

STATE, UNION AND UNAUTHORIZED MIGRANTS

A case study of deportation policy in Sweden

Abstract

During the 1990s the number of unauthorized migrant workers increased in Sweden. The Building Workers' Union (BWU) reacted restrictively to this change. The political objective of the BWU was to preserve the existing institutions in immigration policy. To achieve this end, the Union cooperated with the police to detect unauthorized migrants. The Union became in fact an integral part of the internal migration control that the police performed. The restrictive reaction of the Union created the "illegal" migrant in the construction sector as a political problem in Sweden. This political problem did not exist in Sweden before the 1990s.

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1 Introduction

During the 1990s the number of unauthorized migrant workers increased in Sweden. The migrants often came from Eastern Europe, and many were employed in typical low-wage sectors, such as cleaning and agriculture. However, the number of unauthorized migrants also increased in the construction sector, which is not a low-wage sector in Sweden. On the contrary, wages and working conditions are relatively good in the construction sector. Moreover, work in the construction sector still appeals to native Swedes. With regard to the increase of unauthorized migrants, the Building Workers' Union (BWU) reacted restrictively.

The BWU is a strong trade union that in the past had the ability to restrict the employment of migrants in the construction sector. All this changed during the 1990s. During this period the BWU's ability to restrict migration began to grow weaker. This pattern was most apparent in Stockholm and in the South of Sweden. This change was strongly related to the fall of Communism in Eastern Europe and the gradual integration of these states into the European Union. Sweden gradually opened its borders to migration from states in Eastern Europe during the 1990s, as promoted by directives from the European Union.

This article deals with unauthorized migrants in the Swedish construction sector and clarifies how the BWU responded to this group. The study focuses on the period from 1990 to 2004, which is the year when the European Union was enlarged to include ten new member states. During this period migration control was still in force

with regard to citizens of the candidate states in Eastern Europe, while they in practice exercised free mobility to Sweden after the enlargement of the European Union in 2004. The reason for making this limitation in time is that important migration processes both started and ended during the period 1990–2004 (Tilly 1984: 14). I will argue that this limitation in time is essential for understanding how "illegal" migration became a political problem in Sweden (cf. Messina 2007: 39–41). I will also argue that "illegal" migration, in important respects, is created by the actions of groups that demand restrictions on migration. "Illegal" migration, such as overstaying a visa, is in itself often a rather trivial event that does not provoke any concerns in the destination country (De Genova, 2002: 436). The emergence of "illegal" migration as problem or a threat requires actions of groups with an interest in restricting migration (cf. Tsoukala 2005). The aim of this article is to identify the processes that generated the "illegal" migrant in the construction sector as a political problem in Sweden. I will give an answer to the following research questions:

- Why did the BWU react restrictively to the increase in unauthorized migrants?
- What was the goal of the BWU's actions?
- How did it try to achieve this goal?
- What were the consequences of its actions?

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2 The state and migration control

The emergence of “illegal” migration is intimately linked with states’ ambition to control the movement of people across their borders. It is when migration is not authorized by states that it becomes categorized as “illegal migration” (Torpey 2000: 9). In the past, the control over people’s mobility largely lay in the hands of individuals and private actors, but gradually states monopolized this control. Torpey (2000) calls this process the state monopolisation of the “legitimate means of movement”.

However, the tendency of states to monopolize migration control began to slow down during the last decades of the twentieth century (Lahav & Guiraudon 2000). During this period, states in Europe and North America began to delegate a part of migration control to private, local and transnational actors. States has, for instance, tried to detect unauthorized migrants by delegating part of internal migration control to private and local actors. In many countries, there are, for example, demands on employers to check that migrant workers are not unauthorized.

States may, furthermore, involve trade unions in the *internal* control. This was what occurred in Sweden during the period from 1990 to 2004. This tendency was particularly evident in the construction sector where trade unions cooperated with the police to detect unauthorized migrants. This was a reaction to an increased migration from Eastern Europe to Sweden, and a closer integration between countries in Western Europe and Eastern Europe.

The involvement of trade unions in internal migration control was, however, also related to the corporatist state structures in Sweden. State officials in Sweden perceive unions as interest groups to negotiate with, and unions have been given representation in the implementation process in important policy fields, for example migration policy (Rothstein 1992). Correspondingly, Swedish unions perceive the state, not as an enemy, but as an organization to negotiate with and to use for its purposes. This corporatist political culture has promoted the broad involvement of unions in internal migration control.

3 Immigration restrictions and the role of trade unions

One of Torpey’s points is thus that the category “illegal” immigration is a result of states’ monopolisation of the legitimate means of movement (Torpey 2000: 9). This tells us, however, nothing about who belongs to the category “illegal” immigrant, or how the boundaries between “illegal” and “legal” migrants vary over time. These boundaries can, as we shall see, change and be the object of political struggle. Furthermore, Torpey’s study does not say anything about how “illegal” immigration becomes a political problem in the receiving states. For this to occur there have to be political actors with enough power to impose a definition of this as a problem or even a threat to the native population.

