I-CLA!M

Improving the Living and Labour Conditions of Irregularised Migrant Households in Europe

IRREGULARISED MIGRATION IN EUROPE

Recommendations to foster just migration policies and improved living conditions for migrant workers and their families

General EC Policy Brief 1

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Summary

This Policy Brief is based on the I-CLAIM Comparative Report on 'the Legal and Policy Infrastructure of Irregularity' (Näre et al., 2024). This Report brings together the cross-cutting findings of the research conducted at the national level in Finland, Germany, Italy, the Netherlands, Poland, and the United Kingdom and at the EU level.

I-CLAIM research has shown that irregular status results from the interaction of migration, welfare, labour, and social policies at various levels of governance. Increasingly restrictive border, asylum and visa policies force people into irregular status, with severe consequences for their rights and well-being. These stringent national policies overlook local realities, requiring municipalities to step in and offer inclusive social and welfare services, often facing constraints imposed by restrictive national laws.

National experiences of regularisation programmes vary significantly. These programmes are often overly selective and restrictive, leading to long-term insecurity. Irregularised people in the labour market are exposed to exploitation and precarious conditions. They are often forced to resort to undeclared work, where they are vulnerable to exploitation and discrimination, with limited rights and access to justice.

Building on this evidence, the Policy Brief recommends (i) prioritising the establishment of regular pathways and regularisation programmes or mechanisms, as well as effectively applying existing legal instruments and filling in the gaps in current bureaucratic procedures and processes; (ii) strengthening European-national-local level coordination and bottom-up policymaking to respond to the needs of local communities; and (iii) combating exploitative and discriminatory working conditions for all migrant workers irrespective of their immigration status, ensuring access to justice for irregularised workers in the labour market and addressing institutionalised racism and discrimination.

Acknowledgements

INTRODUCTION

Irregular status results from the interplay of multiple regulatory frameworks and how they are implemented. These include national (and in some case regional) and EU immigration laws, welfare and labour market policies and practices. These legal and policy infrastructures actively create and shape what we refer to as 'irregularity'.

Irregularity is an elusive phenomenon which escapes easy binary classifications, especially if looked at from the European level. And yet irregularity significantly impacts the lives of those affected. National authorities across Europe have adopted stringent policies that curtail human mobility and access to asylum, overly limit residence and work permits and socio-economic rights, and causes discrimination based on ethnicity, race, religion, nationality and gender. Such policies also expose people to precarious living and working conditions and possible exploitation in the workplace.

Building on research undertaken for the Horizon Europe I-CLAIM project, this Policy Brief puts forward the following policy recommendations for national and EU policymakers:

i. Prioritise the establishment of regular pathways and regularisation programmes or mechanisms, as well as effectively applying existing legal instruments and filling in the gaps in current bureaucratic procedures and processes;
ii. Strengthen European-national-local level coordination and bottom-up policymaking to respond to the needs of local communities;
iii. Combat exploitative and discriminatory working conditions for all migrant workers irrespective of their immigration status, ensure access to justice for irregularised workers in the labour market and address institutionalised racism and discrimination.

METHODOLOGY

This Policy Brief falls within the scope of the I-CLAIM project which examines the living and labour conditions of irregularised households in Europe. The Policy Brief syntheses the key findings of the Comparative Report on 'the Legal and Policy Infrastructure of Irregularity' (Näre et al., 2024), which brings together the cross-cutting findings of the research conducted at the national level in Finland, Germany, Italy, the Netherlands, Poland, and the United Kingdom (referred collectively as 'I-CLAIM countries' hereafter; Merikoski et al., 2024; Rheindorf et al., 2024; Palumbo & Marchetti, 2024; Hajer et al., 2024; Matuszczyk et al., 2024; Piemontese & Sigona, 2024) and at the EU level (Carrera & Colombi, 2024; Carrera & Colombi, forthcoming).

This Policy Brief and the policy recommendations are interim. They will be discussed during upcoming I-CLAIM events with EU and national stakeholders and fine-tuned throughout the project's duration.

MAIN RESEARCH FINDINGS

MAIN FINDING #1:

Irregularity is the product of the interplay of migration, welfare, labour and social policies – and varies across countries.

