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The 'Pardon Regulation': Implementation and outcome of a regularisation programme in the Netherlands

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Abstract
Regularisation programmes that are intended to legalise the stay of undocumented migrants may provoke public resistance and heated political debates. Governments nevertheless go ahead with such programmes. In the Netherlands, a regularisation programme to settle the legacy of an old Aliens Law, known as the 'Pardon Regulation', was implemented in 2007. In this contribution we describe the implementation and outcome of the Pardon Regulation, which led to over 28,000 regularisations. We focus on the question to what extent pitfalls that were experienced in a number of regularisation programmes in other European countries were avoided and intended goals were met.

Keywords: Regularisation; legalisation; migration; Pardon Regulation; the Netherlands.

Introduction

In the last decades, many countries have offered undocumented migrants[1] the opportunity to legalise their stay – temporarily or permanently - via so-called regularisation programmes. These programmes are of a temporary nature and are aimed at specific categories of aliens without a legal residence status: individuals who entered the country in an illegal way or who lost their residence status at some point, such as rejected asylum seekers, foreign students, migrant workers, and people who overstayed their tourist visa.

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[1] The term 'undocumented' can be misleading as the immigrant may have documents, but these are either no longer valid, stolen or forged (Shaeffer & Kahsai, 2011). Undocumented migrants are also referred to as non-status, illegal or irregular migrants, each of which terms can be criticized in one way or another (see for example: De Genova, 2002; Kubal, 2013).

Regularisation programmes often provoke public resistance and heated political debates (Papadopoulou, 2005). They are sometimes seen as a reaction to a failing national asylum and migration policy, or as a reward for bad or criminal behaviour (Levinson 2005a, 2005b; Papadopoulou, 2005; Van der Linden, 2007). Opponents claim that aliens without a legal residence permit might feel that staying illegally in a country for as long as one can, will eventually result in a residence permit. It is moreover feared that regularisations will only attract more undocumented migrants (Finotelli & Arango, 2011; Sunderhaus, 2006), or that people will obtain a residence permit through fraud or corruption (Levinson, 2005a; ICMPD, 2009). The ongoing debate about the purported effects of regularisation can only partly be empirically substantiated.

The decision to start a regularisation programme is generally taken within a year after elections (Sunderhaus, 2007), during what Kingdon (1984) calls a 'policy window'; that is, an opportunity to change a policy direction, for example after changes in government. Regularisation programmes often go hand in hand with new migration laws (Papadopoulou, 2005), the introduction of a more restrictive policy (Van Groenendael, 1986a) such as stricter border controls, sanctions on employing workers without a working permit, raids on workplaces (Levinson, 2005a; Sunderhaus, 2006), and stricter admission criteria (Kraler, 2009). According to Van Groenendael (1986a), regularisations serve two purposes: to wipe the slate clean and to avoid any undue harshness as a consequence of a new policy or legislation, especially with respect to undocumented aliens who have contributed to the country's economy. However, certain conditions need to be fulfilled to ensure that regularisation programmes meet their goals (Levinson, 2005a).

The Dutch 'Regulation to settle the legacy of the old Aliens Law', dated 2007, known as the 'Pardon Regulation', was such a regularisation programme. It was triggered by the backlog that had accumulated during the second half of the 1990s in the handling of asylum requests, and it was preceded by intense political and public debate. In the end, the decision was taken by a new government after elections, in 2006**.** In this article we describe how the Pardon Regulation was implemented and the extent to which its goals were met. We also present findings concerning fraud committed by applicants to the regulation. Furthermore, we discuss whether there is reason to believe that the regulation induced undocumented migrants to prolong their stay, or that it attracted new undocumented migrants.

