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## Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal

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[Chapter in Mojca Pajnik and Giovanna Campani (2011), *Precarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96]

### Introduction

Mapping and evaluating the area of migrant labour integration in Cyprus is not an easy task as the issue of integration has for years been a non-starter. Until the end of 2010, when the first national action plan on integration was adopted, the policy framework could only be schematically imagined. It ought to be noted from the outset that there is an inherent contextual problem relating to the *de facto* division of the Cyprus, which was set up as a bi-communal and bilingual country; this paper only covers the area under control of the Republic of Cyprus, i.e., the southern part of the country.<sup>1</sup>

The current regime for the employment of third country nationals (TCNs) is the result of the labour shortages which were associated with the dramatic economic growth in the 1980s and 1990s, referred to as “the economic miracle” (Christodoulou 1992). This was the basic reason for radical change of policy in 1990 which allowed migrant workers in Cyprus. The so-called “economic miracle” of the late 1970s and 1980s was structured by a number of “external” factors, following the devastation which resulted from the Turkish occupation of the north since 1974. Prior to 1990, immigration policy was restrictive, hence very few migrants were allowed. When Cyprus first opened its doors to migrant labour in 1989, it was considered by policy-makers that “foreign labour” was required only temporarily to cover the developmental needs arising from the shortage of labour. As a result, the policy aimed at creating a regime of short-term contracts for migrants restricted to specific sectors of the economy (Planning Bureau 1989; Trimikliniotis 1999). Migrant labour was intended to be a short-term affair. Policy makers conceptualized that, via technological innovation and the re-training of the Cypriot labour force, the economy would eventually adjust and restructure, and the need for “foreign labour” would cease (Planning Bureau 1989; Matsis and Charalambous 1993).

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<sup>1</sup> Few studies have been published on the question of migration, migrants and settlers in the north. The issue is controversial and there are disputed views on the subject (see Hatay 2007, 2008 and Faiz 2008).

Hence, according to the original policy considerations there was no need to debate a “migration policy” as such, never mind an “integration policy.” At the time, this assessment may have had some credibility, even though the logic is problematic from its inception. If one was to examine the actual transformation in the employment and socio-economic reality in Cyprus in the 1990s (see Matsis and Charalambous 1993; Trimikliniotis 1999; 2010a, 2010b) it would become apparent from the early days, at least from early to mid 1990s, that the assumption on which this policy was based was false. Twenty years since the change of policy, the official number of non-Cypriots residing in the area under the control of the Republic of Cyprus, the vast majority of whom are migrant workers, is estimated to be over 180,195:<sup>2</sup> 97,638 are EU citizens, the other 66,187 are TCNs, and there are 7,803 students. From the TCNs, about 35,000 are domestic workers and a large number work in farms and agriculture. 3,413 TCNs work in international companies and another 9,123 with work permits. Also, there are 2,270 asylum seekers and refugees. The irregular migrants are estimated to be around 25,000–30,000.<sup>3</sup> During 2009 there was a reduction of the inflow of irregular migrants from the Turkish-controlled north of Cyprus. In 2008 the number was 5,162, whilst up until September 2009 there were only 3,154.<sup>4</sup>

There is little if any national literature on the subject reflecting the absence of public debate on the general subject of “integration.” If anything, the public debate is one which concentrates on “the numbers’ game,” with allegations that migrants and asylum seekers receive “too many benefits” and are responsible for the rise in crime, car accidents, and diseases.<sup>5</sup> What follows is an attempt to piece together and locate the knowledge derived from disparate sources, including academic and research papers as well as various technical reports, such as governmental and non-governmental reports, policy documents and other publications. These provide us with insight into the role of local actors, policy-makers, the assumptions underpinning policies, and the contestations over the making and implementation of policies.

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<sup>2</sup> Figures provided by the Population Archive in October 2010.

<sup>3</sup> This is the figure provided by the Ministry of Interior based on the estimation of the migration authorities in a letter to the author, dated 23 March 2010, for the purposes of the *Report on Cyprus for the International Migration Organisation*, see Trimikliniotis (2010b).