An influential explanation of unauthorized migration is that it is a result of a restrictive immigration policy (de Haas 2008; Ngai 2004). This is a central argument in Ngai’s work on the development of immigration policy in United States during the twentieth century (Ngai 2004). Ngai argues that “illegal” migration primarily is a product of restrictions. It is the introduction of restrictions, or the tightening of existing restrictions, that generate “illegal” migration.

What political actors tend to demand a restrictive immigration policy, and what role do trade unions play? Trade unions are often described as a restrictive actor in the literature on migration policy. This is a central argument in Zolberg’s theory on migration policy in modern states (Zolberg 1999). The reasons for demanding restrictions are to protect the wages and working conditions of native workers. This has led to unions participating in coalitions with cultural conservatives for a restrictive immigration policy.

Zolberg’s model has been criticized for being based on actions of unions in the early twentieth century (Haus 2002). During that earlier period unions often participated in coalitions with cultural conservatives for a restrictive immigration policy. However, since the late twentieth century, unions have often participated in coalitions for an expansive immigration policy together with left-liberal groups, in for example France and United States. Haus (2002) argues that demands for restrictions are only one of the two possible strategies that unions have at their disposal with regard to immigration. An alternative strategy is to try to *organize* migrants, in order to protect wages and working conditions. According to Haus, this is a strategy that unions often have used since the late twentieth century (see also Burgoon *et al.* 2010).

An explanation to this change of unions’ action lies in a changed perception of what the states’ immigration control can achieve (Haus 2002). According to this new view, states’ ability to control migration has decreased due to economic globalization and the emergence of transnational labour markets. When union representatives share this view, they will, according to Haus, see fewer reasons to support demands for restrictive measures against migrants, and instead try to include them in the workers movement (Haus 2002).

Haus’ argument is based primarily on studies of unions in United States and France, and these unions have in important respects adopted a more inclusionary approach towards migrants. When these unions are compared with Swedish unions, it is important to make a distinction between admissions and rights, between the regulation of the number of migrants entering a state and the regulation of migrants’ rights once they are on the territory of the receiving state. It seems that it is especially on issues concerning migrants’ rights that we find distinct differences in how unions have responded to unauthorized migration. In earlier periods, the Swedish trade union movement often was a strong advocate for the expansion of migrants’ rights (Hammar 1985). This concerned, however, primarily *authorized* migrants – when it comes to unauthorized migrants, central sections of the Swedish trade union movement has adopted a more restrictive strategy than unions in the United States, Spain and France. I will argue that part of the explanation of the Swedish Union’s restrictive approach towards unauthorized migrants lies in their close relationship to the state, and that they, in earlier periods, were able to exert a strong influence on labour immigration.

4 The “Swedish model” in immigration policy

Political institutions in different states are not neutral, but in fact tend to give greater influence to some actors than others. As Theda Skocpol writes, “degrees of success in achieving political goals [...] depend on the relative opportunities that existing political institutions offer to the group or movement in question” (1992: 54). One peculiarity of the political institutions in Sweden is that unions have been given strong possibilities to influence labour immigration

(Hammar 1985). The perhaps clearest example of this is that they, together with employers, have been consulted when foreign nationals applied for a work permit in Sweden. Since it was unusual for authorities not to follow the opinions of trade unions, this gave unions a strong influence on labour immigration.

This control mechanism presupposes that foreign nationals in fact apply for a work permit, or in other words that they are authorized migrants in Sweden. Swedish unions have, however, exerted a strong influence also on unauthorized immigration. As Schierup, Hansen and Castles (2006) writes, during a long period of time there was no extensive labour market for unauthorized migrants in Sweden. A major reason for this was the high membership rate in trade unions, and that they have a strong presence at workplaces in Sweden. Employers that considered recruiting unauthorized migrants knew that this will easily come to attention of the unions and that they, therefore, risked immediate reactions. This has prevented the emergence of a large labour market for unauthorized migrants (Schierup, Hansen & Castles 2006).

This ability to restrict migration began, however, to grow weaker during the 1990s (Lindberg 2007; Schierup, Hansen & Castles 2006). An important reason for this was certain directives from the European Union, which made it easier for citizens of the candidate countries in Eastern Europe to enter Sweden. This transformation was probably most evident in the construction sector, which has been one of the most highly regulated sectors in Sweden.

There existed in this changed situation three ideal typical alternatives for unions to respond to unauthorized migration. One alternative is simply to not care about the existence of unauthorized migrants in their sector, for example because they are not perceived as a threat to native workers' wages and working conditions. A second alternative is to work for the expansion of unauthorized migrants' rights, for example that they should be granted a residence permit and thus be "legalized". The third alternative is to put pressure on the authorities, for example the border police, that they should arrest and deport unauthorized migrants. This corresponds to what Haus (2002) calls a restrictive strategy, and it was this strategy that the BWU used during the period 1990–2004.

