu dans un endroit situé aux frontières et la détention ne peut jamais excéder huit mois).

La loi de 1980 sur le séjour des étrangers fait l'objet de nombreuses critiques depuis son vote au Parlement fédéral. Elle a été modifiée à de nombreuses reprises (les réformes significatives les plus récentes sont les lois Vande Lanotte⁷ du 10 et du 15 juillet 1996) et fait encore aujourd'hui l'objet de nombreuses controverses notamment par rapport aux méthodes de détention et d'expulsion des étrangers illégaux qui ont débouché sur plusieurs scandales dont le plus dramatique fut la mort d'une jeune nigérienne étouffée par la gendarmerie lors de son rapatriement forcé dans son pays d'origine.

Aux dispositions générales visant à restreindre au maximum l'accès, le séjour et l'établissement des étrangers - conformément aux quatre principes évoqués plus haut -, il faut ajouter quelques dispositions complémentaires et déroatoires relatives à certaines catégories d'étrangers.

Les statuts particuliers

Le travailleur étranger⁸

Malgré l'arrêt officiel de l'immigration du travail, certaines catégories de travailleurs - salariés ou indépendants - peuvent encore s'installer en Belgique pour travailler. Ces cas particuliers sont repris dans la loi relative à l'occupation des travailleurs étrangers. En effet, c'est en fonction des dispositions de cette dernière que les permis de travail et les cartes professionnelles (pour les indépendants) sont octroyés. La philosophie de cette loi est la suivante "aucun employeur ne peut occuper un travailleur qui ne possède pas la nationalité belge, sans avoir, au préalable, obtenu l'autorisation d'occupation" et de même "aucun travailleur de nationalité étrangère ne peut fournir des prestations de travail sans être couvert par un permis de travail".

(Schengen, etc.), élargissement des possibilités pour délivrer l'ordre de quitter le territoire, allongement de la durée de détention des étrangers illégaux, etc.

⁷ Le Ministre de l'Intérieur Monsieur Johan Vande Lanotte (SP) a démissionné en avril 1998 après l'évasion de Marc Dutroux. Il fut remplacé par Monsieur Louis Tobback (SP) qui démissionna à son tour après la mort de Semira le 23 septembre (étouffée par des gendarmes lors de son expulsion forcée de la Belgique). Il fut remplacé par Monsieur Luc Van den Bossche (SP). Depuis les élections fédérales du 13 juin 1999, c'est Monsieur Antoine Duquesne (PRL-FDF) qui est en charge du portefeuille du ministère de l'Intérieur.

⁸ - MINISTERE DE LA REGION WALLONNE, Direction générale de l'économie et de l'emploi, *L'occupation de travailleurs de nationalité étrangère*, 31 juillet 1995.

- MONITEUR BELGE, *Lois, décrets, ordonnances et règlements relatifs à l'occupation des travailleurs étrangers*, Bruxelles, 21.05.99.

- MONITEUR BELGE, *Lois, décrets, ordonnances et règlements relatifs à l'occupation des travailleurs étrangers*, Bruxelles, 26.06.99.

En ce qui concerne les étrangers, la législation européenne - qui prime sur le cadre légal belge - a institué un régime particulier en ce qui concerne les étrangers européens. En effet, les ressortissants des pays de la Communauté européenne bénéficient du principe fondamental de la libre circulation des personnes et des travailleurs dans l'espace européen. Et ce, par la levée des contrôles douaniers aux frontières mais aussi des différentes restrictions et obligations qui s'imposaient jadis aux individus (européens) désireux de travailler dans un autre pays de l'Union européenne.

Les étudiants

Les étudiants étrangers ont un statut particulier dans la mesure où par principe leur présence ne peut être que provisoire. Il existe entre la Belgique et de nombreux pays des accords permettant des échanges entre écoles et universités dans le monde entier. Ces échanges s'inscrivent tantôt dans le cadre de la coopération au développement (permettre aux étrangers de bénéficier d'études de qualité pour ensuite exercer une profession dans leur pays d'origine), tantôt dans le cadre de la coopération scientifique (recherches, colloques, spécialisations à l'étranger, etc.), tantôt dans le cadre d'échange linguistique (Erasmus, Socrates, etc.). La Belgique octroie des visas particuliers aux étudiants pour leur permettre de résider légalement plusieurs années sur son territoire.

Les réfugiés et demandeurs d'asile¹¹

Un dernier statut particulier, enfin, le statut du réfugié. En effet, l'étranger qui réunit les conditions requises à cet effet par les conventions internationales signées par la Belgique en matière de protection des réfugiés bénéficie d'un régime particulier (voir les conventions signées par la Belgique). Ce dernier n'a cependant pas cessé de se complexifier ces vingt dernières années. Aujourd'hui, l'étranger peut être reconnu comme réfugié par le Ministre des Affaires étrangères, par l'autorité à laquelle le Ministre a délégué sa compétence ou enfin par le Commissariat général aux réfugiés et aux apatrides. La procédure de demande d'asile a lieu de la façon suivante :

- la phase de recevabilité où l'Office des étrangers¹² qui est un organe dépendant du Ministère des Affaires intérieures examine si la demande d'asile répond aux conditions formelles et aux critères de la Convention de Genève.
- l'examen des motivations : il s'agit de vérifier le fait que le demandeur peut légitimement craindre des persécutions dans son pays d'origine en raison de sa race, de sa religion, de sa nationalité, de son appartenance à une certaine catégorie sociale ou de ses convictions politiques (l'enquête est effectuée par le Commissariat Général aux Réfugiés et aux Apatrides (CGRA) qui fait également office d'instance d'appel contre les décisions prises par l'Office des étrangers).
- en cas de refus, la Commission de recours permanente des réfugiés examine le cas des déboutés par le Commissariat général.

Une fois reconnu comme réfugié, celui-ci bénéficiera de droits exceptionnels au regard des autres étrangers : accès aisé au permis de travail et à la carte professionnelle, permis de séjour de longue durée renouvelable indéfiniment, accès aux soins et à la protection sociale, aide du CPAS (Centre public d'aide sociale), etc. Entre le 1er février 1988 et le 31 décembre 1997, 135 103 personnes au total ont demandé asile. Parmi ces demandeurs, 10 541 (8,9pc) ont été reconnus, 108 892 ont été définitivement déboutés et pour 15 667 autres, la procédure n'est pas encore achevée. En 1998, la Belgique comptait 21 964 demandeurs d'asile, dont plus de la moitié (60pc) d'origine européenne. Ils provenaient notamment - par ordre décroissant d'importance - du Kosovo (26pc), de Roumanie (7pc), d'Albanie (5pc) et de Slovaquie (4pc). 4pc des demandeurs d'asile étaient originaires d'Asie, surtout du Pakistan et de Turquie, et 28pc provenaient d'Afrique. A l'exception du Congo-Kinshasa (8pc) et du Rwanda (5pc), aucun autre pays africain ne représentait plus de 3pc du nombre total de candidats réfugiés¹³.

¹¹ - *Ibidem*, p.14-25.

- DEVILLE A., *op.cit.*, p.13-16.

¹² L'office des étrangers fait l'objet d'un audit initié en juillet 1999.

¹³ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, Bilan 1993-1999 et perspectives de la politique des immigrés et de la lutte contre le racisme*, SFI, Bruxelles, 1999, p.236 et 239.

Le changement de coalition qui a fait suite au scrutin du 13 juin dernier laisse espérer quelques améliorations concernant les réfugiés et les demandeurs d'asile. En effet, le nouveau Ministre de l'Intérieur a procédé à un certain nombre de consultations et celles-ci ont permis la rédaction d'un texte de dix propositions en matière de rapatriement et d'éloignement des étrangers du territoire. Ses idées principales portent sur plusieurs grands points : engager un audit de l'administration de l'office des étrangers qui est chargé de ces questions; améliorer, simplifier et accélérer les procédures d'asile; mettre sur pied un observatoire permanent à l'immigration et assurer la sécurité dans les vols destinés aux éloignements forcés. Récemment, le 7 octobre 1999, le gouvernement belge a déposé un arrêté royal visant à organiser la procédure de régularisation de nombreuses catégories d'étrangers résidant illégalement en Belgique. Mais suite à la requête de deux élus du Vlaams Blok de la Chambre et du Sénat auprès du Conseil d'Etat, ce dernier a suspendu l'arrêté royal sur base du fait que des aspects et des dispositions de celui-ci modifient la loi du 15 décembre 1980 sur le statut des étrangers or, seule une loi peut modifier une loi. En guise de réponse, le gouvernement a promis qu'il transformerait l'arrêté royal en loi, ce qui prendra beaucoup plus de temps que prévu.

