

8.2 Table: Summary of major legalization programmes in the Transatlantic area

Legalization policies enable illegally resident aliens to become legal residents. However, such policies vary in their requirements and they often lead to further legalizations. Some countries therefore eschew such policies.

Country	Legalization Program	Brief Description of Criteria	Type of Permit obtained	Number of migrants regularized or applications received
Belgium	- 2000 Program	Applicants were to have resided in Belgium before October 1, 1999 and to have either a pending application for asylum, humanitarian reasons preventing them to return to their home-country, a serious medical condition preventing the deportation of the migrant; or continuing residence in Belgium for 6 years as long as the migrant was not subject to a deportation order for the past 5 years	Long-term residence permit	52,000 applications (dependents included)
	- 1974 Legalization	Procedure for both workers and non-workers present in Belgium. Applications between August 1974 and October 1975	Residence permit	7448 beneficiaries/ 8420 applications
Canada	- 1973 Program ('Project 97')	As requirements, migrants had to be in Canada before November 1972 and demonstrate employment history and existing family ties in the country	Long-term residence permit	Above 50,000 migrants legalized
France	- 1997-8 Chevènement laws and Regularization	As a program emphasizing family-reunification and targeting families living in irregular situations, migrants had to demonstrate either continuous residency for 7 years and family ties, or supply evidence that they had employment, family ties, and had resided in France for 5 years	Permanent residence	Approximately 78,000/140,000 applications
	- 1991 Circular	Applicants needed to have been in France before 1989 and had applied for refugee-status by January 1, 1989 (notification of refusal must have been received 3 years or more after the original demand, 2 in case of family ties), and to have worked for at least 2 years and demonstrate evidence of employment	Permanent residence	15,000/50,000 petitions

	<p>- 1981-2 Ministerial Order and other decrees</p> <p>- 1973</p>	<p>Applicants had to have resided in the country prior to January 1981, and to demonstrate evidence of employment by the time of application or to have had valid employment for at least 1 year (the program was latter extended to other categories of migrants)</p> <p>Circular of June 13, 1973. The document normalized the situation of 40,000 workers who entered French soil prior to January 1, 1973</p>	<p>Permanent residence</p> <p>Permanent residence</p>	<p>121,000-130,000/150,000</p> <p>40,000</p>
Greece	<p>2001 Regularization Program (L.no.2919/2001)</p> <p>- 1997-8 White Card and Green Card (Presidential Decrees 358/2997; 359/1997)</p>	<p>Applicants were to demonstrate that they had possessed legal residence status and had continuously lived in Greece since their visa expired; or show that they had lived in the country for a year or more before the law was enacted.</p> <p>Migrants had to follow a two-step process entailing first petitioning for a white card granting a 6-month permit. Recipients could then apply for a green card granting a renewable work/residence permit up to 5 years. To petition for the green card, migrants were to demonstrate legal employment since January 1998.</p>	<p>2-year renewable residence permit after 10 years (eligibility for permanence residence after 10 years)</p> <p>White Card: 6-month residence permit Green Card: 1-5 years renewable work and residence permit</p>	<p>351,000 applications (GAO and OECD). Levinson claims that 228,000 migrants received a visa out of 368,000</p> <p>371,000 have received a white card (GAO and OECD). 220,000 out of 228,000 applicants may have received the green card (Levinson)</p>
Italy	<p>- 2002 Bossi-Fini Law (L.189/2002)</p> <p>- 1998 Law Turco-Napolitano (L.40/1998)</p> <p>- 1995 Governmental</p>	<p>Migrants applying to the program were required to provide proof of continued employment and to pay 3 months worth of social security</p> <p>Targeted migrants who had been in Italy prior to March 27, 1998, and could show proof of housing. In addition to this, employers had to pay back taxes on earned wages</p> <p>Concerned migrants who had resided in Italy, were employed during the past 6</p>	<p>1-year renewable permit</p> <p>Temporary permit</p> <p>1 or 2-year renewable</p>	<p>Roughly 635,000 received a permit out of 700,000 applications as of early 2004</p> <p>217,000 received a visa</p> <p>Approximately 245,000</p>

	<p>Decree (L.486/1995)</p> <p>- 1990 Martelli Law (L.39/90)</p> <p>- 1986 Regularization Program (L.943/86)</p>	<p>months or had a job-offer, and had paid 3 months of social security</p> <p>Applicants (workers and students) who had been living in Italy before December 31, 1989</p> <p>Petitioners had to be present in Italy before January 27, 1987 and to have their employer sponsoring them</p>	<p>work permit</p> <p>2-year renewable work-permit</p> <p>Temporary work permit</p>	<p>received a visa</p> <p>Approximately 217,000 received a visa</p> <p>Roughly 119,000 received a visa</p>
Luxemburg	- 2001 Program	Concerned migrants living in Luxemburg prior to July 1, 1998, or were working before January 1, 2000. Also, the program targeted some refugees who had arrived before January 1, 2000	Temporary permit with possibility of extension by demonstrating stable employment	Levinson argues that 1554 applications were accepted concerning 2,894 people (mainly from former Yugoslavia). As of December 31, 2002, 1,839 people had received a positive answer
The Netherlands	-1979 'transitory regulation'	Aliens who had worked without interruption between January 1 st , 1978 and November 1 st , 1979	Residence and work-permit	1800 workers
	-1975 Program	To be present before November 1, 1974 and have a stable job	Permanent residency	15,000 out of 18,000
Portugal	- 2004 Program	Contribution to social security and taxes for at least 90 days until the coming into effect of the Law 34/2003	Residence permit	3000 legalized (OECD)
	- Decree/Law (4/2001)	Eligibility criteria were continuous presence and possession of a work-permit	1-year permit renewable 4 times (eligibility to permanent residency after 5 years)	Roughly 179,000 one-year permits were delivered