Why is it then, that the BWU adopted a restrictive strategy, instead of trying to include unauthorized migrants in the labour movement? A part of the explanation is that the BWU had a strong influence on immigration policy in the past (cf. Haus 2002: 159 f). The BWU is an exceptionally strong trade union, which in the past exerted a strong influence on the immigration of construction workers. My argument is that the ability to restrict migration in the past made demands for restrictions an attractive strategy in the present, even when the possibilities of success were fewer. The goal of the BWU was to try to maintain the existing institutions in immigration policy and to preserve its strong influence on labour immigration.

Another explanation of the restrictive response of the BWU is to be found in the character of construction work in Sweden. Construction work is one of few occupations in the working class that still attracts native Swedes (cf. Rath 2002). An important reason for this is that construction workers' wages are among the highest in the traditional working class (Sjöholm 2007). Construction workers are also relatively well skilled, and they have been able to win improvements in working conditions, that do not exist in sectors with weaker trade unions. The BWU perceived that these gains in wages and working conditions were threatened by the employment of unauthorized migrants, who were paid wages below that of Swedish workers.

5 A case study in the policy of deportation

Unauthorized migrations to Western Europe and North America are investigated in a number of different ways in the current research. We shall in this article examine how the Swedish state's immigration control operated in order to detect and deport unauthorized migrants in the construction sector; how this control became associated with and gained momentum from the interest of trade unions; and how this created the "illegal" migrant in the construction sector as a political problem. We can call it a case study in the policy and practice of deportation (cf. Ngai 2004: 58).

The "illegal" migrant can, as Ngai writes, not be constituted without deportation, deportation as a fact or deportation as a threat (2004: 58). All modern states have constructed a machinery to detect and deport migrants who do not have the right to reside in their territories. This surveillance apparatus may not necessarily be effective in finding unauthorized migrants, but its very existence constitutes an ever-present threat to migrants: if they are discovered by the authorities, they risk being deported to their home countries. This threat of deportation shapes their daily lives: it has strong disciplining effect, and it makes them attractive workers for employers.

De Genova (2002) takes this argument one step further. He argues that this surveillance apparatus does not have as its only purpose to achieve the alleged goal of deportation. It is instead "deportability, and not deportation per se, that has historically rendered undocumented migrant labour a distinctly disposable commodity" (De Genova 2002: 438). In De Genova's view, the threat of deportation seems to have as its primary intention the creation of a vulnerable and tractable workforce (De Genova 2002: 439; De Genova 2010: 38–39).

De Genova primarily treats migration from Latin America to United States and the question is if such an argument can be applied to Sweden. The threat of deportation can certainly make unauthorized migrants a vulnerable and tractable workforce in Sweden also (Khosravi 2010). It may also be in employers' interests that this threat of deportation is maintained. However, we cannot assume that this would be the intention in the state's immigration control, for example that the task of the border police to detect unauthorized migrants should conceal a more fundamental objective of creating a vulnerable and tractable workforce. The fundamental aim in Sweden is rather to detect unauthorized migrants *in order to deport* them. Swedish immigration policy has been too strongly influenced by union interests and ambitions for this explicit goal not to be the real goal. Furthermore, the special character of the Swedish state has shaped union responses to unauthorized migration. It has promoted, among other things, the involvement of the BWU in internal migration control.

5.1 A word about terminology

The term "illegal" migrant has, correctly, been criticized for stigmatizing migrants who have as their only goal to find a better life. Therefore I avoid this term in principle. When it sometimes occurs in the continuing text, it is because the term is ubiquitous in the primary sources. The term illegal migrant was – along with terms like "illegal worker" – a part of a strategy to make a certain category of migrants unwanted in Sweden. An important feature of the state's migration control is furthermore to illegalize certain types

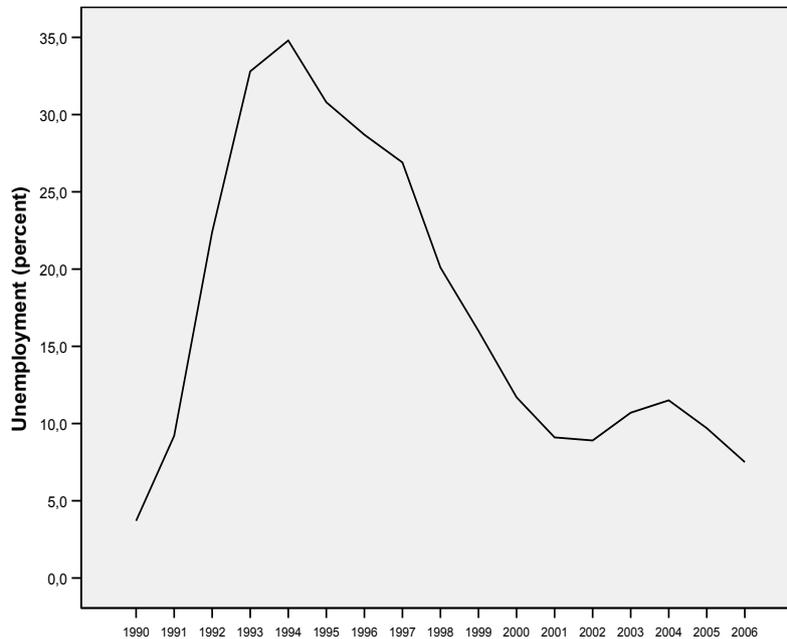


Figure 1. The unemployment rate in the BWU 1990-2006.

of international migration. It is therefore difficult to avoid these terms when this process is to be analyzed.