The article is based on a review of relevant literature and the results of an evaluation of the Pardon Regulation by the Research and Documentation Centre (WODC) of the Dutch Ministry of Security and Justice (Wijkhuijs et al., 2011). In the latter context, policy papers and research reports were studied, (anonymous) data from the Ministry's migration policy department on the issuance of residence permits as part of the Pardon Regulation were analysed, a survey was held, and 59 employees from municipalities, ministries,

and organisations involved in the preparation or implementation of the Pardon Regulation were interviewed. The survey was held among all municipalities (response 61 percent, with a representative distribution in terms of municipality size). The interviewees were selected based on their involvement with and knowledge of the preparation and implementation of the Pardon Regulation. Depending on their role, they were asked to answer a number of open questions about both the making and the execution of the Pardon Regulation and the underlying administrative agreement. The majority of the interviews were held with civil servants from 18 municipalities, including the four largest (Amsterdam, Rotterdam, Utrecht and The Hague), which had been involved in the preparation of the Pardon Regulation. A limitation of the study is that the candidates themselves were not interviewed.

In the following we first briefly discuss a number of regularisation programmes in other European countries. Second, we elaborate on arguments against and arguments for such programmes, and we mention some conditions for successful implementation before we switch to the Dutch regularisation programme.

Regularisation programmes in European countries

Governments need to deal with undocumented migrants residing in their countries, "solving the dilemma of promoting the rule-of-law, while respecting human rights and honouring the interests and emotions of their own population at the same time" (Sunderhaus, 2006: 3). Almost all European countries have seen regularisation programmes in response to this challenge (Finotelli & Arango, 2011). According to the REGINE project[2], 22 EU member states implemented some form of regularisation programme between 1998 and 2008. Three of the five member states that did not were new member states with relatively little immigration (ICMPD, 2009; Triandafyllidou & Ambrosini, 2011). The International Center for Migration Policy Development (ICMPD) counted 42 regularisation programmes in 17 European countries between 1997 and 2007, which led to 3.2 million people receiving a residence permit (ICMPD, 2009). Kraler (2011) counted 72 regularisation programmes between 1973 and 2011, which led to 4.3 million undocumented migrants being formally admitted to the European Union (EU) between 1973 and 2008.[3] Until the 1990s, regularisation programmes mainly concerned migrants who were illegally employed (Kraler, 2009). Since the 1990s, regularisation programmes have also been directed at asylum seekers and people with a personal link to the country in question, for example having a native-born partner or children.

Work-based regularisations were most prominent in southern European countries (Papadopoulou, 2005). In Spain and Italy, for instance, these

[2] REGINE is an ICMPD research project on regularisation pratices in the European Union.

[3] Regularisation programmes were conducted in several European countries in previous decades as well. Van Groenendael (1986a) described some of these.

programmes compensated for a mismatch between a restrictive admission policy and a high demand for foreign workers (Finotelli & Arango, 2011). According to several authors, the mismatch resulted from a restrictive European immigration policy, placing an emphasis on border control and tighter entry requirements, which better fitted the situation in northern Europe than in southern Europe, where broader legal channels of entry were required to satisfy the mostly seasonal demand for foreign labourers (for example Mata-Codestal, 2007). Triandafyllidou and Ambrosini (2011: 272) describe how this has led to an internal contradiction in Italy and Greece: "a dramatic rhetoric against irregular migration and a rather lax attitude towards the informal employment of both legal and undocumented migrants".

Northern and new EU countries regularised migrants on a smaller scale, and often on humanitarian grounds (Chauvain, Garcés-Mascarenas & Kraler, 2013; Kraler, 2009). Furthermore, several countries offered the possibility to convert a temporary residence permit into a permanent one (Kraler, 2009), as a form of 'earned regularisation' (Papademetriou & Somerville, 2008; ICMPD, 2009).

Undocumented migrants have to meet certain criteria to be eligible for regularisation. Examples are: being present in the country in question; a certain length of (uninterrupted) stay; no criminal record; being employed; family ties within the country, and/or having a certain nationality. Medical conditions may also be taken into account, such as being dependent on specific medical treatments, or not having certain illnesses such as tuberculosis (Van Groenendael, 1986b). Other criteria– less frequently used – are being of a certain age (Sunderhaus, 2007) and having shown willingness to integrate in the country of residence (Levinson, 2005a; ICMPD, 2009; see also Chauvin et al., 2013). As a general rule, regularisation is based on a combination of criteria (Papadopoulou, 2005).