<sup>4</sup> In the same meeting the Minister of Justice announced that with the completion of the construction of a detention centre for irregular migrants at the village of Menoyia by 2010, a total of 256 can be detained. See <<http://www.ikypros.com/cgi-bin/hweb?-A=65620&-V=ikypros&w>> (26 October 2009).

<sup>5</sup> These are the findings of almost all the studies on the subject.

Attempts to study the integration policies of Cyprus for the period leading up and in the immediate aftermath to the 2004 accession to the EU (i.e., 2000–2006) have been made; however, it was difficult to locate and evaluate something that resembled an “integration” policy as such.<sup>6</sup> From its inception immigration policy had been highly problematic: the “model” is based on the same problematic assumptions that labour immigration to Cyprus is a temporary phenomenon to cover labour shortages in specific areas which are unpopular with Cypriots. It follows from this logic that any policy measures must be transient and short-term in nature, until there is labour retraining, technological innovation, and adjustments in the Cypriot labour force (see Planning Bureau 1989; Matsis and Charalambous 1993; Trimikliniotis 1999; 2010a; 2010b; Trimikliniotis and Pantelides 2003). Policy-makers persistently defend the short-term visa model for specific jobs and specific employers, a kind of *Gastarbeiter* model (Trimikliniotis 1999; Trimikliniotis and Pantelides 2003; Trimikliniotis and Demetriou 2006, 2008). In previous work on the subject, reference was made to the existence of an “immigration-integration conundrum” (Trimikliniotis 2006; cf. Trimikliniotis and Fulas-Souroulla 2010). Up to 2006–2007, no official or Ministry could be identified as being in charge of coordination or development of integration; there was simply no declared integration policy.

A useful starting point for analysis of the situation as it stands before the introduction of the new policy is the overview provided for the purposes of the *Migrant Integration Policy Index (MIPEX)*<sup>7</sup>, which locates Cyprus in a generally *unfavourable* integration position, which provides a point of departure and comparison across the EU: Cyprus is one of only five EU member states where the majority of non-nationals are from other EU countries, 5.7% of the total population is from outside the EU. Asylum seekers and international students make up a large part of the immigration flows. Legislative developments have been restricted to the delayed transposition of the EC Directives on family reunion and long-term residence, as well as some minor amendments to the laws transposing the two anti-discrimination Directives, in order to bring the transposing legislation in line with the equality *acquis*.

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<sup>6</sup> The Cypriot country report for the *Migrant Integration Policy Index* is available at <<http://www.integrationindex.eu/topics/2318.html>> (26 November 2009).

<sup>7</sup> See the Cypriot country situation for *Migrant Integration Policy Index*, available at <<http://www.integrationindex.eu/topics/2318.html>> (26 June 2010).

The study analyzes the areas in which Cyprus fares well in comparison to other EU countries and where it is “weak”:

- **Anti-discrimination** is the strongest of the six areas of integration policy measured by MIPEX, although it is still a full 40 percentage points away from best practice.
- **Political participation** scores unfavourably, with several critically weak policy dimensions. Even with the transposition of the EC Directives on **family reunion** and **long-term residence**, Cyprus has the worst score on family reunion out of the 28 MIPEX countries, the second worst on long-term residence, and the fourth worst on **labour market access**.

All major studies on third country migrant workers in Cyprus point to the same conclusion: that they remain in “a vulnerable position,”<sup>8</sup> in spite of the improvements to the institutional and legal framework, as recognized by the Third ECRI Report on Cyprus.<sup>9</sup>

### **Overview and Critical Evaluation of Country Specificities: Immigration and Integration Policies in Perspective**

The regional and international reasons that account for the migratory flows to Cyprus are the following: On the one hand, economic developments such as the worldwide growth in tourism and migration flows resulted in economic growth which increased the demand for labour in Cyprus. On the other hand, political developments such as the collapse of the Soviet Union resulted in the migration of labour from ex-Soviet countries, but also to the migration of a large number of Pontiacs from the Caucasus region who were granted Greek nationality and were thus able to enter Cyprus without too many formalities. In addition, the Gulf war, successive crises in the Gulf region, and unrest in Israel/Palestine have caused the inflow into Cyprus of both economic as well as political refugees from the affected countries. The process of accession to the EU is thought to have made Cyprus an attractive destination for migrants and asylum seekers, and the response of policy-makers was to keenly transform themselves to

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<sup>8</sup> See ECRI's *Second Report on Cyprus*. Strasbourg: European Commission against Racism and Intolerance, Council of Europe, 3 July 2001.