An alternative term in the literature is “undocumented” migrants. This term refers to migrants who lack the documents required for their stay in the receiving country. All illegalized migrants are, however, not illegal because they lack the necessary documents. There are other forms of illegal presence in a state and other reasons for a migrant to be deported (Ngai 2004).

In this article, I generally use the term *unauthorized* migrants, because it is not associated with stigma in the same way as “illegal” migration. Furthermore, this term covers both the cases where migrants do not have the necessary documents and when they have become illegalized by other reasons, and therefore can be deported by the authorities.

6 The empirical data

This article is based on three types of data. Firstly, the BWU’s reports to the police on violations of the Swedish Aliens Act in Skåne and Stockholm and the police investigations of these reports.² Secondly, it is based on articles about migration in the BWU’s journal *Byggnadsarbetaren* (*Construction Worker*) during the period 1990–2006. Thirdly, it is also based on interviews with representatives of the BWU.

The most important data is the BWU’s reports to the police on crimes against the Aliens Act as well as the police investigations of these reports. The reports were generally based on the suspicion that employers had hired migrants who lacked a work permit. An extensive source material in these reports, such as transcriptions of interrogations and descriptions of workplace inspections, is furthermore included.

We cannot, however, assume that all migrants that were reported to the police by the BWU actually were unauthorized migrants in

Sweden. This applies particularly to 5–8 reports where the migrants probably did not need to have a work permit to perform work in Sweden, because they were self-employed and not employees. The BWU’s reports of these migrants were rather a part of an ambition to expand the legal category “illegal alien” so that it included also these individuals.

7 The business cycle in construction and migration issues in *Byggnadsarbetaren*

Before we analyze the BWU’s reports to the police on crimes against the Aliens Act, we shall examine the economic fluctuations in the Swedish construction industry 1990–2006. In this section, I will also analyze how issues on migrant workers were treated in the BWU’s journal *Byggnadsarbetaren*.

The 1990s began with a good economic situation in the Swedish construction sector. An indicator of this was a relatively low unemployment rate among members of the BWU: it was only four per cent in 1990 and nine per cent in 1991 (Figure 1). However, in 1992 the Swedish construction industry entered a deep recession, and this caused a sharp increase in unemployment rates among construction workers: the unemployment rate rose to 22 per cent in 1992, to 33 per cent in 1993 and it reached a peak of 35 per cent in 1994.

In 1998 the business cycle began to turn upward, and there was a steady reduction in the proportion of unemployed workers. Unemployment fell from 20 per cent in 1998 to 12 per cent in 2000 and 8 per cent in 2006, which is a low figure compared with the mass unemployment in the mid-1990s.

Figure 2 shows the number of articles in *Byggnadsarbetaren* about migrants at construction sites in Sweden during the period 1990–2006. The figure shows three major changes in how many articles *Byggnadsarbetaren* published on migrants: there is a

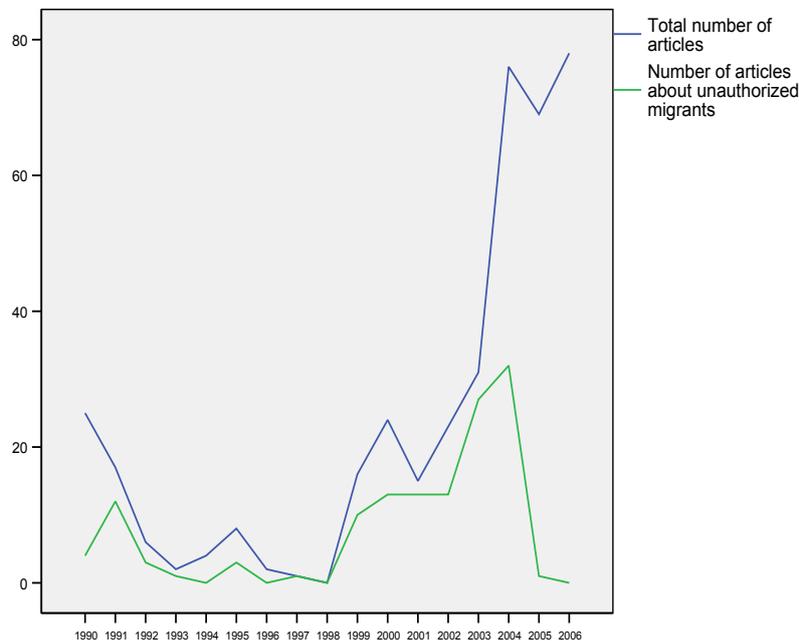


Figure 2. Number of articles in *Byggnadsarbetaren* about migrants at construction sites in Sweden 1990-2006 (excluding letters to editor).