The percentage of applicants that successfully claim a residence permit as part of a regularisation programme varies between 48 and 100 percent of the target group (Levinson, 2005a). The granted permit may be a temporary working permit, a temporary residence permit for the duration of six months to five years – a period which may or may not be extended in the future – or, very rarely, permanent legal residence.

Arguments against and arguments for regularisation programmes

Arguments against regularisation programmes

Opponents of regularisation programmes present several different arguments. One is that these programmes provoke or reward bad or criminal behaviour, by sending the message that staying in a country illegally as long as one can will eventually result in a residence permit (Levinson 2005a, 2005b; Papadopoulou, 2005; Van der Linden, 2007). Another objection is that it may attract more illegal immigration (Van Groenendael, 1986b; Finotelli &

Arango, 2011; Sunderhaus, 2006, 2007). According to Levinson (2005a), several studies show that large-scale amnesty in the United States of America (USA) leads to more undocumented migrants entering via family ties and other networks. Although Papademetriou and Somerville (2008) confirm that hoping for a future regularisation is one of the reasons for illegal border crossing, it is a limited pull factor compared to the expected economic advantages (a better chance to find work and higher wages). Still, immigrants who have experienced periodic regularisations probably assume to be eligible for a regulatory status at some point in time. In the EU, several northern member states have complained about regularisation programmes in the South, fearing that regularised immigrants would travel on to northern countries (Finotelli & Arango, 2011). In this case, the fear concerns a rise in legal (though unwanted) instead of illegal immigration.

Another objection to regularisation programmes is that it is very hard to successfully carry out a regularisation programme that legalises the target groups, but excludes non-target groups. In order to be legalised, one needs to be aware of the regulation and has to meet the (usually strict) criteria. However, not everyone who might be eligible applies, because they cannot meet the costs of the procedure, because they distrust the government, because they do not want to lose their competitive position on the labour market, or because they plan to leave anyhow (Sunderhaus, 2007). At the same time, people who are not eligible may try to obtain a residence permit through fraud or corruption. This happened in Portugal, Greece (Levinson, 2005a), Spain and Italy (ICMPD, 2009).

In line with the aforementioned objections to regularisation, the European Council adopted the 'European Pact on Immigration and Asylum' (September 2008) in which it agrees to "use only case-by-case regularisation rather than generalised regularisation under national law, for humanitarian or economic reasons". However, European policy documents do not contain uniform messages in this respect and regularisation also takes place under other denominators, such as non-harmonised protection, categorical protection and stay on humanitarian grounds (Kraler, 2011). Generalised regularisation still occurred after 2008, for example in 2009 in Italy (for irregular migrant domestic workers) (Triandafillidou & Ambrosini, 2011), Ireland (for foreign labourers who became irregular through no fault of their own), and in 2012 in Poland (for rejected asylum seekers).

Arguments for regularisation programmes

Given the controversial status of many regularisation programmes, why do governments choose to implement these programmes? In the literature several arguments are mentioned. First, there is the very pragmatic necessity to deal with growing backlogs in handling asylum requests (Grütters, 2003). Then there are economic reasons, such as having to deal with an aging population and a smaller workforce, a problem in many developed countries

(Sunderhaus, 2007). The wish to obtain more knowledge about and control over irregular migration can also be a reason (Levinson, 2005b): regularisation may increase insight into the origin of irregular migrants and the sectors in which they work (Levinson, 2005a; ICMP, 2009). Apart from limited possibilities for the deportation of irregular migrants, Papademetriou and Somerville (2008) also mention the high costs of a deportation policy and the often increasing revenues when former illegal workers start paying taxes after their regularisation (see also Sunderhaus, 2007). This of course implies that they are also entitled to social benefits. The wish to end unfair competition between employers who do and those who do not make use of illegal workers also plays a role here.