Acquisition de la citoyenneté et naturalisation¹⁴

Philosophie générale

Le Code de la Nationalité est institué par la loi du 28 juin 1984 relative à certains aspects de la condition des étrangers (il a été modifié à plusieurs reprises : 1991, 1993, 1995 et 1998). Le système de la Constitution belge de 1831 réserve le bénéfice des droits politiques aux Belges c'est-à-dire aux personnes qui se sont vu attribuer ou qui ont acquis la nationalité belge. Il faut noter que la loi ne distingue plus aujourd'hui le fait d'être Belge de naissance ou autrement pour ce qui est de l'exercice des droits politiques. En effet, jusqu'en 1976, les individus devenus Belges autrement que par naissance ne jouissaient que du droit de vote au niveau communal. D'autre part, jusqu'en 1993, ils n'ont pu poser leur candidature aux élections provinciales et législatives.

Cette disposition du Code de la Nationalité est cependant suspendue dans le cadre du traité sur l'Union européenne du 7 février 1992. En effet, l'article 88 de ce traité permet aux ressortissants des états membres de la Communauté européenne d'avoir accès aux droits de vote et d'éligibilité pour les élections municipales et européennes. Dès 1993, ces ressortissants ont pu participer à l'élection des membres du parlement européen. Le droit pour ces ressortissants de participer aux décisions communales ne deviendra effectif, en Belgique, qu'à l'occasion du prochain scrutin communal (octobre 2000) et non en janvier 1996 comme l'imposait le Traité de Maastricht. Ce retard de la Belgique au niveau de la modification de sa Constitution pour permettre le droit de vote des citoyens ressortissants de l'Union européenne aux élections communales a été sanctionné par la Cour européenne de Justice le 9 juillet 1998.

Le Parlement (Chambre et Sénat) est attaché au principe du lien entre nationalité et citoyenneté. Pour accorder l'article 8 de la Constitution belge avec l'article 88 du Traité de Maastricht, le législateur, au lieu de se donner la possibilité de déterminer dans quel cas l'exercice des droits politiques est reconnu pour les personnes qui ne possèdent pas la nationalité belge (ce qui aurait permis au Parlement, s'il le désirait, d'élargir les droits électoraux aux personnes de nationalité étrangère et résidant en Belgique sans devoir encore modifier la Constitution), a préféré dans un premier temps établir un texte constitutionnel indiquant que ce n'est que dans la mesure où les engagements internationaux de la Belgique le prévoient que la qualité de Belge n'est pas requise pour l'exercice des droits électoraux. Aujourd'hui, le travail parlementaire semble favoriser la modification de l'article 8 de la Constitution de façon "ouverte", ce qui rendrait possible l'étendue du droit de vote à d'autres catégories d'étrangers.

L'importance du débat sur le droit de vote des étrangers européens et non-européens en Belgique repose sur deux éléments fondamentaux : d'une part, une fois de plus un problème communautaire propre à la Belgique, certains milieux en Flandre redoutent en effet une perte de représentativité politique dans la région de Bruxelles-Capitale où les étrangers seraient susceptibles de voter pour des élus francophones (risque d'augmentation de l'influence de la langue française dans les communes flamandes situées dans la périphérie de Bruxelles), et d'autre part la pression exercée sur les partis traditionnels démocratiques par le

¹⁴ - TRAIT D'UNION asbl, *Acquisition de la nationalité belge*, Bruxelles, 1997.

- *L'acquisition de la nationalité belge* in CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, op.cit.*, p.65-68.

succès électoral du Vlaams Blok qui base son discours et sa propagande sur le "péril islamiste" du droit de vote des étrangers non-européens. Le projet de loi sur ces matières stipule aujourd'hui que les étrangers ressortissants européens pourront voter aux élections communales d'octobre 2000, quant aux étrangers non-européens, ce droit devrait leur être accordé en 2006 lors des prochaines élections communales.

Devenir Belge¹⁵

Le Code de la Nationalité belge combine les deux critères classiquement pris en compte en matière d'octroi de la nationalité : le droit du sol et le droit du sang. Le législateur accorde de l'importance au fait de naître d'un parent belge (*jus sanguinis*) et au fait de naître sur le territoire belge (*jus soli*). Ces deux principes reposent chacun sur plusieurs critères.

En fonction du principe du droit du sang, les critères suivants seront donc pris en compte:

- la nationalité des parents de la personne susceptible de devenir Belge
- l'éventuel changement de nationalité des parents
- le lieu de naissance des parents

Quant au principe du droit du sol, les critères suivants seront pris en compte :

- le lieu de naissance de la personne concernée
- le lieu de naissance des parents de la personne concernée
- la durée de résidence en Belgique de la personne concernée
- la durée de résidence en Belgique des parents de la personne concernée

Dans le cas précis de la naturalisation, les critères suivants sont pris en compte :

- l'âge (18 ans accomplis)
- la durée de résidence sur le territoire belge (5 ans minimum et trois ans pour les réfugiés)
- la volonté d'intégration (études, activité professionnelle, connaissance de la langue, etc.)

Enfin, dans le cas des étrangers mariés à des Belges, les critères suivants sont pris en compte :

- la nationalité du conjoint (il doit être belge ou devenu belge)
- la durée de vie commune en Belgique (3 ans minimum ou 6 mois pour l'étranger résidant en Belgique depuis au moins 3 ans avant le mariage)
- la volonté d'intégration (enquête)

La combinaison du principe du droit du sang et du principe du droit du sol a abouti à un système très complexe qui permet d'obtenir la nationalité belge de différentes façons : par attribution, par attribution automatique, par option, par déclaration, par naturalisation, via le mariage, etc. Ce système débouche sur 18 situations bien définies qui permettent d'obtenir la nationalité belge.

Les immigrés naturalisés deviennent des Belges à part entière

Les différentes dispositions qui régissent les possibilités de devenir Belge expliquent comment chaque année plusieurs milliers voire plusieurs dizaines de milliers d'individus de différentes nationalités obtiennent la nationalité belge. Le lien complexe entre le *jus sanguinis* et le *jus soli* qui caractérise la philosophie du Code de la Nationalité belge est à l'origine des nombreuses naturalisations (automatiques ou sur demande) dans les trois communautés "ethniques" les plus importantes en Belgique : la communauté italienne, la communauté marocaine et la communauté turque. C'est en effet parmi celles-ci que l'on trouve le plus de personnes susceptibles de remplir les conditions de résidence ou de parenté nécessaires à l'acquisition de la nationalité belge. Elles sont directement suivies au niveau des chiffres par les Français et les ressortissants des Pays-Bas.

¹⁵ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Devenir Belge*, Bruxelles, 1998, p.6-11

Pour des données chiffrées, voir la répartition des Marocains, des Turcs et des Italiens en Belgique ainsi que le nombre de naturalisations par nationalité et par an dans l'appendice.

Les droits politiques des étrangers¹⁶

Une fois naturalisés, les étrangers devenus Belges bénéficient ipso facto des mêmes droits civils, sociaux et politiques que les Belges de souche. Depuis 1993, il n'existe en effet plus de différences au niveau de leurs droits entre Belges de souche et Belges naturalisés ou ayant acquis la nationalité. Il y a six niveaux de participation politique en Belgique : le niveau communal, le niveau provincial, le niveau régional, le niveau communautaire, le niveau fédéral et le niveau européen. Les Belges de souche ou naturalisés bénéficient du droit de vote et d'éligibilité à ces six niveaux de pouvoir pour autant qu'ils remplissent les conditions minimales imposées par la loi électorale : nationalité belge, âge minimum fixé à 18 ans, certificat de bonne vie et moeurs, etc. Il en va bien autrement pour les étrangers résidents en Belgique.