reduction in the number of articles in 1992, an increase in 1999 and a further sharp increase in 2004. Until 2004, there is furthermore a relation between these changes, on the one hand, and the changes of the business cycle, on the other. Briefly summarized, the interest in matters relating to migration increases during periods of economic boom in the construction industry, while it decreases in recessions. There is also an increase in the number of articles in relation to the enlargement of the European Union in 2004. Furthermore, during this year the character of the articles in *Byggnadsarbetaren* changes. Until the enlargement of the European Union in May 2004, a significant share of these articles deals with unauthorized migrants. After the enlargement, a growing number of articles deal instead with the free movement of workers and services within the European Union and the challenges that this creates for trade unions.

Unauthorized migrants were engaged in construction work in Sweden already in the beginning of the 1990s, and they came mainly from Poland. However, it is not until the upturn in the business cycle in the late 1990s that they were of perceived by the BWU as a serious threat to native workers. This is the most important finding of the analysis of the articles on unauthorized migrants. In the early 1990s, these articles focused primarily on Polish citizens who carried out unauthorized construction work – and Poles continues to be a frequent nationality – but from the late 1990s citizens of the Baltic States became increasingly frequent at Swedish construction sites.

It was also in the last years before the enlargement of the European Union in 2004 that the conflicts with certain private employment agencies in the construction industry intensified. These conflicts often concerned employment agencies that hired out migrants that were self-employed. When the migrants were self-employed, they did not need to have a work permit or to follow the collective agreements in the construction sector. The BWU argued, however, that these migrants were *not* self-employed, but employees,

because of their strong dependence on the employment agency (“Byggnads” 2002). If the migrants were employees, they were required to have a work permit and follow the collective agreements in the construction sector. The strategy of the BWU was, in other words, to try to expand the legal category “illegal alien”, so that it included these migrants as well.

Unauthorized migrants were employed mainly on small construction sites (“Allt fler illegala byggjobbare” 2000). In cases where unauthorized migrants have been used on large construction sites, they have been employed mainly by subcontractors, and not by the company in charge of the construction project. Large construction companies have generally taken a restrictive stance on the unauthorized employment of migrants. This is partially explained by an ambition to maintain good relations with the BWU. However, the use of subcontractors has become increasingly frequent in Sweden, and has made it more difficult to control if migrants have work permits.

8 The BWU’s reports to the police on crimes against the Aliens Act

The BWU often made reports to the police when it suspected that there were unauthorized migrants at construction sites. These reports were generally based on the suspicion that the migrants did not have a work permit, which was a violation of the Aliens Act. The following table shows the reports to the police from the BWU in Skåne and Stockholm during the period 1995–2006. During this period the BWU made a total of 72 reports on crimes against the Aliens Act: 28 in Stockholm and 44 in Skåne. 59 of these reports were made during the years 2000–2001.

The number of reports then decreased significantly from year 2002–2003, to completely end in 2004, when the European Union made its large expansion eastward. From this year, there were no

Table 1. Number of reports to the police on crimes against the Aliens act from the BWU in Stockholm and Skåne 1995-2006.

Year	Stockholm	Skåne	Total
1995	0		0
1996	0		0
1997	1		1
1998	0	1	1
1999	0	4	4
2000	14	22	36
2001	12	11	23
2002	1	4	5
2003	0	2	2
2004	0	0	0
2005	0	0	0
2006	0	0	0
Total	28	44	72

Source: Polismyndigheterna i Stockholms län och Skåne.

longer any restrictions on immigration from the new EU-countries in Eastern Europe; they had in practice the same right as Swedish citizens to reside and work in Sweden. As we shall see, it was especially against citizens of these states that the reports were targeted until 2004.

The increase in the number of reports from 1999 seems to be associated with the economic upswing in the construction industry. In other words, the increased demand for construction workers in Sweden contributed to a larger unauthorized immigration (cf. Favell & Hansen 2002). It is harder to give an explanation of the obvious decline in the number of reports 2002–2003. The Swedish construction industry continued to be in a boom these years. One possible explanation is that the reduction in 2002–2003 was a result of a declining propensity to report these cases to the police. In some sections of the BWU the reports to the police were regarded as a rather unsuccessful strategy to cope with unauthorized migration (Interview). One reason for this was that migrants that were deported could be back in Sweden a short time later to do construction work again. We should furthermore note that there were sharp differences in the propensity of local sections of the Union to report migrants to the police.

The number of reports to the police does not say anything about the number of migrants actually reported; each report concerned often more than one individual. The BWU's reports to the police about crimes against the Aliens Act concerned a total of 208 foreign nationals: 101 in Stockholm and 107 in Skåne. When it comes to nationality, migrants from Poland and the Baltic

states dominated in both Stockholm and Skåne. There were also Hungarians, Russians, Ukrainians and some Latin Americans in the reports.