Humanitarian arguments are used as well, such as the idea that regularisation leads to integration (Sunderhaus, 2007) and puts an end to the exploitation and marginalisation of illegal workers (see also Friebel & Guriev, 2002), as well to their poor housing and social conditions (Van Groenendael, 1986b). However, according to some critics, quite a few regularised immigrants continue to work in the informal economy, even after they have acquired a residence permit (Mata-Codesla, 2007; Finotelli & Arango, 2011, referring to Zincone, 2004). According to Levinson (2005a), large-scale regularisation programmes may actually lead to greater informality in the labour market, because of the unwillingness of employers to pay higher wages for legalised workers (some migrants are fired as soon as they obtain a legal status), the high demand for irregular migrant work, and immigrant networks that channel immigrants into specific economic sectors (referring e.g.to OECD, 2000; see also ICMPD, 2009). With regard to the effects of the amnesty provision in the 1986 US Immigration Reform and Control Act (IRCA), Amuedo-Dorantes and Bansak (2011) concluded that the employment rate among newly legalised men fell and their unemployment rate rose compared to a group of already legal US citizens. According to Lofstrom, Hill and Hayes (2013), the improvement in employment rates is often limited, at least in the short run. However, there are differences between the generally lower-skilled regularised immigrants who originally crossed the border illegally, and those who are regularised after violating the terms of temporary visa. These differences could be attributable to differences in skills: highly skilled immigrants in both groups exhibit occupational improvements after gaining a legal status.

Papademetriou and Somerville (2008) additionally mention safety arguments in support of regularisation. Having fewer undocumented residents implies having fewer threats to national security, whereas new countrymen may be a potential source of information for national intelligence (see also ICMPD, 2009). Another type of safety argument concerns the availability of medical facilities, which prevents the spread of contagious diseases (Sunderhaus, 2007).

Conditions for successful regularisation programmes

Once the decision to carry out a regularisation programme has been made, it requires thoughtful planning and implementation to accomplish its goals. Based on the experiences with regularisation programmes in the USA and eight European countries, Levinson (2005a) points to the importance of unanimity among the parties involved regarding the scope and criteria of a programme. A thorough preparation and a clear plan on what is required after the temporary permit has expired are essential to prevent the individuals concerned from relapsing into illegality. A programme fails if there is not enough publicity and much fewer people apply than expected. This happened with respect to some programmes in Spain, Italy, Portugal and the United Kingdom (UK). Lack of information about a certain regularisation programme is not necessarily due to the migrants' limited access to information; it may be in the authorities' interest not to popularise it. Kubal (2013) mentions the 'legacy programme' in the UK (2007-2011) as an example of this.

A common bottleneck concerns problems with respect to showing identity papers and to proving labour participation or extended stay in a country. These problems can cause programme failure or delays (Levinson, 2005a), as was the case with regularisation programmes in the UK, Portugal, Luxemburg and Greece, among others. Providing evidence is a problem with respect to almost every regularisation programme (Van Groenendael, 1986a). Anderson (1999), researching a regularisation programme in the UK, found that the passports of domestic workers were often expired or confiscated by the employers. Kubal (2013) describes how difficult it is for those working in the informal economy to prove that they meet the criteria for regularisation. Meeting the criteria, but not being able to prove this, can lead to what is called 'semi-legality' of migrants.[4] She also describes creative ways in which proof is sometimes arranged, for example by showing money transfers from local postal agencies.

The Dutch pardon regulation

The Netherlands is among the countries whose government decided to carry out a regularisation programme, despite the possible pitfalls. Under the Dutch Pardon Regulation programme, in effect from 15 June 2007 until 1 January 2009, over 28,000 asylum seekers received a residence permit for one year, which could be extended by five years. Eligibility was restricted to foreigners who had applied for asylum before 1 April 2001, who had continuously resided in the Netherlands since then, who had withdrawn other procedures, and for whom no contra-indications existed (such as posing a danger to

[4] Legal immigrants who work outside their visa restrictions, refugees who intend to but have not yet made an asylum claim, and many others are actually in a situation of semi-legality. Illegality is not static: people may alternate between different statuses (Kubal, 2013).

public order, or previously having lied about their identity or nationality) (Wijkhuijs et al., 2011).