<sup>9</sup> See ECRI's *Third Report on Cyprus*. Strasbourg: European Commission against Racism and Intolerance, Council of Europe, 16 May 2006, p. 6.

“border-guards of Europe.”<sup>10</sup> Cyprus is a prime instance of a southern European country which “functions as the ‘entrance hall’ to the EU, and often serves as a ‘waiting room’ for many migrants who have the northern European countries as a destination” (Anthias and Lazaridis 1999, 3). New migration has the conditions for the “racialisation of migrant workers” (Trimikliniotis 1999) and the patterns of discrimination and ill treatment, particularly of migrants are well-documented.<sup>11</sup>

The current economic crisis is an issue that is beginning to creep into the immigration and employment debates in Cyprus. Unemployment is climbing upward, and even though it remains the second lowest rate in the EU it has doubled over the last year. According to figures released by Eurostat, unemployment in Cyprus reached 6.2% in November 2009, which marks an increase of 0.1% compared to October 2009. Despite this, Cyprus presents the fourth best unemployment rate in the EU. Cypriot unemployment was mainly affected by job cuts in the tourist and construction sectors due to the financial crisis. Unemployment among men in Cyprus reached 6.2% in November (6.0% in October) and 6.3% among women (6.2% in October), while unemployment for young people under 25 years old reached 14.7% in September.<sup>12</sup> Some trade unions are calling for more restrictions in the employment of TCNs, although the employers’ federation is firmly in favour of more migrant workers to fill in the jobs that Cypriots are unwilling to take. Fringe and extreme right groups and initiatives have emerged connecting unemployment to the presence of migrant workers; some of these articulate a clearly racist discourse and have repeatedly used violence against migrants in the streets.

### **The New Integration Policy: Signs of Change**

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<sup>10</sup> During his address to the EU summit in Thessalonica, the former President of Cyprus referred to the experience of Cyprus in dealing with migrants and asylum seekers and offered to share “expertise” with the European Community.

<sup>11</sup> See the 2001 ECRI *Second Report on Cyprus*. Strasbourg: European Commission against Racism and Intolerance, Council of Europe, 3 July 2001.

<sup>12</sup> See the Cyprus News Agency <[http://www.hri.org/news/cyprus/cna/2010/10-01-08\\_2.cna.html](http://www.hri.org/news/cyprus/cna/2010/10-01-08_2.cna.html)> (26 October 2009). In terms of the actual figures, the average number of registered unemployed persons for the entire year 2009 reached 17,505, compared to 11,541 in 2008, recording an increase of 51.7%. The increase was mainly recorded in the sectors of construction, trade, hotels and restaurants, real estate and business activities, manufacturing as well as to newcomers in the labour market. According to the latest figures released by the Statistical Service, the number of unemployed persons in Cyprus, registered at the District Labour Offices on the last day of December 2009, reached 21,530. These figures show that, based on the seasonally adjusted data, the number of registered unemployed reached 19,745 persons in December, recording a decrease of 2.8%.

The term used by the Interior Minister for the new integration policy, adopted in October 2010, is *entaksi*.<sup>13</sup> The term is the state-of-the-art in Greek terminology, employed instead of *ensomatosi*,<sup>14</sup> which contains notions of “incorporation,” demonstrating awareness of the current debates on the subject amongst Greek scholars against assimilation policies,<sup>15</sup> in contrast with his predecessors, who were often accused of making statements which were inflammatory and contributed to xenophobic climate.<sup>16</sup> The newly adopted *National Inclusion Policy (NIP)* includes elements of support and information of TCNs who are legally residing in the country, utilizing and/or activating local government, and the participation of civil society. Gender mainstreaming has been identified as a priority target within all policies.<sup>17</sup> The Interior Minister has stated that his Ministry will be monitoring the progressive harmonization of the participation in public life of migrants with long-term stay so that “the conditions are created which will allow them to exercise their rights as citizens.” He added that the success of this task will depend on whether “all kinds of associations and organization, from athletic organizations to political parties accept migrants in their ranks” by implementing equal opportunities policies, electing migrants in all responsible levels of representation, and cooperating with migrant organizations.<sup>18</sup>

Beyond the legislative changes, a number of accompanying measures are foreseen, such as:

- Actions for provision of relevant information, awareness-raising and training;
- Language classes;
- Promotion of equal treatment at work;

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<sup>13</sup> In Greek the term is *ένταξη*.