The number of migrants in the reports to the police underestimates the scale of the changes in the construction sector. The problem is that we do not have any good statistics on the number of unauthorized migrants in the construction sector. The only statistics that exists comes from the BWU in Skåne. This section of the BWU made a study of foreign workers at construction sites in Skåne during six months in 2003 ("Byggnads" 2003). The section in Skåne investigated 408 construction sites. It found that on 140 of these there were unauthorized migrants. The Union estimated that there were a total of 382 unauthorized migrants at these construction sites. We should, however, note that the Union uses a broad category of "illegal migrant" in this report, which includes some self-employed construction workers. Judicially it was not clear if these self-employed migrants were "illegal" or "legal" migrants.

8.1 Daughter of restrictions

The results so far seem to give support to the Ngai's argument that "illegal" migration primarily is a product of restrictions (Ngai 2004). It was, according to this view, the restrictions on moving to Sweden to perform construction work that generated the unauthorized immigration of construction workers as a political problem. When the European Union expanded in 2004 these restrictions disappeared for citizens of Poland and the Baltic states, and as a consequence the unauthorized migration was reduced. From this point and on, the BWU is much more concerned about the free mobility of workers within the European Union.

This type of explanation has, at the same time, some limitations: It cannot explain the sharp increase in immigration in the late 1990s. This increase seems to be associated with the boom in the construction industry. The upturn in the construction industry drove up the demand for foreign workers also when they did not have work permits in Sweden. The BWU responded to this increase with expanded workplace surveillance, which is reflected in the large number of reports to the police. Although the unauthorized migrants from Eastern Europe were present on construction sites in Sweden all through the 1990s, it was not until the late 1990s that they became a serious political problem for the unions. The boom in the construction industry is an important background to this change.

9 Cooperation between union and police to detect unauthorized migrants

The importance of the BWU's reports to the police lies not primarily in the statistics that we can construct on the basis of it, but in the way the reports were an instrument in the state's ambition to control migration. The reports show us how this control apparatus operated in practice to detect and deport unauthorized migrants. It was also through these reports that the BWU's workplace control became linked to the internal migration control that the police performed. The Union used the police to try to achieve its objectives regarding immigration. The police similarly permitted and even encouraged the Union to participate in migration control.

9.1 The workplace controls

The first workplace control we shall examine took place in Stockholm. The police and "Building Union 1", the section of the BWU in Stockholm, had received a tip that unauthorized Polish migrants renovated a villa. The police and union representatives visited the workplace together, and when the policemen entered the construction site they arrested seven Polish citizens who lacked work permits. We will review how a policeman described the workplace control:³

June 1, 2001 we conducted a workplace control with regard to construction work at a villa [...]. This was done after a tip about illegal workers. The tip was received by both the police and the BWU, "Building Union 1".

Present at the control were: Inspector Anders Olsson, Bengt Andersson, Ingrid Nilsson, Ove Karlsson, Joakim Persson, Mikael Svensson, Goran Olofsson and Mark Dahl. Representatives for Building Union 1 were also present [---].

All seven Poles were arrested and transported to the police station for further investigation. (Polismyndigheten i Stockholms län, dnr. K147772-01.)

This workplace control was completely undramatic and the Polish workers did not try to flee when the police arrived to the workplace. The leading roles in the description of the workplace control are played by the policemen. We see the representatives of the BWU only in the background. However, representatives of the BWU sometimes actively helped the police when they were trying to capture fleeing migrants. This was what happened in the town of Staffanstorp in Skåne. The background was that union representatives had visited the police station in Staffanstorp to report that unauthorized migrants were being employed at a construction site. Union representatives and police officers later visited the workplace together. When the police officers arrived to the construction site, one man fled from the building. The police officers followed the man and could with the help from a union representative arrest him. This is how a union representative described the event:

On July 5, 2000, our representative Anders Andersson visited the mentioned workplace [...]. For some unknown reason, the workers disappeared from the workplace.

On July 6, 2000, Anders Andersson and I met with the Police in Staffanstorp [...] to inform [...] that we suspected that the employer used workers who lacked work permits. We came to an agreement with the Police, that it would help us and visit the workplace to determine if it employed workers who lacked work permits. [...] we [later] went jointly to the workplace together with a policeman [...]. Two policemen were placed on 5th Street close to the building to prevent that the workers escaped. [...]

The policeman in our company went into the building and got in contact with some of the workers. Anders Andersson and I remained on the sidewalk. *We discovered that one of the workers came creeping along the fence [...]. The creeping individual noticed us and therefore fled over the construction site, where he was observed by the police. This led him to flee into the neighboring garden and into the house, which I brought to the policeman's attention. This led to the arrest of the escaping worker* (Polismyndigheten i Skåne, dnr. K82582-00. My italics.)