Based on a study by Wijkhuijs et al. (2011), in this paragraph we will describe why this choice was made, how the Dutch government, together with municipalities and social and implementing organisations, implemented the Pardon Regulation, to what extent possible pitfalls were avoided and goals were met.

Background

The implementation of the Pardon Regulation was closely connected to the high influx of asylum seekers in the Netherlands in the 90s, and subsequent political developments. In 1996, 22,870 asylum requests were submitted; in 1997 the figure was 34,475 and in 1998 it was 45,215 (Kromhout, 2006). Backlogs at the Immigration Service as well as at the courts handling asylum cases led to plans for a new Aliens Act including an asylum decision which was open to appeal, but not to objections. However, pending cases under the former act threatened to obstruct the implementation of the Aliens Act 2000, and the prolonged uncertainty of asylum seekers who still awaited a decision or who could not be deported to their countries of origin was a concern for many. For this reason, a number of municipalities, non-governmental organisations, and political parties called for a regularisation scheme. Five years after the new Aliens Act came into force, just after the 2006 elections, there was enough political will to implement a regularisation programme. One of the conditions was that municipalities would no longer offer (or pay for) emergency shelter for rejected asylum seekers. There would furthermore be a stronger focus on the integration of regularised individuals who received a residence permit via the Pardon Regulation (Wijkhuijs et al., 2011).

Implementation

Preparation

Several parties were involved in the preparation of the Pardon Regulation. Social organisations and policy officers of the four largest cities in the Netherlands (Amsterdam, Rotterdam, Utrecht and The Hague) had drafted an outline of the regulation, containing proposals regarding the target group, and proof of residence in the Netherlands. These preparatory meetings resulted in a regular consultation between policy officers from these municipalities, policy officers from the department of the Dutch Ministry of Security and Justice, and the Association of Dutch municipalities (VNG). The goal was an equitable regulation that could be carried out relatively quickly. In a preparatory administrative agreement, the ministerial department and the VNG described the basic principles of the regulation and what was expected of the parties involved. Regularised migrants would be housed adequately within two years, every municipality would accept its share, and steps towards integration and work would preferably take place via dual trajectories in which language train-

ing would be combined with work. Furthermore, municipalities would stop offering or paying for emergency shelters for rejected asylum seekers before the end of 2009. The Repatriation and Departure Service (DT&V) was responsible for facilitating and realising the departure of asylum seekers who were not eligible for regularisation.

Publicity of the regulation

Municipalities and implementing organisations were informed via letters, informative meetings and other channels such as advocacy organisations and the media. Among those eligible for regularisation were 'known' and 'unknown' candidates. 'Known' candidates were still in reach of governmental bodies – the Immigration Service, the Central Agency for the reception of Asylum Seekers (COA) and the DT&V. Their identity and place of residence could easily be established. 'Unknown' candidates on the other hand lived in varying municipalities, often without registering, because of their illegality. They could become eligible for the Pardon Regulation via a so-called 'Mayor's declaration': a factual declaration of uninterrupted stay in the Netherlands, but not an administrative law decision which could lead to juridical procedures (Grütters, 2009).

Tracing the unknown candidates proved difficult for some municipalities, while smaller municipalities, or ones that maintained close contact with local advocacy organisations, could reach them relatively easily. The survey among municipalities showed that three quarters of the municipalities traced candidates via advocacy organisations for former asylum seekers and aliens without a residency permit. Over a third of the municipalities personally contacted the potential candidates, one third used local media, and almost 20 percent (also) contacted emergency shelters to trace possible candidates.