La participation politique des étrangers européens¹⁷

Les étrangers européens, et ce grâce à l'institution de la citoyenneté européenne, bénéficient du droit de vote et d'éligibilité aux élections communales et aux élections du Parlement européen. Malgré un problème communautaire (voir supra) qui a retardé l'application du droit de vote et d'éligibilité aux élections communales en Belgique pour les ressortissants européens, il existe aujourd'hui un accord de gouvernement qui prévoit le droit de vote pour les ressortissants européens aux élections communales d'octobre 2000. Remarquons que ces avantages offerts aux citoyens européens présentent l'intérêt de permettre aux étrangers italiens, souvent établis en Belgique depuis très longtemps, de bénéficier enfin de deux des six niveaux de participation politique en Belgique; ce qui est important lorsque l'on se rappelle que la communauté italienne de Belgique est la plus importante parmi la population étrangère résidant en Belgique. D'autre part, au plan du nombre de naturalisations annuelles enregistrées ces dernières années, les Italiens sont en troisième position après les Marocains et les Turcs (voir appendice).

La participation politique des étrangers non-européens¹⁸

Les ressortissants des pays non-européens ne bénéficient aujourd'hui d'aucun droit politique à aucun des six niveaux de participation politique tant au plan du droit de vote qu'au plan du droit d'éligibilité. Quantitativement, c'est essentiellement les Turcs et les Marocains de Belgique qui tombent les premiers sous le coup de cette discrimination institutionnelle entre étrangers européens et non-européens. Malgré le fait qu'ils constituent les deuxième et troisième communautés "ethniques" en Belgique, et qu'ils se sont parfois établis en Belgique à la même époque que les Italiens ou les Espagnols, ils ne bénéficient pas aujourd'hui des mêmes droits. Néanmoins, le vote intervenu fin octobre 1998 à la Chambre à propos du nouvel article 8 de la Constitution permettra désormais à la loi d'organiser le droit de vote des citoyens de l'Union européenne tout en ajoutant que ce droit pourra être étendu par la loi aux autres résidents en Belgique. La seule restriction étant la date d'adoption de cette loi qui ne pourra avoir lieu avant le 1er janvier 2001.

La question du droit de vote des étrangers fait partie des grands débats qui animent le Parlement fédéral depuis le début des années 80, c'est-à-dire au moment où l'idée de l'établissement définitif des étrangers issus de l'immigration du travail a fait son apparition. Aujourd'hui encore, des divergences importantes subsistent entre les différentes tendances politiques traditionnelles sur cette question. C'est essentiellement la prise de conscience du caractère discriminatoire de la citoyenneté européenne vis-à-vis des étrangers non-européens qui a permis la mise sur pied d'un accord de gouvernement visant à octroyer à ces derniers le droit de vote aux élections communales d'octobre 2006, soit 6 ans après les étrangers européens.

¹⁶ MARTINIELLO M., *Quelle participation politique?* in COENEN M.-T. et LEWIN R (ed.), *op.cit.*, p.103-120.

¹⁷ MARTINIELLO M., *Les ressortissants communautaires et la pratique de la citoyenneté de l'Union* in MAGNETTE P. (éd.), *De l'étranger au citoyen. Construire la citoyenneté européenne*, De Boeck, Bruxelles, 1997, p.125-134.

¹⁸ *L'exercice par des personnes ne possédant pas la nationalité belge des droits de vote* in CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaut et reconnus*, *op.cit.*, p.68-69.

Les élections dans les communautés musulmanes de Belgique¹⁹

Depuis le vote de la loi du 19 juillet 1974 devant régler l'organisation pratique du culte musulman, plus rien n'avait été fait pour favoriser sérieusement la mise sur pied d'un comité chargé d'organiser le culte musulman en Belgique. L'Etat reconnaît et soutient financièrement de nombreux cultes : catholique, protestant, orthodoxe, anglican, juif et musulman ainsi que la laïcité. Cependant, l'Islam n'a jamais pu bénéficier des avantages qui lui étaient théoriquement octroyés, et ce essentiellement, selon les pouvoirs publics, à cause de l'absence d'un véritable organe représentatif des communautés musulmanes en Belgique.

Depuis les accords bilatéraux pour l'immigration du travail entre la Belgique d'une part et le Maroc et la Turquie d'autre part, l'Islam est progressivement devenu la deuxième religion du pays. Malgré l'absence de statistiques due à l'interdiction d'enregistrer les personnes selon leur culte, on estime à plus ou moins 350 000 personnes le nombre de musulmans en Belgique (chiffre qui reprend les enfants, les pratiquants, les non-pratiquants et les personnes issues d'un pays musulman). Après de nombreuses tentatives, l'Exécutif des Musulmans de Belgique (organe provisoire aux compétences limitées créé en 1993) a organisé des élections (13 décembre 1998) en collaboration avec le Centre pour l'égalité des chances et la lutte contre le racisme et le Ministre de la Justice en vue de permettre la mise sur pied d'une assemblée de 51 personnes (auxquelles il faut ajouter 24 cooptés). Le vote était ouvert à tout musulman de plus de 18 ans domicilié depuis plus d'un an en Belgique. Une fois élue (48 000 électeurs se sont présentés), l'assemblée a dû désigner en son sein l'organe "Chef de culte" composé de 17 membres (7 Marocains, 4 Turcs, 3 convertis et 3 autres nationalités). Cette élection a permis la mise sur pied d'un organe pouvant enfin être officiellement reconnu et disposant de toutes les compétences normalement octroyées à une instance chef de culte.

3. Situation socio-économique des Belges d'origine étrangère et des étrangers

Il existe de nombreux travaux qui se sont penchés sur la situation sociale, culturelle, politique, économique et professionnelle des populations étrangères ou d'origine étrangère en Belgique. L'emploi et le chômage, la scolarisation et la formation socio-professionnelle, mais aussi le logement et le cadre de vie des immigrés ont fait l'objet de nombreuses études et de nombreuses enquêtes à l'Université, dans le monde associatif et également dans une multitude d'institutions publiques. Malgré ces nombreux travaux, l'étude de ces questions reste relativement peu développée en Belgique en comparaison avec les autres domaines de recherche développés en sociologie, en économie, en droit et en science politique. D'autre part, et d'une façon plus générale, l'étude de l'ethnicité et des migrations en langue française n'en est qu'à ses débuts si l'on compare avec l'abondante littérature anglo-saxonne sur la question²⁰.

Ce retard dans le domaine de la recherche en science sociale sur l'ethnicité et les migrations peut s'expliquer de différentes façons. Mais au-delà de la petite taille du pays, du manque de moyens, de l'existence de trois communautés linguistiques, etc., il faut surtout se rappeler le fait qu'il n'a jamais existé en Belgique une politique cohérente d'intégration des populations étrangères ou d'origine étrangère (voir section 4). Cette absence s'explique en partie par la prise de conscience tardive de l'installation définitive des populations issues de l'immigration du travail et de leur descendance, et donc de la nécessité d'engager des politiques spécifiques pour ces populations. Cela explique également pourquoi a fortiori la recherche dans ce domaine commence seulement à se développer. D'autre part, sur les questions liées à l'immigration, il a été longtemps question en Belgique d'étrangers ou d'immigrés à intégrer en vue de favoriser leur assimilation dans la population belge. Cette volonté s'est traduite par l'absence de données statistiques permettant de suivre les populations d'origine étrangère devenues belges au fil des années. Malgré une différenciation progressive des politiques d'intégration entre le nord et le sud faisant suite à la fédéralisation de la Belgique, la philosophie de départ en matière d'intégration visait à ne pas prendre en compte la spécificité ethno-culturelle de certaines populations. La conséquence de l'absence de statistiques sur les étrangers devenus belges dans le cadre de ce rapport fait que la plupart des études et des données fiables portant sur les Turcs et les Marocains ne reprennent ni les individus naturalisés ni a fortiori les enfants belges de naissance ou devenus Belges par après (2ème et 3ème génération).