Research in the six I-CLAIM countries showed that irregularity is the product of the complex, multi-level governance of migration, welfare and social policies – i.e. the legal and policy infrastructures. These encompass immigration, asylum, welfare and labour policies, legislation and practices at the local, national, regional and global levels, affecting people in different places and at different times.

To emphasise that 'irregularity' is the product of multiple political and legal infrastructures and not a quality of an individual or a group of people, the Comparative Report uses the term 'irregular*ised* people'. This term reflects the dynamic nature of immigration statuses and the fact that they can shift due to changes in attitudes, policies, legal interpretations and individual circumstances.

Across the I-CLAIM countries, we found that there is no univocal legal definition of 'irregularity'. 'Irregular' or 'irregularity' are often used interchangeably with other terms such as 'unauthorised', 'irregular', 'undocumented' and 'without legal status'.

Problematically, policy instruments may also use the term 'illegal' to indicate either the immigration and residence status (e.g. in the UK), alleged abuses to the welfare systems (e.g. in Germany and the Netherlands), employment status (e.g. in Germany and Poland) or in relation to unauthorised entry and stay (e.g. in Finland – exclusively in Finnish and translated as 'irregular' in the official English translation of the same documents).

The use of the term 'illegal' directly contrasts with the concerns raised by civil society as well as international standards (see for example UN 2024; Council of Europe, 2015; PICUM, 2017). Labelling migrants as 'illegal' is misleading, legally incorrect, dehumanising, discriminatory and goes against EU values (PICUM, 2017). Being undocumented is not a crime in most countries and often results from exploitation, misinformation, administrative delays and lack of safe and legal migration pathways. This label ignores international legal obligations recognising the human rights of all individuals, regardless of migration status and violates the principle of due process by denying people's legal rights (ibid.).

The significant variations across the various countries confirm that irregularity is not to be understood as a fixed characteristic of the individual. 'Irregularity' is an administrative situation indicating that the person concerned does not hold a regular status in the country of residence. Adjacent to 'irregularity', the Comparative Report identified situations of 'administrative precarity', i.e. situations where the person only has temporary and precarious legal status, such as in the case of asylum-seekers with a pending removal order, short-term permits and insecure regular status. The boundaries between regularity and irregularity are not clear cut and it is easy – particularly in some countries – to move between them, especially when in a situation of administrative precarity. The concept of 'irregularisation' enables us to shift the focus on the process of becoming irregular, its drivers and its consequences (Piemontese & Sigona 2024; Sigona & van Liempt, forthcoming).

The most famous example of insecure regular status is the *Duldung* in Germany, i.e. a temporary suspension of deportation that does not grant residency but maintains the obligation to leave the country. It is granted for legal, personal or humanitarian reasons and can last from a few days to six months, though many

effectively remain in this status for years ([Kirchhoff & Lorenz 2018](#); [Rheindorf et al. 2024](#)). The *Duldung* entails severe restrictions on work, residence and travel, creating prolonged insecurity and uncertainty for individuals and their families.

In all I-CLAIM countries, situations comparable to irregularity or administrative precarity also affect EU/EEA nationals with the right of free movement under EU law. Administrative procedures and obligations deriving from the [EU Citizens' Rights Directive](#) mean that EU/EEA citizens who have not registered their residence within three months of arrival are considered "burdens' to the social assistance system' of the host country and may be precluded from accessing basic social and welfare rights and ordered to leave the country. This may happen when EU citizens are unable to prove that they have sufficient resources to support themselves and their families, for example in the case of students and pensioners. It is also based on some Member States' unfounded concerns about 'benefit tourism', especially after Bulgaria and Romania joined the EU in 2007, which mask xenophobic attitudes ([Carrera & Colombi, forthcoming; ENAR, forthcoming](#)).

In Finland, EU citizens with no insurance coverage are included in the category of undocumented migrants. In Italy, if they have not registered their residence, they are sometimes referred to as 'non-resident regular migrants' (see for example [ISMU, 2023](#)).

MAIN FINDING #2:

Stricter border management, asylum and visa policies expose people to irregularity

The I-CLAIM [Comparative Report](#) has shown that, following the development of the Schengen and Dublin systems, 'irregular migration' has been treated as a policy issue only in relation to the fortification and externalisation of the EU borders and the increased 'effectiveness' of returns. The living conditions and rights of irregularised third-country nationals (TCNs) are treated as a 'non-policy issue', which is a clear political choice with severe consequences for the people in question (see [Carrera & Colombi, 2024](#)).