Applications for a Mayor's declaration could be submitted at the town hall (64 percent), via local organisations (20 percent), or via both routes (9 percent).[5]

Use of the (selection) criteria

In order to be successful, a regulation like the Pardon Regulation has to be clear about who is eligible and what is expected from the individuals concerned. However, some flexibility also proved necessary. This was, for example, the case with regard to the criterion of uninterrupted residency in the Netherlands: as it was thought impossible for candidates who applied via a Mayor's declaration to prove uninterrupted stay since April 2001, they only had to prove this for the year 2006.

Municipalities were free to determine how to verify the information provided by potential candidates and how to issue the Mayor's declarations.

[5] In the few remaining few cases the route was unknown.

Some administrative procedures proved difficult to apply. The option offered by the Immigration Service to (once) correct erroneous identity information for example caused problems with the municipal civil affairs departments, which refused to enter the new data in the municipal registration system. In many cases the VNG had to mediate. Another example was the registration of children of regularised parents, who had been born in the Netherlands but who had never been registered. Witness testimonies and DNA tests were necessary before these children could be registered, and parenthood had to be acknowledged in a court ruling.

Fraud and corruption

There were no indications for corruption but, just as happened in other countries, some fraud did occur during the implementation of the Pardon Regulation in the Netherlands. In a few hundred cases aliens applied under another person's identity. Once this was detected, fingerprints and comparison of photos were used to identify applicants. In cases of fraud, the Pardon offer or actual residence permit could be withdrawn. In September 2010, 450 cases of fraud had been detected. In the 350 cases in which no permit had been granted yet, the permit was not offered. For the remaining 100 cases, the possibility of withdrawing the permit was examined. On 1 April 2011, 70 Pardon permits had been withdrawn or not converted into a permit for continued residence.

Results

Total number of regularised Pardon candidates

In advance it was estimated that 25,000 to 30,000 aliens would be eligible for the Pardon Regulation. In the end some 29,500 persons proved eligible, of whom over 28,000 (96 percent) accepted the regulation. Most of these individuals (81 percent) were known to public authorities; 19 percent became eligible via a Mayor's declaration. Over 1200 candidates could not be reached, or did not accept the regulation, possibly because they were - or thought they were - eligible for another kind of residence permit.

Over 6000 possible candidates were not offered a Pardon permit, in most cases because they had not continuously resided in the Netherlands, they already were in the possession of another kind of residence permit, or they were considered to pose a danger to public order.

Judicial procedures

To ensure an orderly procedure and to prevent large numbers of applications for judicial review, Pardon permits were offered on the proposal of the Deputy Minister, not on request. The regulation was not supposed to hinder the implementation of the new Aliens Act. However, it turned out that one could request the motivation underlying a (negative) decision, and objections could be filed against this so-called 'minute'. At first, the

Immigration Service judged these objections as inadmissible, but in an appeal decision the Administrative Law Division of the Council of State ruled that legal remedies were available for not having been offered a Pardon permit.[6] Subsequently, all objections against minutes of a negative decision that had been declared inadmissible had to be re-assessed.

In all, 3475 aliens who were not offered a Pardon permit filed an objection, leading to 216 positive decisions in response, and 2152 judicial procedures against a negative decision. The court upheld 368 cases. In 115 of these cases, however, the Immigration Service lodged an appeal with the Administrative Law Division that subsequently dismissed 12 cases as unfounded. Of the cases that were dismissed by the court in first instance, 391 cases led to an appeal lodged with the Administrative Law Division; 12 cases were upheld. In sum, a total of (216+265+12=) 493 aliens were entitled to a Pardon permit after administrative and judicial review.

Accommodation, integration, emergency sheltering and departure of 'drop outs'

In line with what was planned, within about two and a half years after the Pardon Regulation, almost all regularised individuals (96 percent) were accommodated and integration projects had started, often simultaneously.

On 15 June 2012, over 15,000 of the regularised individuals (54 percent) satisfied the integration requirements (by passing an integration test, or by reaching a certain educational level in the Netherlands).

Most of the individuals concerned applied for social benefits just after the permit had been granted, but in 2009 approximately half of the adults were studying or in paid employment. At the end of 2010, 40 percent of the adult regularised individuals were in paid employment and 45 percent depended on benefits (Oostrom et al., 2011).