¹⁹ *Elections dans les communautés musulmanes de Belgique* in CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit. p.115-119.

²⁰ MORELLI A., *L'apport de l'histoire aux débats actuels sur l'immigration* in Marco Martiniello et Marc Poncelet (ed.), *Migrations et minorités ethniques dans l'espace européen*, Bruxelles, De Boeck, 1993, p.108.

Scolarisation et formation professionnelle

Les travaux qui portent sur la situation des élèves et des étudiants étrangers dans l'enseignement primaire, secondaire et supérieur révèlent des différences importantes entre ces derniers et les élèves et étudiants belges²¹. Il existe plusieurs explications à ces inégalités qui montrent qu'il n'est plus possible aujourd'hui d'isoler un seul facteur susceptible de révéler les causes de cette différenciation²².

L'enseignement primaire et secondaire

Dans une étude sur le cursus scolaire de jeunes bruxellois, Andrea Rea et Nouria Ouali montrent que dans l'enseignement inférieur, les étrangers turcs et marocains ont un taux de retard à l'école beaucoup plus élevé que celui des Belges. D'autre part, proportionnellement, cette étude montre également que les étrangers non-européens sont plus nombreux que les Belges dans l'enseignement technique et professionnel²³. Ces constats sont également relevés dans le récent rapport du Centre pour l'égalité des chances et la lutte contre le racisme²⁴. Ces problèmes de scolarisation s'expliquent de différentes façons.

Il y a d'abord les explications classiques qui tiennent essentiellement compte des déterminants sociaux²⁵. Les conditions socio-économiques précaires des étrangers turcs et marocains favorisent le retard et le décrochage scolaire (voir Emploi, salaire et chômage). D'autre part, dans un contexte familial souvent difficile, avec des parents au chômage qui n'ont parfois jamais travaillé ou qui ne connaissent pas bien le français ou le néerlandais (analphabétisme éventuel des parents), les élèves étrangers se retrouvent sans aide, sans motivation et sans croyance en l'avenir. De plus, cette situation porte à conséquences sur les contacts entre les parents et l'institution scolaire. Enfin, les conditions difficiles dans lesquelles vit la famille obligent parfois les enfants à travailler après l'école pour subvenir aux besoins quotidiens²⁶. Avec cette explication qui tient essentiellement compte des déterminants sociaux, le faible niveau de scolarisation, le décrochage scolaire et l'orientation vers le technique et le professionnel (du au manque de confiance et de motivation) sont donc directement fonction du contexte familial, c'est-à-dire des conditions socio-économiques dans lesquelles vit la famille.

Aux déterminants sociaux, il faut aussi ajouter les déterminants culturels²⁷. Ici, les problèmes de scolarisation chez les étrangers s'expliquent par la difficulté pour les jeunes de vivre quotidiennement dans un double contexte socioculturel et sociolinguistique. Double contexte qui est d'autant plus difficile à vivre lorsque l'immigration est récente et que la durée d'établissement en Belgique est courte. Dans ce cas, l'élève étranger se retrouve à l'école avec une langue et un système de valeurs très différents de ce qu'il connaît à la maison. Notons cependant que ce choc culturel et linguistique a fort diminué en Belgique chez les Marocains et les Turcs vu leur longues durées d'établissement (2ème et 3ème génération).

A côté des déterminants sociaux et culturels, l'étude de Nouria Ouali et d'Andrea Rea quant à elle, insiste surtout pour montrer que la scolarité des jeunes bien que déterminées par les conditions familiales, sociales et culturelles dépend aussi de la condition et de la position en général des jeunes dans la société et à l'école. Leur étude montre que la différenciation à l'école repose essentiellement sur l'origine sociale, quelle que soit la nationalité. Dès lors, dans des conditions identiques, la différence entre étrangers et Belges disparaît.

²¹ LEUNDA J, *Scolarisation : des occasions manquées* in COENEN M.-T. et LEWIN R (ed.), *op.cit.*, p.241-259.

²² OUALI N. et REA A., *Insertion, discrimination et exclusion, Cursus scolaires et trajectoires d'insertion professionnelle de jeunes bruxellois*, Dossier 11 du TEF (Travail, emploi, formation), Bruxelles, 1995, p.53.

²³ OUALI N. et REA A., *op.cit.*, p.76-79.

²⁴ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, op.cit.*, p.88 et 241-254.

²⁵ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, op.cit.*, p.90 et 91.

²⁶ MANCO A. et U., *La formation d'une bourgeoisie commerciale turque en Belgique*, 1994, p.8.

²⁷ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, op.cit.*, p.90 et 91.

Enfin, il faut ajouter à ces différentes explications le problème de la discrimination exercée par le corps professoral lui-même vis-à-vis des étrangers en raison de leur origine. En effet, ces derniers sont souvent discrédités aux yeux des professeurs. Considérés comme voués à l'échec, ils sont souvent laissés de côté. Cette discrimination est difficile à établir, néanmoins, au même titre que la discrimination à l'embauche, elle fait l'objet d'un intérêt particulier de la part des instances publiques et universitaires.

L'enseignement supérieur

Le taux des étrangers marocains et turcs inscrits dans l'enseignement supérieur en Belgique est relativement bas au regard de la situation des Belges. D'autre part, proportionnellement, leur degré de qualification est globalement inférieur à celui des Belges²⁸. Il existe plusieurs facteurs susceptibles d'expliquer cette différenciation. Il s'agit d'abord d'une conséquence directe des problèmes évoqués plus haut sur la scolarisation dans l'enseignement primaire et secondaire. Le retard et le décrochage scolaire, ainsi que l'orientation vers l'enseignement technique et professionnel des étrangers ne favorisent pas l'entreprise par ces derniers d'un nouveau cycle d'étude de type court et a fortiori de type long. Nous l'avons vu, c'est essentiellement l'origine sociale et non la nationalité qui détermine la scolarité, il en va de même pour l'enseignement supérieur où les différences de classes sociales, de niveaux de revenu des parents, de sexe, de handicap et d'âge jouent un rôle déterminant²⁹. L'inégalité sociale reproduit l'inégalité scolaire et professionnelle.

Emploi, salaires et chômage

Les études qui se sont penchées sur la situation professionnelle des travailleurs étrangers salariés et indépendants (turcs et marocains) ainsi que sur celle des chômeurs étrangers révèlent également des différences importantes entre ces derniers et les travailleurs et chômeurs belges³⁰. Le lien de cause à effet entre les mauvaises conditions socio-économiques des étrangers non-européens et leur faible taux de scolarisation et de formation porte également, sans surprise, à conséquence sur le marché du travail. A côté de la population non active, l'emploi intérieur brut de la Belgique (population active) se décompose de la façon suivante : indépendants, aidants, salariés du secteur privé, salariés du secteur public, chômeurs complets indemnisés et autres demandeurs d'emploi.

²⁸ *C'est encore loin la fac?* in *Agenda Interculturel*, n°144, Mai 1996, p.1 et 2.

²⁹ *Ibidem*, p.4.

³⁰ - Les immigrés sur le marché de l'emploi in CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.255-262

- Dossier Emploi et discrimination du MRAX, n°78, Bruxelles, 1995, p.17-32

- MARTENS A. et DENOLF L., *Inégalité sociale sur le marché de l'emploi : le déterminant ethnique* in CAHIERS DE SOCIOLOGIE ET D'ECONOMIE REGIONALES, *L'emploi des immigrés. Intégration et différenciation sociale*, Critique régionale n°19, ULB, Bruxelles, 1993, p.39-55.