Increasingly restrictive — and even violent — border control policies have been adopted at the EU's external borders. This, together with the externalisation of borders and the cooperation with third countries, has increased the prominence of unauthorised, irregular and unsafe routes, making people's journeys more dangerous and often deadly.

This is well-exemplified in the Mediterranean where deaths at sea have been increasing since the 1990s and by the reports of violations and abuses experienced by people in Libyan camps following the [Memorandum of Understanding](#) between Italy and the UN-backed Libyan government (see also [Lighthouse Reports, 2024](#)). More recently, the fortification of borders has also taken place at the Polish-Belarusian and Finnish-Russian borders. Together with crisis and defence-like language to define the cross-border movement of people (i.e. 'hybrid attack', 'hybrid operation' or 'instrumentalisation of migration'), Finland and Poland have built border fences and walls, limited the possibilities for individuals to apply for asylum and they have legalised pushbacks in contravention of international law.

These policies are to be inscribed within the wider context of EU Member States actively undermining the [Common European Asylum System](#) (CEAS). For example, the [2021 Instrumentalisation Proposal](#) — i.e. the EU's legal response to the events at the Polish-Belarusian border mentioned above — was criticised by civil society organisations for its disproportionate, counterproductive, unnecessary, misguided and unfair nature ([Joint Statement, 2022](#); see also [Carrera et al., 2023](#)).

The most emblematic example is the [Dublin Regulation](#), which establishes the obligation for asylum seekers to apply for asylum in the first country of arrival and completely constrains intra-EU mobility for asylum seekers and refugees, regardless of personal motivations and needs ([Carrera et al., 2019](#)). To prevent these so-called secondary movements, five Schengen Member States have unlawfully reintroduced and retained internal border controls since 2015 ([Carrera et al. 2023](#)), with extremely harmful consequences for mobile TCNs and racialised people ([Joint Statement, 2024](#)).

In most of the I-CLAIM countries, policies constraining access to international, subsidiary humanitarian or other types of protection have increased the size of irregularised populations. Refugees/asylum seekers are a distinctive legal category encompassing TCNs *regularly* residing within a country and should therefore not be conflated with the category of irregularity. Nonetheless, negative asylum decisions and restrictive changes to the asylum system directly produce irregularity and, in most I-CLAIM countries, access to the formal labour market is restricted for asylum seekers, increasing their dependency and the risk of labour exploitation and abuse.

In Poland, Finland and Italy, restrictive changes to legislation, the artificial designation of countries of origin as 'safe' and the consequent resort to accelerated procedures for asylum seekers from these countries have meant lower recognition rates, a more hostile environment for TCNs and limits on their access to employment and on converting their residence permits. Similar dynamics are at play in the UK, where the [2022 Nationality and Borders Act](#), the [2023 Illegal Migration Act](#) and the [2024 Safety of Rwanda Act](#) have introduced changes to the asylum system, curtailed the rights of refugees and undermined the principle of refugee protection, in violation of both domestic and international human rights law ([Piemontese & Sigona, 2024](#); [Sigona & Benson, 2022](#)).

These restrictive reforms have been based on – and, at the same time, have fostered – the idea that asylum seekers represent an unprecedented threat of 'invasion' and the suspicion that asylum mechanisms may be utilised by persons posing as asylum seekers – which is clearly underpinned by racist and xenophobic ideas. However, interviewees have noted that:

> Actually, the asylum mechanism is not instrumentalised, as a particular prevailing narrative suggests. The core issue lies in the absence of established channels for regular entry and mechanisms for regularisation, this denies individuals the right to choose the legal migratory path they would prefer to pursue ([Palumbo & Marchetti, 2024](#)).

Restricting access to asylum is closely tied to the number of TCNs in irregular situations, as returns and deportations are often legally impossible, costly and difficult to implement in practice. Additionally, these reforms increase the precarity of those who have obtained refugee status, subsidiary protection or complementary protection. Without other regular migration routes, seeking international protection remains the only viable way for many TCNs to escape poverty, insecurity and conflict in their countries of origin.