An important element in the preparatory administrative agreement prior to the Pardon Regulation was that municipalities would stop offering or paying for emergency shelter for rejected asylum seekers. When the agreement was drawn up in May 2007, 33 percent of the municipalities offered or paid for such shelters; by the end of 2010 this was 13 percent, whereas the mean number of beds in the municipal shelters declined from 4.6 to 0.5. The complete termination of this municipal facility is complicated by the fact that some people who are still 'in the procedure' are legally in the Netherlands, but do not have a right to accommodation by the state, while mayors are statutorily obliged to care for vulnerable groups (Van der Linden, 2007).

The idea was that those who were not eligible for the Pardon permit, and were not in the possession of another type of residence permit, would (have to) leave the Netherlands. At the end of February 2011, 3859 of these 'drop outs' were registered as 'having left'. Of them, 225 had been forcibly expelled,

[6] ABRvS, 3 December 2008, case number 200803104 (JV 2009/30, m. nt. BKO).

207 had left on their own, and 3157 had left 'unattended'. It is not possible to determine with certainty that these approximately 3000 people actually left the country.

Conclusion

Regularisation programmes are sometimes deemed necessary to end undesirable situations. This was the case with respect to the Dutch Pardon Regulation. Due to lengthy procedures, an estimated 25,000 to 30,000 aliens who had applied for asylum before 1 April 2001 still resided in the Netherlands at the end of 2006, without definitive answers.

In the Dutch regularisation case, the conditions for successful implementation as described by Levinson (2005a) were largely fulfilled. Prior to the implementation of the Pardon Regulation, clear testable criteria were developed. Next, a lot of publicity was given to the regulation. Most of the parties involved were moreover open to flexible solutions for problems that occurred during the implementation.

The goals of the regularisation programme, as described in the preparation section were largely met. Although it turned out to be possible to file objections against not receiving a Pardon permit, the legacy of the old Aliens Law was settled without significant delays or major problems. This was at least partly due to the efforts of and cooperation between the different parties involved, some of which had previously played an important role in drawing up the preparatory administrative agreement and the Pardon Regulation itself (Böcker & Grütters, 2008). The approximately 28,000 aliens who were eligible for a Pardon permit (a figure that matches the previously estimated numbers) were accommodated relatively quickly: 96 percent had a suitable dwelling within two years. At the end of 2010, 40 percent of the regularised individuals were in paid employment, and approximately five years after the permit was granted more than half of the individuals met the integration requirements. However, in two respects the outcomes diverge from what was planned. Although municipal emergency sheltering of rejected asylum seekers did decrease it did not terminate and, just as in other countries, it proved difficult to deport the dropouts. The whereabouts of many of them were unknown to the DT&V and the Immigration Service.

With regard to the arguments against regularisation programmes, we can conclude the following.

The Immigration Service became alert to possible fraud after fraud had been detected in a number of cases. This led to the withdrawal of permits or to permits not being converted into a permit for continued residence.

We do not know whether the Pardon Regulation attracted more (legal or illegal) migration, but the probability seems small. The regularisation was intended for a clearly defined group of aliens who had applied for asylum before 1 April 2001, and who had resided in the Netherlands since. After it

was decided in 2006 to implement the Pardon Regulation – of which the details were made public mid-2007 – the influx of asylum seekers decreased substantially, in absolute numbers as well as relatively, compared to the influx in other north- western European countries. The influx increased again in 2008 and 2009.

It cannot be ruled out that the regulation gave hope to already residing but non-eligible aliens for future regularisation programmes, although the Dutch government explicitly sought to dispel such hopes. In a press release, the then-Minister for Immigration, Integration and Asylum dated 17 April 2012 described the Pardon Regulation as a cry of distress, which was not to be repeated, even though the implementation went well. However, changes in the political climate in the Netherlands dictated differently, and on 1 February 2013 a regularisation programme for under-age asylum seekers was implemented.

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