Les secteurs d'activité

Les travailleurs étrangers turcs et marocains sont fortement représentés dans les secteurs les plus précaires : horeca, bâtiment, nettoyage industriel, agriculture, etc. Il s'agit essentiellement de tâches d'exécution, de postes de travail peu qualifié et de conditions de travail limitées. A l'inverse, par rapport aux Belges, les Turcs et les Marocains sont sous-représentés dans les autres secteurs d'activité³¹. Nous avons déjà vu quelques-unes des causes de cette disproportion, auxquelles il faut ajouter la moins bonne connaissance par les étrangers des procédures d'accès au marché du travail. D'un point de vue global cependant, si l'on compare tous les étrangers sur le marché du travail en Belgique, on s'aperçoit que les étrangers non-européens sont nettement défavorisés par rapport aux étrangers européens³².

Les salariés

Les données³³ sur les salariés étrangers en Belgique montrent que ceux-ci représentent moins de 8 pc de tous les salariés en Belgique. Parmi ceux-ci, les Italiens arrivent en tête, suivis des Français, des Marocains et des Hollandais. Les salariés étrangers sont proportionnellement les plus nombreux dans le secteur industriel. Enfin, en Belgique, ils sont toujours écartés des emplois statutaires dans les services publics (ce qui représente par exemple 1/3 du marché de l'emploi en Région bruxelloise, et plus ou moins 20 pc du marché dans le reste de la Belgique). Au niveau des salaires, après les Belges et les ressortissants des pays voisins (France, Hollande, Luxembourg et Allemagne), les Italiens, les Espagnols, les Grecs et les Portugais, ce sont les Marocains et les Turcs qui ont les plus bas salaires³⁴.

Les indépendants

Les données³⁵ sur les indépendants étrangers en Belgique montrent qu'ils sont essentiellement issus de pays européens. En effet, les 2/3 d'entre eux viennent de France, d'Italie et de Hollande. Arrivent ensuite dans une très moindre mesure les indépendants turcs et marocains. D'autre part, par nationalité prise chacune séparément, on voit également que le taux des indépendants est plus élevé chez les Européens (France, Allemagne, Hollande et Italie) que chez les étrangers non-européens (Maroc, Turquie, Algérie, etc.). Proportionnellement parlant, en comparaison avec les Belges, les étrangers optent plus fréquemment pour le statut d'indépendant³⁶. Ils sont essentiellement concentrés dans l'agglomération de Bruxelles ou un indépendant sur 5 (parmi tous les indépendants de Bruxelles) est étranger. Globalement, les indépendants étrangers sont surtout regroupés dans les secteurs de la restauration (horeca), du commerce et de la réparation.

Le chômage

³¹ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., 1999, p.257.

³² - CAHIERS DE SOCIOLOGIE ET D'ECONOMIE REGIONALES, op.cit., p.42-44.

- CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.255-258.

³³ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.255-258.

³⁴ - *Différences de salaire moyen selon le sexe et la nationalité* in CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.259.

- MARTENS A. et DENOLF L., *Inégalité sociale sur le marché de l'emploi : le déterminant ethnique* in CAHIERS DE SOCIOLOGIE ET D'ECONOMIE REGIONALES, op.cit., p.45-47.

³⁵ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.81-82 et 258-260.

³⁶ NOUVELLE TRIBUNE, n°4, Septembre 1994, p.24.

On retrouve dans les chiffres du chômage les mêmes disproportions entre les Belges, les étrangers européens et les étrangers non-européens que pour l'emploi, la scolarisation et la formation professionnelle³⁷. Non seulement les étrangers sont surreprésentés dans les statistiques du chômage au regard des Belges, mais de surcroît, les étrangers non-européens (les Marocains et les Turcs) le sont encore plus que les étrangers européens. Nous avons vu en détail les différents facteurs qui expliquent la disproportion au niveau des chiffres du chômage entre les étrangers et les Belges (scolarisation, formation, etc.). Il faut ajouter à cela le phénomène de discrimination à l'embauche. En effet, plusieurs études réalisées dans le courant de ces dix dernières années ont montré qu'il existe en Belgique une forte discrimination à l'embauche liée à l'origine étrangère du candidat postulant pour un emploi³⁸.

4. Mesures publiques et semi-publiques pour l'intégration des Belges d'origine étrangère et des étrangers

De l'immigration à l'intégration

Nous l'avons vu, la politique belge en matière d'immigration - au sens de gestion des flux migratoires - fut relativement stable et cohérente tant au niveau de la sélection des étrangers qu'au niveau de leur entrée et du contrôle de leur séjour. Depuis les premiers accords bilatéraux entre la Belgique et les pays exportateurs de main-d'oeuvre, la loi a évolué en fonction des besoins du marché du travail. La politique d'immigration en Belgique a pris sa source au niveau des impératifs économiques du pays et de ses entreprises et ce, sur base de toute une série d'accords bilatéraux établis entre la Belgique et d'autres pays. Ce n'est que le 1er août 1974, par décision du conseil des ministres et en raison de la crise économique naissante (le nombre de chômeurs en 1974 est de plus de 100000 personnes), que le gouvernement belge, chrétien-libéral, décide d'arrêter l'immigration de travail.

A partir de cette date et surtout au début des années 80, ce qui n'était qu'une politique de gestion des flux migratoires en fonction des besoins économiques, va progressivement laisser la place à une politique d'intégration des populations d'origine étrangère installées sur le territoire belge. C'est en effet à ce moment que l'image de l'immigré installé définitivement en Belgique va remplacer progressivement celle du travailleur étranger vivant provisoirement sur le territoire avant un retour au pays d'origine. Mais à la différence de la politique d'immigration et du contrôle des étrangers, la politique d'intégration des immigrés fut relativement instable, changeante et peu cohérente. De plus, comme nous le verrons, en matière d'immigration, le nord et le sud du pays n'ont pas eu et n'ont toujours pas aujourd'hui les mêmes politiques. En effet, à partir de 1980, la compétence d'accueil et d'intégration des immigrés est transférée du pouvoir fédéral aux pouvoirs fédérés, d'abord aux régions et ensuite aux communautés.

4.1 Mesures publiques

La politique d'intégration³⁹

Avant le vote de la loi du 28 juin 1984 instituant le Code de la Nationalité, l'essentiel des initiatives visant à accueillir et à intégrer les immigrés relevaient des milieux syndicaux. Jusqu'à cette date, hormis la création par les pouvoirs publics de commissions et de conseils divers visant à faire le point sur les problèmes posés par l'immigration, l'ensemble des projets et des activités concrètes en vue de l'intégration des immigrés et des étrangers dépendaient d'organismes et d'associations non-publics. Notons cependant le vote de la loi du 15 décembre 1980 qui porte sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers qui ne contient néanmoins aucune disposition sur d'éventuelles procédures d'intégration des immigrés et des étrangers. La loi du 28 juin 1984 instituant le code de la nationalité

³⁷ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egax et reconnus*, op.cit., p.81-82 et 259.

³⁸ - ARRIJN P., FELD S. et NAYER A., *La discrimination à l'accès à l'emploi en raison de l'origine étrangère : le cas de la Belgique*, Cahiers de Migrations internationales, 23, Bureau international du travail (BIT), 1998, p.112-123.

- ARRIJN P., FELD S. et NAYER A., *Discrimination à l'embauche*, Services fédéraux des Affaires scientifiques, techniques et culturelles, Bruxelles, 1997, p.117-129.

³⁹ - BLAISE P. et MARTENS A., *Des immigrés à intégrer. Choix politiques et modalités institutionnelles*, Courrier hebdomadaire du CRISP, n°1358-1359, Bruxelles, 1992, p.16-53.

- VINIKAS B. et REA A., *La politique des immigrés en Belgique* in MARTINIELLO M. et PONCELET M. (ed.), op.cit., p.137-166.

correspond quant à elle à une première tentative de politique d'intégration. Cette dernière, en modifiant partiellement la loi du 15 décembre 1980, vise à favoriser l'intégration de certains étrangers par la naturalisation tout en limitant, en même temps, les nouveaux flux et en incitant certaines catégories d'étrangers à retourner dans leur pays d'origine. C'est dans ce contexte, et face au chômage qui touche particulièrement les étrangers, que l'action publique concernant les immigrés et les étrangers, va passer de l'action culturelle et de l'animation sociale à l'insertion sociale et professionnelle. L'insertion professionnelle va même prendre le pas sur l'émancipation culturelle des populations concernées.