	<p>- 1996 Program</p> <p>- 1992-3 Program</p>	<p>Aliens had to demonstrate employment, basic knowledge of Portuguese, housing, and a clean criminal record. Residency requirement for nationals of Portuguese-speaking countries were to have been in Portugal since December 31, 2005 as opposed to March 25, 1995 for other countries</p> <p>Presence on Portuguese territory prior to April 15, 1992.</p>	<p>Temporary residency</p> <p>Temporary residence and work-permit</p>	<p>Both GAO and OECD reports mention 22,000 migrants regularized. According to Levinson, 31,000 migrants were legalized out of 35,000. Carlos Marques and Pedros Gois argue that 35,000 migrants were legalized.</p> <p>Approximately 39,000 received a permit (Levinson estimates the number of applications at 80,000).</p>
Spain	<p>- 2005 'Normalization' Decree</p> <p>- 2000 Immigration Law (2000 and 2001 programs)</p>	<p>Aliens were required to demonstrate evidence of registration with a local municipality before August 7, 2004, to have been in Spain by the time of application, to have a job-contract, and have a clean criminal record. Moreover, employers involved in the program had to prove that they were paying social security, that they have not broken immigration law for the past 12 months, and had not violated labour-laws/employees' rights.</p> <p>2001: Aliens present in Spain before January 23, 2001 showing evidence of employment, family ties to either a Spanish citizen or foreign national, and criminal record</p> <p>2000: Aliens living in Spain before June 1, 1999 and in possession of a residence or work-permit in the past 3 years, or members of a family present in Spain before January 1996</p>	<p>1-year renewable residence permit</p> <p>1-year temporary residence-permit</p> <p>1 year temporary residence and work-permit</p>	<p>549,000 migrants legalized</p> <p>Around 240,000 permits granted</p> <p>Approximately 164,000</p>

	<p>- 1996 Royal Decree</p> <p>- 1991 Program</p> <p>- 1985 Law on the Right and Freedoms of Foreigners</p>	<p>Aliens employed before January 1, 1996, or having received a resident permit after May 1996, or family-member to an individual living on Spanish soil before January 1996</p> <p>Aliens residing or working in Spain since May 15, 1991, or asylum-seekers whose application were rejected or pending</p> <p>Aliens with job offer in hand who have lived in Spain before July 24, 1985</p>	<p>5-year residence permit</p> <p>3-year residence permit</p> <p>1 year renewable residence permit</p>	<p>More than 21,000. Levinson estimates the number of applications to have reached 25,000</p> <p>110,000 permits granted. 135,000 requests were made</p> <p>44,000 applications were submitted. Levinson argues that 23,000 were regularized</p>
Switzerland	- 2000 program	To have entered the country prior to December 31, 1992. The procedure targeted asylum seekers, primarily Sri Lankans, who had been denied refugee status but could not be repatriated.		15,200 (OECD)
UK	<p>- 1998 Domestic Worker Regularisation Program</p> <p>- 1977 'Amnesty' Program</p> <p>- 1974 'Amnesty' Program</p>	<p>To have entered the country prior to July 23, 1998, to be currently employed, to have a valid passport and attestation of self-sustainability</p> <p>Limited to Commonwealth and Pakistani citizens who had entered before 1973 by evading or misleading immigration officials</p> <p>Commonwealth citizen or citizen of Pakistan who have entered the US since March 9, 1968 and before January 1, 1973, or who had entered illegally prior to March 9, 1968 after having been refused admission by immigration authorities</p>	<p>One-year temporary work-permit</p> <p>Permanent residency</p> <p>Permanent residency</p>	<p>Levinson estimates 200 as of 1999</p> <p>462/641</p> <p>1,809/2,430 applications</p>
US	- 2000 Legal	Aliens who entered the United States	Permanent	400,000

	Immigration Family Equity Act (LIFE)	before January 1, 1982 and have continuously lived in the US until May 4, 1988. Applicants must have been physically present in the United States from November 6, 1986 till May 4, 1988	residency	migrants legalized (OECD)
	- 1997-8 NACARA and HRIF programs	Citizens of Nicaragua, Cuba, or Haiti	Permanent residency	405,000 under the Nicaraguan Adjustment and Central American Relief Act, and the Haitian Refugee Immigration Fairness Act (OECD)
	- 1986 Immigration Reform and Control Act and Amnesty Provisions	Applicants to the general I-687 program had to show evidence of continuous residency before January 1, 1982, while workers applying to the Special Agricultural Workers program (SAW) had to show evidence of residence and work in the US for 90 days prior to May 1, 1986	Permanent residency	2.684.900 individuals legalized between 1989 and 1996 under IRCA, nearly 1.6 million out of 1.7 million for the general I-687 program, and 1.1 million out of 1.3 million for the Special Agricultural Program

Sources: This list is by no means exhaustive but provides a synopsis of the main programs in the transatlantic space since the early 1970s. Information available in this table reflects the compilation of various reports and publications including the 2006 International Migration Outlook report by the OECD, the 2006 Governmental Accountability Offices's report *Foreign Workers- Information on Selected Countries Experiences*, Levinson's important 2005 study, as well as De Bruycker's authoritative *Regularisation of Illegal Migrants in the European Union* (2000). Due to discrepancies between these sources, information had to be crosschecked to come up with the estimates on numbers of applicants and/or legalized migrants.

References

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