The threat of deportation – which all unauthorized migrants are living under – was embodied not only by the police, but also by representatives of the BWU. The BWU came after a while to be perceived as an enemy by unauthorized migrants. An important reason for this was the concrete cooperation with the police authorities. The assistance to the police in Staffanstorp to capture escaping migrants is a sharp – but not extreme – illustration of this cooperation. The Union's conflictual relation to unauthorized migrants took several forms. Many migrants learned that if the BWU visited a workplace to control that migrants had work permits, the police could also soon show up. This could lead to the migrants hiding when the Union performed its workplace control, or leaving the workplace before the police arrival. The man who was arrested by the police in Staffanstorp was a Polish citizen, and he was later deported. The reason for this was that he lacked work permit in Sweden.

9.2 Union's ability to restrict migration

How is the BWU's cooperation with the police to detect and capture unauthorized migrants to be understood? This mode of action needs to be placed in a historical context. A union can try to limit immigration in different ways, and the alternatives available depend on its strength and relation to the state. In the past, the BWU participated in the shaping of Swedish immigration policy because it was consulted when foreign nationals applied for work permits. By taking a restrictive stance on application for work permits, it could limit the immigration of construction workers to Sweden. This strong influence on immigration policy in earlier periods shaped the Union's perception of the migration from Eastern Europe during 1990–2004. The increase in unauthorized migration certainly created a new situation which could not be handled with the instruments used in the past – the strong influence on migration presupposed that migrants in fact applied for work permits in Sweden. It was instead when migrants increasingly did not apply for work permits that cooperation with the police emerged as a possible course of action. The ambition was to restrict this immigration, and it was in this situation that cooperation with the police became perceived as a justifiable course of action. From the perspective of the BWU, this was not primarily a struggle *against* unauthorized migrants, but a struggle to *preserve* the existing institutions in immigration policy.

It is, however, important to point out that the police also perceived the BWU as a legitimate partner in this cooperation. This approach to the Union as a partner in internal migration control stretched further than to investigate the cases on "illegal" migration that it reported. The police could also include the BWU in the planning and implementation of its workplace control. This is shown by the following excerpt from the planning of a workplace control in Stockholm:

Raid with Building Union 1 on Tuesday February 6

After an assessment of suitability, you, *Johan Svensson*, have been selected to lead a raid on a workplace chosen by "Building Union 1".

Preconditions:

Construction of parking garages in the basement level of the property [...].

Approximately 8 Poles involved in the work.

7 possible entrances and exits

Available personnel:

7 policemen from 1 a.m.

6 from "Building Union 1" to be disposed of appropriately. Two more men from Building Union 1 may possibly be ordered. (Polismyndigheten i Stockholms län, dnr. K32640-01)

The close cooperation between union and police was promoted by the corporatist political culture in Sweden. In this case, the boundaries between state and union are in fact dissolved. The union representatives stood available to the police, and the police intended to use them as it saw fit. This type of striking descriptions of the cooperation at the workplace controls is, however, more frequent in Stockholm than in Skåne. In Skåne, the picture is more fragmented: more migrants manage to get away, and it is also possible to detect a clearer frustration in union representatives that the work of the police does not produce desired result.

10 Deportations

To deport an individual to another state implies that the person is moved from one side of state borders to another, and authorities in Sweden had no control over these individuals after they had been deported. These individuals could therefore enter Sweden to perform unauthorized work again, and once again risk being deported. This was what happened in Höör in Skåne. Anders Olsson, who was a representative of the BWU, had received an anonymous tip about unauthorized work in Höör. He travelled to Höör to check if the tip was correct and found two Polish workers who did not have a work permit. The Polish workers were deported from Sweden in June 2000, but a short time later, they were back at the same workplace. This led them being arrested again and once again deported from Sweden:

June 29, 2000 [...] a raid was made by the police on the address 4th Street in Höör on the basis of an incoming tip on illegal work.

The above-mentioned Polish citizens Herda and Bienkowski were found at the address and after a decision by the Police authority in Skåne, both were deported to Poland.

August 9, 2000 [...] a new raid was made on the address 4th street Höör.

Also this time the above-mentioned Polish citizens were found which after a decision by the police authority in Skåne, also this time was deported to Poland (Polismyndigheten i Skåne, dnr. K79363-00).

This is not a uniquely Swedish phenomenon: that individuals who have been deported, later become unauthorized immigrants again, and thus risks being deported again. This is common in the migration between Mexico and United States, and between other sending and receiving countries that are geographically close to each other. In United States, the border police can arrest unauthorized migrants, deport them to Mexico, only to find them back in the United States a short time later. It has been argued that this is part of a "border game", where an important motive for the U.S. authorities is to show to the public that it is trying to do something about the large unauthorized migration from Latin America (Andreas 2000). The fact that unauthorized migrants can enter United States again a short time after they have been deported, shows, according to this interpretation, that it is very difficult for

states to restrict migration. The measures that they implement, as to distribute more resources to the border police, are largely "symbolic politics".