Le Commissariat Royal à la Politique des Immigrés

En 1989, à cause notamment de la montée de l'extrême droite en Flandre (Vlaams Blok) au scrutin communal d'octobre 1988, la politique de l'intégration en Belgique connaît un certain changement avec la création par le biais de l'Arrêté Royal du 7 mars 1989 du Commissariat Royal à la Politique des Immigrés. La mission essentielle - et fédérale - de ce dernier consistera, avec des moyens limités, à examiner et à proposer des mesures concrètes à l'égard de la problématique des immigrés, et ce dans des domaines aussi variés que l'emploi, la santé, le logement et l'enseignement mais aussi sur des questions comme le développement de l'Islam en Belgique, la condition des étrangers en Belgique, etc. Ces propositions devront être élaborées publiquement dans le cadre des conférences interministérielles sur la politique des immigrés présidées par le Premier Ministre. Dans le même temps, il devra aussi coordonner, encadrer et soutenir la politique suivie sur ces questions par les différentes instances publiques et politiques de l'Etat belge : ministères, Communautés, régions, autorités locales, etc. Parmi ses activités importantes depuis sa création, on remarquera sa condamnation de la politique de retour des immigrés poursuivie jusqu'alors, sa définition de l'intégration et ses propositions pour permettre la mise sur pied d'une politique cohérente en la matière. En effet, la politique d'intégration ayant remplacé la politique d'immigration, une définition rigoureuse et complète du concept d'intégration devait faire l'objet d'un consensus au sein de toutes les parties concernées. La notion d'intégration doit se comprendre aujourd'hui de la façon suivante : une assimilation lorsque l'exige l'ordre public, une adaptation aux principes fondamentaux de la société occidentale (touchant au modernisme, à l'émancipation et au pluralisme) et un respect de la diversité culturelle. L'intégration signifie aussi la participation progressive des immigrés aux activités publiques.

Le Fonds d'impulsion pour la politique des immigrés⁴⁰

En 1991, suite aux violences urbaines à Bruxelles et au succès électoral de l'extrême droite, le gouvernement met sur pied le Fonds d'impulsion pour la politique des immigrés. Ce Fonds a pour objectif, avec les bénéfices de la Loterie Nationale, de permettre le financement de toute une série de projets, publics et privés, liés de près ou de loin à l'intégration des populations d'origine étrangère dans les principales agglomérations urbaines (75 pc du budget est réservé à cinq grandes villes belges : Bruxelles, Anvers, Gand, Liège et Charleroi). La gestion et l'organisation de ce Fonds sont prises en charge par le Commissariat Royal à la Politique des Immigrés qui en a assuré le secrétariat, le Centre pour l'égalité des chances s'en occupe désormais depuis 1993. Le FIPI a une fonction d'impulsion, il a pour but d'encourager des projets précis pendant une période définie. Néanmoins, il est devenu au fil des années pour beaucoup d'associations et d'institutions une véritable source de financement structurel, et ce surtout du côté francophone.

Les priorités :

- dépenses d'investissement pour l'infrastructure sportive et de la jeunesse au service des jeunes du quartier
- la lutte contre le décrochage scolaire
- l'emploi des jeunes immigrés confrontés aux graves problèmes de réinsertion socio-professionnelle
- la prévention de la délinquance juvénile (retiré depuis 1996)

Les auteurs de projets :

⁴⁰ - *Le Fonds d'impulsion à la Politique des Immigrés* in CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egax et reconnus, op.cit.*, p.140-151.

- MINISTÈRE DE LA REGION WALLONNE, *Le Fonds d'impulsion à la politique des immigrés en région wallonne*, 1997, p.15 et sv.

- *Osmoses*, n°7, Avril-Mai-Juin 1998, p.9.

- le Gouvernement fédéral et les services publics qui lui sont liés
- les Gouvernements communautaires et régionaux et les services publics qui leur sont liés
- les Communes
- les CPAS (centre public d'aide sociale)
- les associations ayant une personnalité juridique ou reconnues par un pouvoir public

Masse budgétaire :

Le budget annuel du FIPI oscille entre 82 500 000 Fb en 1992 et 400 000 000 Fb en 1991. Le budget 1999 a été fixé à 313 000 000 Fb. Depuis sa création, le FIPI a financé 23 projets fédéraux, 1227 projets francophones et 1030 projets néerlandophones.

Le Centre pour l'égalité des chances et la lutte contre le racisme⁴¹

Prévu initialement pour quatre ans, en 1993, le Commissariat Royal à la Politique des Immigrés (CRPI) est remplacé par le Centre pour l'égalité des chances et la lutte contre le racisme (CECLR), et ce par le biais du vote de la loi du 15 février 1993 au Parlement fédéral qui en fait donc une institution fédérale malgré les transferts de compétences vers les régions et les communautés (voir infra). Celui-ci, fondé en tant qu'institution permanente, devra promouvoir l'égalité des chances et combattre toute forme de distinction, d'exclusion, de discrimination et de préférence fondée sur la race, la couleur, l'origine ou la nationalité. Effectuant des études, des rapports et des recherches sur ces matières, le Centre devra faire part de ses avis et recommandations aux instances publiques et aux organismes privés concernés. Ses travaux s'inscrivent donc dans la continuité des travaux du CRPI et ses propositions devront également être élaborées publiquement dans le cadre des conférences interministérielles sur la politique des immigrants présidées par le Premier ministre. Enfin, son Conseil d'administration est composé proportionnellement de représentants de toutes les formations politiques à l'exception évidemment de l'extrême droite. Il est d'ailleurs intéressant de savoir que l'une des revendications courantes des partis d'extrême droite au Parlement fédéral consiste à exiger la dissolution du Centre en question.

Projets :

- l'enregistrement des plaintes des victimes de propos ou actes racistes
- plusieurs études et enquêtes sur la discrimination à l'embauche
- plusieurs études et enquêtes sur la discrimination à la location de logement
- des propositions visant à améliorer certains aspects de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, notamment par rapport à la durée de détention et aux méthodes d'expulsion des étrangers illégaux
- des propositions pour mettre un terme à la discrimination entre Belges et étrangers concernant les condamnations pour délits graves
- la gestion et le secrétariat du budget du FIPI
- l'organisation et la collaboration dans la mise sur pied de l'organe chef de culte des musulmans de Belgique

Les divergences communautaires au niveau de l'intégration en Belgique⁴²

La Belgique unitaire est devenue un Etat fédéral au cours de quatre révisions constitutionnelles survenues respectivement en 1970, en 1980, en 1988 et en 1993. Depuis, le pays est divisé en territoires (Régions) et en groupes de population (Communautés) qui se sont vus dotés d'institutions, de compétences et de fonds propres. La Belgique compte trois régions : la Flandre, la Wallonie et Bruxelles-Capitale. Et trois communautés : la Communauté flamande, la Communauté française et la Communauté germanophone. Les

41 - CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Rapport annuel 1997*, Avril 1998.

- CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Rapport annuel 1996*, Annexe informative, 1996.

- CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egax et reconnus*, op.cit., 1999.

42 - MINISTERIE VAN DE VLAAMSE GEMEENSCHAP INTERDEPARTEMENTALE COMMISSIE ETNISCH-CULTURELE MINDERHEDEN, *Au-delà du non-engagement, La politique de la Flandre à l'égard des minorités ethnoculturelles, Un bilan*, Bruxelles, 1997, p.22-35.

- VINIKAS B. et REA A., *La politique des immigrants en Belgique* in MARTINIELLO M. et PONCELET M (ed.), op.cit., p.157-160.

trois premières sont aujourd'hui notamment compétentes pour les matières suivantes : aménagement du territoire, environnement et politique de l'eau, logement, économie, etc. Quant aux communautés, leurs compétences sont les suivantes : les matières culturelles, l'enseignement, l'aide sociale, l'emploi des langues, etc. Dès lors, au plan de la politique d'immigration de la Belgique, mis à part le contrôle de l'accès au territoire, au séjour, à l'établissement et à l'éloignement des étrangers qui relève du pouvoir fédéral (loi du 15 décembre 1980) et de ses engagements européens (Schengen, etc.), les politiques socioculturelles d'intégration des étrangers et des immigrés dépendent directement des communautés (pouvoirs fédérés).