<sup>14</sup> In Greek the term is *ενσωμάτωση*.

<sup>15</sup> For the Greek debates on the subject the book by Pavlou and Christopoulos (2004) remains one of the best on the current policy debates, particularly in the Greek and European context.

<sup>16</sup> Some nationalists and far-right politicians and fringe groups have repeatedly accused the Minister of Interior as being too “pro-migrant.” The most recent accusations came following his condemnation of heavy-handed policing and arrests of TCNs in the city centre of the Cypriot capital, Nicosia, in November 2009. On the contrary, the philosophy and discourse of the Minister was commended by many experts during the European Conference on Free Movement of Workers, which was addressed by the Cypriot Ministers of Interior, Neoclis Sylikiotis and the Minister of Labour and Social Insurance, Sotiroulla Charalambous. This was communicated to the author by a number of experts who were impressed by the emphasis on human rights, inclusion, non-discrimination, the enhancement of labour rights, which provided a positive vision for migrant labour to Cyprus and Europe at large, TCNs, and EU nationals.

<sup>17</sup> This is under the supervision and direction of Equality Unit of the Ministry of Justice and Public Order (Μονάδα Ισότητας του Υπουργείου Δικαιοσύνης και Δημόσιας Τάξης) and the National Mechanism for the Rights of Women (Εθνικός Μηχανισμός για τα Δικαιώματα της Γυναίκα).

<sup>18</sup> The mechanisms identified by the Interior Minister as necessary for the implementation of the NIP and the monitoring of its success include valid and accurate statistical data; the development of valid indicators (quantitative and qualitative) of inclusion/integration; systematic evaluation and review of such indicators; and utilization of such data for the development of realistic action plans.

- Access to justice;
- Seminars for employers and employees on labour relations, vocational training, health provisions at schools, and maternal services (all provided free-of-charge irrespective of nationality);
- Educational measures for the integration of children at schools;
- European Refugee Fund projects and projects under the EQUAL Community Programme.

### **Regularization and Immigration Control**

The issue of integration must be connected to the general issues of immigration control. There is an operative paradox when dealing with immigration regulation, as tougher immigration control reproduces irregularity; hence many countries are forced to adopt regularization policies (Trimikliniotis 2009). In the case of Cyprus there is no debate on regularization: the “Cyprus problem” dominates the political scene and the population issue is one of the contested points in the current negotiations to resolve this long-lasting conflict. It would be safe to predict that until the Cyprus problem is resolved one way or another, regularization will not form part of the agenda of policy makers.

In reality the political debate, which is largely media-generated and media-amplified, depicts “the problem” of “too much immigration” and “failure to control the flow of migrants.” Anti-immigrant politicians and media discourses connect migration to asylum seekers in what is invariably a constantly replayed “numbers’ game.”<sup>19</sup> In any case, the official figures show that there was a reduction of the applications for asylum to 1,180 applications when compared to 2,500 for the same period. This is attributed to “better surveillance of the ‘Green Line’ and the expediting of the application procedure” which reduced the motive of the applicants to obtain benefits whilst the application was pending: pending applications were massively reduced from 8,500 in 2008 to 1,500 in 2009. The Minister of Interior has stated that during 2009 there was a reduction of the inflow of irregular migrants from the northern Turkish occupied

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<sup>19</sup> See Trimikliniotis 1999; Trimikliniotis and Demetriou 2006; Charakis 2005.



part of Cyprus: whilst in 2008 the number of irregular migrants from the north was 5,162, in 2009 up until September there were only 3,154.<sup>20</sup>