TCNs' difficulties in obtaining work and residence permits in Europe also contribute to irregularised migration. National policies (such as high fees, proof of funds and employment conditions) create barriers and make it hard to obtain or renew permits. Family reunification and labour-based permits are heavily regulated, with strict requirements often preventing TCNs from regularising their status. Bureaucratic delays and stringent conditions leave many in precarious situations, unable to access healthcare or the labour market ([Näre et al., 2024](#): p. 21).

For example, Finland's right-wing government put forward a proposal which would make it impossible for individuals living in an irregular situation to regularise their residence in the country (Merikoski et al., 2024). In Italy, the duration of bureaucratic processes for residence permits may trap people in a legal limbo and have significant repercussions on people's access to healthcare and the labour market (Palumbo & Marchetti, 2024).

Temporary residence permits add to the instability, making it difficult for TCNs to plan for the future or establish a sense of home. Changes in personal circumstances, like job loss, can push individuals into irregularity. Developments like the removal of humanitarian protection in Finland and limitations on special protection permits in Italy further restrict TCNs' options. Short-term permits for vulnerable individuals increase their dependency and risk of exploitation, forcing many to remain in exploitative or abusive situations to maintain their residence status.

MAIN FINDING #3:

Restrictive national policies do not consider the reality at the local level and municipalities often have to step in to provide more inclusive social and welfare services.

Social and welfare policies govern irregularity at the local level. The complexity of multi-level migration governance between local and national regulations, combined with the discretionary power of local bureaucrats, can produce differential treatment *vis-à-vis* individuals' access to rights.

The local governance of social and welfare policies often conflicts with how nation-states seek to control irregularised people's access to social and welfare services. Cities and municipalities often take a more pragmatic approach and offer more extensive access to welfare services than the minimum standard (Fauser 2019, Spencer & Delvino 2019).

Notwithstanding fundamental rights considerations, access to public healthcare and social and welfare services for people in a situation of irregularity is restricted in all I-CLAIM countries. Typically, only minimal provision is guaranteed by law. Children and their education are often the only exceptions to exclusion from publicly funded services. The explicit aim of some of these national policies (e.g. the Koppelingswet in the Netherlands) is to prevent irregularised people from leading their everyday lives and therefore push them to leave the country (Hajer et al. 2024). In the UK, hostile environment policies involve delegating migration control to public and private actors across society, aiming to deter irregularised people by restricting their access to services and basic rights through identity checks undertaken by, for example, banks, landlords, universities and social services (Piemontese & Sigona, 2024). Similarly, in Germany, the Residence Act mandates public authorities to report irregularised people to immigration authorities, affecting access to healthcare and education (Rheindorf et al. 2024).

Municipalities often have to face the outcomes of restrictive national policies, such as the consequences of exclusion from social housing and subsequent homelessness. Considering that social policies are implemented for the most part at the local level, municipalities retain significant levels of autonomy and it is often in their interest to be less exclusionary than what the national policy dictates (Hajer et al. 2024). As pointed out by an interviewee:

> Municipalities have a duty of care, and the mayor has the authority for public safety. So, in short, if we have a vulnerable person on the street, we have a public safety problem and a care problem. Then you can always say that someone can go to location A or B for support (ibid.).

To uphold their responsibilities for public order and safety, as well as a duty of care for people in their districts, municipalities are therefore often forced to contradict exclusionary national policies. This was the case, for instance, during the Covid-19 pandemic.

Several cities across the I-CLAIM countries (e.g. Helsinki, Amsterdam and Utrecht Naples and Palermo) have more lenient policies, have extended healthcare and social services to irregularised people beyond the minimum legal requirements or have successfully challenged national legislation and policy through legal means (see Näre et al., 2024; Merikoski et al., 2024; Palumbo & Marchetti, 2024; Hajer et al., 2024).

MAIN FINDING #4:

National experiences of regularisation programmes vary significantly and remain overly restrictive.

Some I-CLAIM countries, like the Netherlands, Italy and Poland have implemented large-scale regularisation programmes, albeit selectively and with varying scope.

In the Netherlands, regularisation schemes since 1998 have primarily focused on former asylum seekers and children (Hajer et al., 2024). Italy's schemes have addressed specific labour market needs, most recently in response to the pandemic, and have been mostly sector-specific and employer-driven (Palumbo & Marchetti, 2024). Poland's programmes in 2003, 2007 and 2012 had specific stay duration requirements (Matuszczyk et al., 2024).