En 1976 par exemple, deux ans seulement après l'arrêt des principaux cycles migratoires, une première divergence fait son apparition. Au sud, en Communauté française - qui couvre la région wallonne et les francophones de Bruxelles-Capitale -, on met sur pied des politiques dans le but de promouvoir la formation et l'éducation des populations immigrées, et cela pour favoriser leur émancipation et leur auto-organisation. Cependant, et c'est ce qui caractérise la spécificité de la politique d'intégration de la Communauté française, ces actions sont mises sur pied dans le cadre d'un projet global d'éducation permanente et de citoyenneté qui porte autant sur les Belges immigrés, que sur les étrangers et les Belges de souche. A l'inverse, dans le nord, en Communauté flamande - qui couvre la région flamande et les néerlandophones de la région Bruxelles-Capitale -, les actions qui sont organisées dans ce domaine concernent spécifiquement les populations d'origine étrangère et les étrangers. En Belgique francophone, l'objectif principal est d'aider les défavorisés et les exclus par la formation et l'éducation. Qu'ils soient belges ou étrangers n'a pas d'importance, ce qui importe est le fait qu'ils soient défavorisés au plan social, économique, culturel, etc. Les politiques mises en place ne tiennent donc pas compte de l'éventuelle spécificité au niveau des causes de la pauvreté et de l'exclusion des immigrés et des étrangers (problème de la langue, différence culturelle, etc.). Dans le nord du pays, par contre, en Communauté flamande, les politiques concernent uniquement la population d'origine immigrée ou étrangère. Cela s'explique par le fait que le gouvernement flamand considère l'exclusion et la pauvreté des immigrés et des étrangers comme le résultat de causes différentes de l'exclusion et de la pauvreté des populations autochtones.

Cette différence d'interprétation porte à conséquences. Au plan de l'éducation par exemple, en Flandre, la politique d'enseignement est basée sur l'interculturalisme, l'enseignement de la langue et de la culture d'origine des immigrés et des étrangers et l'enseignement du néerlandais comme deuxième langue. L'objectif de cette politique part du principe que l'exclusion sociale et le décrochage scolaire des jeunes immigrés et étrangers est fonction du déracinement identitaire provoqué par l'immigration. Il s'agit donc de provoquer et de favoriser une dynamique par rapport à leur identité ethnique et culturelle susceptible de favoriser leur intégration dans la société. A long terme, il s'agit de jeter des bases solides pour une société multiculturelle. En Belgique francophone, à l'inverse, inspiré par le modèle républicain français, tout ce qui concerne la politique des immigrés est inclus dans une problématique plus large liée à la question des populations défavorisées. L'aspect spécifique "étranger" ou "immigré" n'est pas retenu, dès lors, les actions portent sur les populations défavorisées avec la mise sur pied de zones d'éducation prioritaires comprenant immigrés, étrangers et autochtones confondus.

La différence entre la Communauté française et la Communauté flamande par rapport à l'interprétation des mécanismes d'exclusion des populations immigrées et des politiques à envisager sur ces matières correspond aux deux modèles classiques qui caractérisent les politiques d'immigration des différents pays européens. La Communauté française s'inspire du modèle assimilateur français qui ne reconnaît pas officiellement l'existence de différences et de groupes ethniques dans la population. Tandis que la Communauté flamande, plus proche du modèle hollandais et anglais, reconnaît la spécificité et l'origine des populations immigrées et engage dès lors des politiques d'intégration qui tiennent compte de ces dernières.

Aujourd'hui, les différences entre la politique wallonne et la politique flamande au niveau de l'intégration des personnes étrangères ou d'origine étrangère tendent à s'amenuiser. A titre d'exemple, le gouvernement de la Région wallonne a voté un décret le 4 juillet 1996 qui institue 6 Centres Régionaux d'intégration des personnes étrangères ou d'origine étrangère. Les textes de ce décret instituent la notion de discrimination positive comme outil promouvant l'intégration des personnes concernées par le décret, cette politique qui vise uniquement les populations étrangères ou d'origine étrangère se rapproche dès lors de ce qui se fait déjà depuis longtemps en Flandre.

La politique de l'emploi

La prise de conscience progressive par les pouvoirs publics de la situation spécifique des étrangers et des Belges d'origine immigrée tant au niveau de la scolarisation (étude et formation) qu'au niveau du marché de l'emploi (voir situation socio-économique) a finalement débouché sur une préoccupation particulière par rapport à ces problèmes au niveau de la politique de l'enseignement et de l'emploi. Néanmoins, cette préoccupation est plus importante en Région flamande où des mesures ont déjà été prises alors qu'à Bruxelles et en Région wallonne, ces mesures commencent seulement à se développer. Néanmoins, force est de constater qu'aujourd'hui, la situation des jeunes immigrés de la deuxième génération n'est pas meilleure que celle de leurs parents. Elle est parfois pire.

Les changements significatifs récents en matière de politique d'intégration dans la Communauté flamande⁴³

En juillet 1996, la Commission Interdépartementale pour les Minorités Ethno-culturelles a produit un plan divisé en trois branches à l'intention des pouvoirs publics : une politique d'émancipation, une politique d'accueil et une politique d'hébergement.

Objectifs principaux :

- Au niveau de la ville : restaurer la qualité de vie dans les quartiers défavorisés;
- Au niveau de l'enseignement : enseignement interculturel, enseignement dans les langues et cultures propres, etc., formations spécifiques destinées aux immigrés;
- Au niveau de l'emploi et de la formation professionnelle : actions positives dans des entreprises et des administrations pour les immigrés, abolition de la discrimination grâce à la formation et à l'enseignement, amélioration de l'offre par la formation des candidats demandeurs d'emploi d'origine immigrée;
- Au niveau de la santé : formation de médiatrices interculturelles dans le domaine des soins de santé;
- Au niveau logement : création de logements aux prix abordables et de qualité pour les populations défavorisées;
- Au niveau culturel : création en 1993 du Centre interculturel pour immigrés qui a pour mission de fournir un encadrement et une assistance aux associations socio-culturelles d'immigrés;
- Au niveau de Bruxelles : reconnaissance par la Communauté flamande d'un centre d'intégration régional et de plusieurs centres d'intégration locaux et soutien financier de nombreuses initiatives locales.

En juin 1998, le gouvernement flamand vote le décret du 28 avril 1998 relatif à la politique flamande vis-à-vis des minorités ethnoculturelles. Celle-ci a pour but de créer les conditions pour que les minorités ethnoculturelles se trouvant légalement dans la région linguistique néerlandaise et dans la région bilingue de Bruxelles-Capitale puissent participer en tant que citoyens à part entière à la société flamande. La politique des minorités s'articule autour de 3 axes⁴⁴ :

- 1; une politique d'émancipation visant l'intégration des groupes cibles;
- 2; une politique d'accueil visant à orienter et à stimuler les nouveaux arrivants à participer à notre société. Les nouveaux arrivants sont des étrangers qui se joignent aux allochtones se trouvant dans la région linguistique néerlandaise ou dans la région bilingue de Bruxelles-Capitale dans le cadre du regroupement familial ou de la formation familiale, ou qui demandent l'asile en Belgique. Les nouveaux arrivants conservent ce statut pendant un nombre limité d'années après leur immigration;
- 3; une politique d'aide menée prioritairement dans les domaines politiques de l'aide sociale, des soins de santé et de l'enseignement visant à assister et orienter les groupes cibles se trouvant dans la région linguistique néerlandaise ou dans la région bilingue de Bruxelles-Capitale.

Les changements significatifs récents en matière de politique d'intégration dans la Région de Bruxelles-Capitale⁴⁵

Depuis 1997, les politiques ne portent plus spécifiquement sur les immigrés ou les étrangers mais sur les quartiers en crise : initiation à la citoyenneté, animation des espaces publics, sensibilisation des acteurs

⁴³ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.268-277.