At the time of writing, Cyprus had not yet transposed the EU Directive<sup>21</sup> which sets minimum standards on sanctions and measures against employers of illegally staying TCNs,<sup>22</sup> although national legislation does provide for certain sanctions.<sup>23</sup>

### **Gender and Regional/Local Dimension in Integration Mechanisms**

Little concern has been given in the literature on gender in Cyprus: gendered employment has so far failed to examine the migrant women as part of female labour of Cyprus in the same way that the few studies that exist on labour in Cyprus generally do not consider migrant labour as part of the working class, as pointed out in other works (see Trimikliniotis and Souroulla 2010; cf. Trimikliniotis 1999). However, more recently literature on migrant labour and migration in Cyprus has increasingly begun to consider the issues relating to the hierarchies in the labour market, discrimination and exploitation of various categories and social groups, geographical factors, and gender specificities.<sup>24</sup>

In general, the position of women in the labour market, both migrant and Cypriot, the legislative framework for gender equality, and collective bargaining show a serious gender gap, with women having a lower employment rate and lower salaries. Women are over-represented in low-skilled jobs, and there are indications that they fill a significant number of jobs in the clandestine economy. This last category includes the large number of female migrant workers employed in the so-called “sex industry,” as well as many migrants employed as domestic workers. It should be noted that the largest increase in employment was

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<sup>20</sup> Statement by the Minister of Interior speaking before the House of Representatives (Parliamentary Committee on Internal Affairs), 25.10.2009, *Αλήθεια* 27.10.2009

<sup>21</sup> 2009/52/EC.

<sup>22</sup> Officials from the Ministry of Interior have informed the author that the Ministry of Interior is currently discussing transposition measures for the Directive with the Ministry of Justice, the Ministry of Labour and the Police.

<sup>23</sup> Article 14B of the *Aliens and Immigration Law* Cap. 155.

<sup>24</sup> See Trimikliniotis 1999, Trimikliniotis and Demetriou 2005, 2006, 2007, 2008; Trimikliniotis and Fuliass-Souroulla 2010; Charakis 2005; Panayiotopoulos 1995; see also <<http://www.medinstgenderstudies.org/news/integration-of-female-migrant-domestic-workers-strategies-for-employment-and-civic-participation/>> (23 December 2010).

related to private households that employ domestic staff, and was due to the continued increase of migrants employed as domestic workers (see Soumeli and Trimikliniotis 2004).

Whether as an issue of public discourse or violation of employment/human rights of domestic workers and in particular South-East Asians (Kadir 2001; Lenz 2006), or a general issue of belonging and participation of women migrants in civic life (Trimikliniotis 2003), the exclusion and racism targeting migrant women assumes specific forms and raises its own particularities.

### **TCNs and the Labour Market**

Studies have shown that TCNs had a major impact on the economy and are believed to have contributed up to 54% of the growth since they first arrived in Cyprus.<sup>25</sup> Nevertheless, the institutional framework covering the employment of TCNs carries the following characteristics: (a) Work permits are granted to employers on the condition that the migrant worker applied for is attached to a specific employer (the applicant) without the freedom to change jobs unless the original employer consents to such change or there is a labour dispute; and (b) Work permits are granted on an annual basis and with a maximum ceiling of five years in order to exclude the possibility of having to grant to TCNs the status of a long-term migrant, structurally producing and reproducing a framework of precariousness and exclusion. There are major gaps in the employment policies as a result of which patterns of inequality in the labour market can be located, particularly if one examines the kind of jobs TCNs are concentrated in, at the lower echelons of the labour hierarchy. The pre-condition for granting them employment and entry permit is that they take up jobs that Cypriots do not wish to do, which are typically low-skill, pay, and status. TCNs have little, if any opportunity for training and betterment and no opportunity whatsoever to progress or advance in the employment ladder in terms of promotion or career move, as their stay is dependent on the particular job and employer (see Trimikliniotis and Pantelides 2003; Charakis 2005).

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<sup>25</sup> See the findings of Michael et al. (2005), which examined the economic effects of the work of migrant workers in Cyprus. Using econometric analysis they estimated parametrically, on the basis of the available data at that time, the effect of migrant workers' labour in the total gross domestic product of the Cypriot economy and of each sector separately. The results provided ample evidence of the importance of foreign workers for the economy as a whole and each sector individually.