Finland, Germany and the UK have never adopted widespread schemes, though the UK and Finland have considered limited regularisation measures for specific groups. Challenges within these programmes often include slow application processing, restrictive eligibility criteria or a lack of political will to implement them (Näre et al., 2024: p. 30). Individualised routes for regularisation include family life, health issues, pregnancy, employment, higher education and victimisation by trafficking or violence.

These routes face various obstacles, such as stringent requirements, long bureaucratic processes and limited rights. For example, the Netherlands and Finland have strict employment permit and family reunification conditions, Italy and the UK have seen restrictive reforms in family and health-related permits, while Germany foresees language requirements for family reunifications. Victims of exploitation also face high thresholds for proving their vulnerability and permits often depend on whether they participate in criminal proceedings.

Overall, individualised regularisation mechanisms have been increasingly limited and based on individuals being judged to be of 'added value' for the hosting country or their perceived deservingness, which is based on on strict moral and behavioral standards (ibid.).

The EU's approach to regularisation has been limited, with policies primarily focusing on regularly residing TCNs. The EU Returns Directive gives Member States discretion for humanitarian permits, particularly for TCNs who cannot be returned, but these are unevenly implemented across the EU — or not at all by some Member States (see FRA, 2017).

MAIN FINDING #5:

Irregularised people in the labour market are often forced to resort to undeclared work, are exposed to exploitation and precarious conditions, with inadequate access to support and justice.

The I-CLAIM Comparative Report also examined the precarious legal status of irregularised people within specific labour market sectors, i.e. care and domestic work, agriculture and logistics/food delivery. It also paid particular attention to the gendered and racial dimensions of their employment conditions.

The labour sectors mentioned above are characterised by high rates of undeclared work and special regulations that often leave workers unprotected. The interplay between employment and migration regimes, along with gendered and racial discrimination, renders these sectors particularly susceptible to abuse and exploitation of irregular or precarious migrant workers.

Undeclared work is present across all I-CLAIM countries. In general, irregularised persons are not allowed to work, thus their employment conditions are invariably undeclared. However, undeclared work also affects regular TCNs and asylum seekers, who might have to resort to working without declaring their employment due to restrictions on their working hours or delays in obtaining work permits. Significant disparities across different countries, with Italy and Poland showing higher rates of undeclared work compared to others like Germany, Finland, and the Netherlands.

Restrictive labour migration policies have contributed to increasing the scale of undeclared work, narrowing regular channels for migrant workers and only facilitating mobility for 'high-skilled' and sector-specific workers. This segmentation channels irregularised workers into low-wage and unprotected sectors and undeclared work, exacerbating their vulnerability to exploitation. For instance, the UK's Points-Based System and Germany's Immigration Act prioritise 'skilled' workers, leaving those in low-wage sectors dependent on temporary and precarious employment. The high availability of work in these sectors draws in irregularised people and those with precarious legal statuses, such as asylum seekers and mobile EU citizens from less affluent countries.

Gendered and racialised dynamics further complicate the employment landscape for migrant workers (Näre et al., 2024: p. 40). Discrimination based on foreign-sounding names, religion, race or ethnic origins, for example against Roma workers, and gendered stereotypes in sectors like agriculture and domestic work, contribute to a hierarchical exploitation system. In domestic and care work, the emotional labour and skills of mostly female domestic workers tend to be invisible (Artero et al. 2021, Sedacca 2022). Similarly, agricultural work often entails gender biases and stereotypes regarding abilities, physical strength and related productivity which contribute to discrimination dynamics, including gender disparities in salary (Giammarinaro 2022). These dynamics create an exploitative environment where migrant workers, due to their legal and social vulnerabilities, are less likely to contest abusive work conditions.

Irregularised migrant workers face significant barriers in accessing support and justice, often avoiding contact with authorities due to the fear of deportation or job loss. Despite legal frameworks ensuring their right to compensation, the risk of being reported as irregular often prevents them from seeking help (Näre et al., 2024: p. 38). Labour inspections pose additional challenges, as cooperation with immigration authorities can lead to deportation rather than protection. NGOs, trade unions and civil society organisations play a crucial role in supporting migrant workers. They have advocated for safe reporting and complaint mechanisms, as well as access to justice (ibid.: p. 42; see also ETUC, 2018; PICUM, 2020).