⁴⁴ MONITEUR BELGE 19/06/98.

⁴⁵ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus*, op.cit., p.278-281.

sociaux et des intervenants de terrain au problème du racisme. Au plan de l'insertion socio-professionnelle : lutte contre la discrimination à l'embauche, guidance pour les demandeurs d'emplois de nationalité étrangère, etc. Il faut ajouter à cela l'activité du CBAI (voir infra) ainsi que celles du RICFB et du VGC.

Les changements significatifs récents en matière de politique d'intégration dans la Région wallonne⁴⁶

En Région wallonne, il faut retenir l'activité des organismes suivants dans le cadre de la politique d'accueil et d'intégration des personnes issues de l'immigration :

- La Direction Générale pour l'Action sociale et la Santé (DGASS) qui soutient les projets visant à promouvoir l'intégration des personnes d'origine étrangère et la cohabitation entre différentes communautés. Elle fournit également les budgets de personnel et d'équipement.
- La cellule interdépartementale d'intégration sociale qui coordonne les projets d'intégration en Wallonie et favorise le dialogue entre tous les acteurs concernés par ces derniers (personnes de terrain, élus, etc.)

En 1996, le gouvernement wallon a décidé de développer sa politique d'intégration en s'appuyant à la fois sur les pouvoirs publics locaux et sur les associations de terrain. Le décret du 4 juillet 1996 relatif à l'intégration des personnes étrangères ou d'origine étrangère a institué 6 Centres Régionaux dont la mission principale est de consolider au niveau local la politique régionale en vigueur. Les centres régionaux d'intégration des personnes de nationalité ou d'origine étrangère sont au nombre de 6 : Charleroi, La Louvière, Liège, Mons, Namur et Verviers⁴⁷. Leurs missions spécifiques s'articulent autour de sept axes :

1. Le développement d'activités d'intégration en matière sociale, socio-professionnelle, de logement et de santé et, de préférence, dans le cadre de conventions conclues avec les pouvoirs locaux et les associations.
2. La promotion de la formation de personnes de nationalité ou d'origine étrangère et du personnel des services s'adressant partiellement ou exclusivement à ces personnes.
3. la collecte de données statistiques, leur traitement et la mise en place d'indicateurs pertinents relatifs aux populations concernées.
4. L'accompagnement ou l'orientation des personnes dans toutes leurs démarches d'intégration, de préférence dans le cadre de conventions conclues avec les pouvoirs locaux et les associations.
5. L'évaluation des initiatives locales de développement social.
6. La promotion de la participation des personnes de nationalité ou d'origine étrangère à la vie culturelle, sociale et économique.
7. La promotion des échanges interculturels et du respect des différences.

L'action de ces centres régionaux est soutenue et coordonnée par la fédération des centres régionaux d'intégration (FECRI). Enfin, il est important de noter un certain rapprochement entre les politiques wallonne et flamande d'intégration avec ce décret du 4 juillet 1996 car celui-ci institue la notion de discrimination positive en vue de promouvoir l'intégration des personnes étrangères ou d'origine étrangère concernées par le décret⁴⁸.

Les changements significatifs récents en matière de politique d'immigration⁴⁹ **au niveau fédéral**

La loi du 30 juillet 1981 punissant tout acte raciste ou xénophobe, modifiée par celle du 12 avril 1994 qui étend la discrimination raciale au domaine social et économique est une loi fédérale au même titre que la loi du 15 février 1993 créant un Centre pour l'égalité des chances et la lutte contre le racisme. Ces deux lois ont permis plusieurs améliorations au niveau fédéral :

⁴⁶ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, op.cit.*, p.282-284.

⁴⁷ *Historique des Centres régionaux pour l'intégration des personnes étrangères ou d'origine étrangère* in CENTRE D'ACTION INTERCULTURELLE DE LA PROVINCE DE NAMUR, Dossier de présentation, 1998.

⁴⁸ CENTRE POUR L'EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Egaux et reconnus, op.cit.*, p.283 et 284.

⁴⁹ Il est préférable de parler de politique d'immigration au niveau fédéral étant donné que la politique d'intégration est une compétence communautaire. Néanmoins, il faut entendre par politique d'immigration au niveau fédéral toutes les politiques qui concernent les populations étrangères ou d'origine étrangère au niveau fédéral.

- La correctionnalisation des délits de presse qui permettra entre autres de punir les auteurs de tracts racistes distribués dans les boîtes aux lettres par les partis d'extrême droite
- Le retrait de la dotation aux partis politiques commettant des infractions racistes
- La lutte contre le racisme engagée au sein de l'Armée.

Notons également au plan fédéral l'augmentation sensible du nombre de naturalisations par an depuis 1985 et la reconnaissance d'un organe chef de culte chargé d'être l'interlocuteur entre la communauté musulmane de Belgique et les autorités publiques en 1999 (voir partie 1 section 2 "Les statuts légaux" dans "Droits politiques des étrangers").

La législation en la matière

Parmi les nombreuses dispositions légales qui concernent la politique d'immigration et d'intégration des populations étrangères ou d'origine étrangère, il faut retenir les lois suivantes qui ont pour la plupart fait l'objet de plusieurs actualisations depuis leur vote à l'assemblée :

- la loi du 19 juillet 1974 devant régler l'organisation pratique du culte musulman. Cette loi reconnaît le culte islamique, son article 4 inclut la religion islamique parmi les cours philosophiques: le choix doit se porter sur l'une des religions (catholique, protestante, israélite ou islamique) ou sur la morale non confessionnelle.
- la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- loi du 30 juillet 1981 punissant tout acte raciste ou xénophobe, modifiée par celle du 12 avril 1994 qui étend la discrimination raciale au domaine social et économique.
- loi du 28 juin 1984 relative à certains aspects de la condition des étrangers et instituant le code de la nationalité belge (loi Gol).
- loi du 15 février 1993 créant un Centre pour l'égalité des chances et la lutte contre le racisme.
- loi du 23 mars 1995 tendant à réprimer la négation, la minimisation, la justification ou l'approbation du génocide commis par le régime national-socialiste allemand pendant la seconde guerre mondiale.
- loi du 13 avril 1995 concernant des dispositions en vue de la répression de la traite des êtres humains et de la pornographie infantine.

Les Conventions internationales signées par la Belgique⁵⁰:

- Déclaration universelle des droits de l'homme - 10 décembre 1948.
- Convention de sauvegarde des droits de l'homme et des libertés fondamentales, Conseil de l'Europe, Rome, 04/11/1950 (Convention européenne des droits de l'homme - 1950, 1963, 1984).
- la Convention de Genève du 28 juillet 1951 sur les réfugiés politiques et apatrides (article 25) impliquant la loi belge du 26 juin 1953 (Moniteur belge, 4 octobre 1953).
- la Convention signée à New York le 28 septembre 1954 relative au statut des apatrides impliquant la loi du 12 mai 1960.
- le Traité de Rome signé en 1957.
- Convention internationale de 1965 établissant la lutte contre la discrimination sociale et la xénophobie.
- ratification de la Convention internationale du 21 décembre 1965 sur l'élimination de toutes les formes de discrimination raciale, dont l'article 6 impose à l'autorité d'assurer une protection et des voies de recours contre tout acte de discrimination.
- ratification du Pacte international relatif aux droits civils et politiques du 16 décembre 1966, qui dispose en son article 20, alinéa 2 que tout appel à la haine nationale, raciale ou religieuse qui constitue une incitation à la discrimination, à l'hostilité ou à la violence est interdit par la loi.
- la Convention de Schengen (1985 signature et ratification) qui vise à harmoniser les politiques de visas à l'entrée de chacun des Etats signataires en échange de la suppression des contrôles aux frontières (cette convention crée une frontière extérieure commune et une liberté de circulation à l'intérieur de celle-ci).
- la Convention de Dublin (1990 signature et ratification) qui porte sur la coordination des procédures de demandeurs d'asile.

⁵⁰ Centre pour l'égalité des chances et la lutte contre le racisme, site Internet : <http://www.antiracisme.be>