It was difficult also for Swedish authorities to prevent unauthorized migration, especially by Eastern Europeans that were allowed to enter Sweden without visa, such as Poles, Lithuanians and Estonians. It can, however, hardly be claimed that it was more or less impossible for the Swedish state to limit unauthorized immigration, or that the actions of the police and unions was part of a "border game", which aimed at satisfying demands for a restrictive immigration policy in the public opinion. The action of the BWU was rather driven by an ambition to restrict the labour immigration of these nationalities, because they were perceived as a threat to wages and working conditions of native workers. Although the BWU perceived of this immigration as large and problematic, it could be limited by restrictive measures.

The two Polish citizens that were arrested by the police in Höör were deported from Sweden partly because they lacked work permits, and they were in this sense undocumented migrants. There was, however, another reason to why they were deported – it was because they lacked the necessary means to support themselves in Sweden (Polismyndigheten i Skåne dnr. K79363-00). This was a frequently used reason when Polish citizens were deported in the 1990s, which could stay in Sweden up to three months without visas. This class-based restriction illustrates the narrow limits in the concept of undocumented migrants. The migrants that are deported because they lack sufficient means to support themselves, are deported not because they lack the necessary documents but because they are unwantedly poor.

11 Conclusion

The employment of unauthorized migrants in the Swedish construction sector has been shaped by a specific historical context. To a large extent, it was initiated by the collapse of communism in Eastern Europe, and exacerbated by the gradual integration of these states into the European Union. Furthermore, it has been shaped by the fluctuations in demand on the Swedish labour market. In important respects, it was a process that ended with the historic expansion of EU in 2004. It is proposed that "illegal" migration needs to be defined "in the medium of *time*" (Thompson 1965: 357), that is to say, in a context of action and reaction, change and conflict. Unauthorized migration "itself is not a thing, it is a happening" (Thompson 1965: 357). This formulation points to the fact that "illegal" migration is limited in time, that it goes through cycles of change, and that it has been shaped by large political and social changes in Europe. Moreover, it is a phenomenon that has been *created* by political action, in this case the action of the BWU. In a different context, the political work of defining unauthorized migrants as a problem or a threat can be attributed to other groups, such as nationalists or state officials.

The BWU fought an intense struggle to restrict the labour migration from Eastern Europe to Sweden. The political objective was to preserve the political institutions that gave unions in Sweden possibilities to shape immigration. The BWU worked on several different levels to achieve this end. On the level of *discourse*, it managed to construct unauthorized migrants as a threat to native workers' wages and working conditions, and ultimately to the whole

Swedish labour market model. On the level of *praxis*, the Union increased its workplace control, and cooperated with the police to detect unauthorized migrants. On the *judicial* level, the Union worked to expand the category “illegal alien”, aimed at making a larger number of the migrants deportable. However, the BWU did not succeed in its ambition to restrict labour migration from Eastern Europe. These migrants continued to enter Sweden in the same proportion as previously, and to perform work under arrangements that created conflicts with the BWU. The most important consequence of the BWU’s restrictive reaction was instead to create the “illegal” migrant in the construction sector as a political problem in Sweden. This migrant – who should also be understood as a social construction – was relatively unknown in Sweden before the 1990s.

The BWU’s response to unauthorized migration was shaped by the character of the Swedish state. More precisely it was shaped by the special relation between unions and the state. Political institutions shape the goals of both unions and employers, and correspondingly what they perceive as possible to achieve in migration policy. Political institutions also shape the methods that unions can use to achieve their goals. In this dimension we find the particularities of this study. In other words, the reaction of the BWU was promoted by the corporatist political culture in Sweden. The Union perceived the police as an organization with which to negotiate, and an organization to use for its own purposes. Ultimately, its action forced the police authority to increase its internal migration control. Correspondingly, the police perceived the Union as an interest group with which it needed to negotiate, and it even included the Union in its internal migration control. In this manner the Union became in fact an integral part of the internal migration control that the police performed. From the perspective of migrants, not only the police, but also union officials, represented the threat of deportation.

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The BWU’s response to unauthorized migration during 1990–2004 was exceptionally restrictive. It is *not* a typical case of union action, but one that requires, not only corporatist state structures, but also organizational resources that few unions possess in capitalist states. However, after the enlargement of EU in 2004 there are indications that the BWU is changing its strategy towards unauthorized migration. The number of unauthorized migrants in the construction sector has decreased, and the BWU no longer perceives them as a serious threat to native workers’ wages and working conditions. The cooperation with the police has been questioned from within its own ranks, both because it does not lead to desired results and because it alienates migrants. At some locations the Union has instead begun to give help to unauthorized migrants, in, for example, legal matters, instead of reporting them to the police (www.fcfp.se). However, it is unlikely that the BWU will begin to *organize* unauthorized migrants in the near future. In this respect, there are still important differences between many unions in Northern Europe and unions in Southern Europe and United States.

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Notes

1. This article is a part of a research project that is financed by *Forskningsrådet för arbetsliv och socialvetenskap*.
2. Skåne is the most southern region of Sweden.
3. All names and street addresses are fictitious.

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