POLICY RECOMMENDATIONS

RECOMMENDATION #1:

Prioritise the establishment of regular pathways and regularisation programmes or mechanisms, the effective application of existing legal instruments and filling in the gaps in current bureaucratic procedures and processes.

The restrictive policies adopted by the EU, its Member States and the UK are the main causes of people's irregularity.

The fortification of external borders, their externalisation and the existing agreements with third countries have *de facto* curtailed all regular and safe alternatives for persons who seek to reach Europe. The EU's Pact on Migration and Asylum has come short of providing new regular pathways. Without real solutions, people are forced to resort to unauthorised border crossings and are more vulnerable to falling victim to human traffickers. Therefore, establishing comprehensive regular pathways for people seeking to reach Europe is a priority.

The I-CLAIM Comparative Report has shown that the pervasive notion that the asylum system is instrumentalised/exploited by asylum seekers and refugees is not supported by any evidence. Recent or ongoing changes to the asylum *acquis* and other forms of protection – e.g. the expansion of safe third country notions, limitations in the scope of international or subsidiary protection and the revision or removal of humanitarian/special protection – have actually contributed to increasing the numbers of irregularised persons instead of being solutions. These policies and rhetoric should therefore be abandoned by national and EU policymakers as it is counter-productive.

These issues are compounded by the increasing focus on 'more effective' returns despite their legal and logistical impossibility, as well as the missed application and implementation of the protective elements of instruments like the EU Return Directive (Carrera & Colombi, forthcoming). The lack of viable alternatives for irregularised persons already residing within the EU's territory is a political choice. It is the result of the non-application, non-enforcement or violation of EU or international legal standards – not the natural consequence of a lack of a regular immigration status.

All the I-CLAIM countries need to address the administrative infrastructures that create irregularity on an administrative level. The I-CLAIM Comparative Report shows that a majority of irregularised persons entered through regular routes and then subsequently lost or were unable to renew their regular status. Barriers like high fees, proof of funds and employment, overly strict requirements on family reunification and work permits and bureaucratic delays make it harder to obtain and renew permits, foster precarity and restrict access to services (Näre et al., 2024: p. 21). Additional vulnerabilities stem from the dependency created by tying work visas to individual sponsors, severely constraining individuals' ability to seek alternative employment. (see Sigona, 2024). Addressing these shortcomings is therefore key to avoiding people becoming irregularised.

On top of more effective bureaucratic processes, national policymakers in the I-CLAIM countries should facilitate regular status transition (see Carrera & Shabbir, 2024), i.e. the possibility of transforming one's residence status so that it better responds to their current needs and life circumstances – for example, from student to worker, from worker in a specific sector to another, from third-country family member to worker, etc.

Opportunities for regularisation should be provided to enable irregularised people to normalise their status without fear of repercussions, obtain long-term residence permits and ensure their effective access to socio-economic rights. Effective regularisation programmes must be available to undocumented individuals, involve civil society and trade unions in the process, rely on clear and objective criteria, include detailed and appealable refusal decisions, ensure impartiality, accessibility and procedural safeguards, provide temporary status during the application, ensure long-term residence permits, and foresee support measures (see PICUM, 2023).

Discussions about regularisation or status transition should follow the Global Compact for Migration (GCM) and draw from evidence from past national experiences. This would significantly improve the living conditions and access to rights for irregularised people who are already in Europe, who contribute to the national economy and are rights-holders under relevant human rights standards.

RECOMMENDATION #2:

Strengthen European-national-local level coordination and bottom-up policymaking to respond to the needs of local communities.

The I-CLAIM Comparative Report has highlighted the counter-productive nature of stringent national-level policies and the need for more concerted, human rights-compliant action between national and local authorities. The current fragmented approach leads to inconsistent and often ineffective responses to the complex challenges affecting irregularised people and local communities.

Overly restrictive national and EU policies fail to provide solutions for the reality on the ground and they contrast with local authorities' legal responsibilities and practical considerations. Policies that link access to welfare services to immigration status, such as the Netherlands' *Koppelingswet* or the UK's hostile environment policies, aim to deter irregular migration by making everyday life for irregularised people impossible. They, however, fail to consider the humanitarian implications and the local level's capacity to manage the resulting social issues.

Public health, safety and social cohesion considerations must be prioritised over migration management in line with the current approach adopted by municipalities across Europe. Local authorities should be supported – and not obstructed – in providing inclusive services to irregularised people to maintain public order and safety within the local community and, most importantly, uphold their fundamental human rights in line with EU law and international and regional human rights law.

A more coordinated multi-level governance framework is necessary. The active participation of local and regional authorities in the policymaking process should be encouraged, including on matters traditionally considered as national competencies. Enhancing communication and collaboration through existing inter-governmental forums and joint task forces (see the Council of Europe's Congress of Local and Regional Authorities; the EU Committee of the Regions' Cities and Regions for Integration of Migrants; and Eurocities) can facilitate better data sharing, coordinated actions and conflict resolution. Bottom-up policymaking, where local experiences and needs shape national and EU-level policies, can lead to more effective and humane policy strategies.

By aligning European, national, regional and local efforts and integrating the practical insights from local authorities, national policies and legislation can better address the needs of irregularised people and produce better results for local communities.

RECOMMENDATION #3:

Combat exploitative and discriminatory working conditions for all migrant workers irrespective of their immigration status, ensure access to justice for irregularised workers in the labour market and address institutionalised racism and discrimination.

The EU's labour markets, particularly within sectors such as care and domestic work, agriculture and logistics, heavily rely on the contributions of migrant workers.

Irregularised people are structurally vulnerable to exploitation due to their limited legal protections and the constant threat of deportation. Discrimination based on nationality, ethnicity and gender further compounds their marginalisation, leading to substandard working conditions and limited recourse against abusive employers (Näre et al., 2024: p. 40). Restrictive labour migration policies and the segmentation of the labour market funnel migrant workers into low-wage, unprotected sectors, perpetuating a cycle of exploitation (see also ETUC, 2021; EFFAT, 2021).

National authorities must uphold EU and international labour standards and not discriminate against workers based on their immigration or residence status, skill level or perceived value to the national economy.

To tackle these issues effectively, it is imperative to adopt a coordinated policy approach that addresses the root causes of undeclared work, strengthens reporting and complaint mechanisms, and ensures access to justice for all workers, regardless of their immigration status. The International Labour Organisation (ILO) standards and guidelines must be effectively put into practice, especially regarding the right to *decent* work and non-discrimination amongst workers.

Coordination is needed between relevant EU, national and local stakeholders working on these issues, including policymakers, EU agencies, national labour inspectorates, social partners and civil society organisations.

It is crucial to implement policies that regularise the status of migrant workers. This can be achieved through accessible and transparent pathways to regularisation, which would allow people to transition from precarious to stable employment and therefore reduce their reliance on undeclared work. Labour market policies should be inclusive, ensuring that all workers, irrespective of their immigration or residence status, are protected under labour laws and regulations (ETUC, 2021).

Effective reporting and complaint mechanisms are essential for combating exploitation and discrimination and must be accompanied by programmes that provide victims of exploitation with concrete alternatives for dignified and no exploitative employment. These mechanisms should be designed to protect the anonymity and safety of irregularised people, encouraging them to report abuse without fear of retaliation and allowing NGOs and trade unions to support and act on migrant workers' behalf when they come forward to report that their labour rights have been violated (see ETUC, 2022).

Labour inspections should only be limited to protecting workers' rights and their working conditions, and to fight against labour exploitation. Inspectors should apply EU law safeguards, especially when it comes to providing information, supporting access to justice and facilitating complaints, identifying labour exploitation, the right to backpay and compensation, the right to adequate housing and the right to change employer (FRA, 2024; see also IOM, 2023). Firewalls should be made mandatory to ensure that labour inspectorates do not deliberately or accidentally share irregularised migrant workers' personal data with immigration authorities. Partnerships with trade unions, NGOs and migrant-led organisations can provide crucial support, advocacy and help in obtaining rights for migrant workers (ETUC, 2022).

Legal frameworks should ensure that all workers have effective access to justice, particularly the right to seek redress for labour rights violations. This includes providing legal aid and support services tailored to the needs of irregularised people.

National and EU officials must take effective measures to address discrimination based on ethnicity, race, religion, nationality and gender in existing legislation and ensure mechanisms to report and redress where there are complaints. Additionally, discrimination on these grounds in immigration policies – and migration attitudes more in general – should be explicitly mentioned and addressed during the post-2025 renewal of the EU Action Plan Against Racism.

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