The inequality and exclusion of TCNs in the labour market has resulted in a higher share in labour accidents and exposure to extreme weather conditions (life-threatening high temperature and humidity). This is due to the fact that their employment is concentrated in manual, low-skill jobs in sectors which are much more prone to labour accidents (e.g., construction) where employers persistently fail to comply with the guidelines issued by Labour Inspection Department of the Ministry of Labour.

## **Unemployment**

Given that it is a precondition for a third country migrant to have a job in order to obtain a work permit, it is not possible to establish a link between unemployment and TCNs, although migrant youth whose families have a less precarious presence in Cyprus may be facing unemployment.<sup>26</sup> Given the recent xenophobic and anti-immigration discourses connecting migrants the rise of unemployment, a study published in 2009, which although does not deal with migrant unemployment as such, it examines the impact of immigration on unemployment, labour force participation and part-time employment.<sup>27</sup> The study found that, despite the sharp increase of the number of migrant workers in Cyprus in the last 15 years, the presence of migrant workers has not affected total unemployment or total labour force participation in Cyprus; part-time employment seems to be marginally affected overall. However, the presence of migrant workers affects the probability of unemployment, labour force participation, and part-time employment of some age and education groups. The study found that the presence of migrant workers increased the probability of unemployment for younger individuals in the 20–29 age group, while there is no significant impact on unemployment for older people: educational attainment does not seem to play a very important role. Among people aged 20–24 years, a percentage unit increase in the share of migrant workers increases the probability of unemployment by 0.28%; whilst for individuals aged 25–29, there is a slightly different impact according to education level; 0.39% for tertiary-educated individuals, 0.35% for individuals with primary education and 0.26% for

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<sup>26</sup> It has been suggested during an interview with one leader of a Pontiac group that there may be a problem with young Pontiacs who find it difficult to find work (see Nicos Trimikliniotis (2001) *The Educational Problems of the Pontiacs in Cyprus: Preliminary Research and Report on Primary Education*. Report on behalf of the Cyprus Association of Sociologists submitted to the Ministry of Education). Pontiacs are of Greek origin that migrated from the Caucasus region and Georgia to Cyprus after 1989.

<sup>27</sup> The study used data from the EU Labour Force Surveys for the period 1999–2005. See Christofides et al. (2009).

individuals with secondary education. It found no statistically significant impact for individuals with upper secondary- non tertiary education of any age. The study concluded that over the period 1999–2005 there was no significant overall impact of migrant workers on total labour force participation.

## **Discrimination and Exclusion**

Even though there is no official and non-official statistical data or other information available dealing with incidents of racism, discrimination, and the situation of TCNs in employment, there are sound studies showing evidence of discrimination, marginalization, and exploitation. From the data on TCNs in employment and the types of jobs they perform, it is possible to draw some conclusions as to their position in the labour market and in society-at-large. It is possible to infer that the position of migration employment remains vulnerable and trends illustrate that there are problems of discrimination and non-integration in employment.<sup>28</sup>

The Third ECRI Report on Cyprus confirms the findings of the Second ECRI Report that TCNs continue to form the most vulnerable group despite institutional developments brought about by Cyprus' EU accession in 2004. Evidence of non-compliance by the employers with contract terms is abundant. Various Annual Reports of the Labour Office<sup>29</sup> of the Ministry of Labour and Social Insurance state that the policy is to ensure equal treatment between Cypriots and non-Cypriot workers. However, other studies suggest that “it is generally admitted by all interested parties that there is exploitation of foreign labour force in Cyprus and especially on subjects such as pay, labour/industrial relations, and working conditions.”<sup>30</sup> This is attributed to inadequate information, the general feeling of social exclusion, and marginalization due to the inability and unwillingness of Cypriots to accept cultural diversity. The study has located barriers such as language, educational, and family reasons, non-

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<sup>28</sup> See Trimikliniotis and Demetriou (2006, 2008). This is confirmed by ECRI's *Third Report on Cyprus*. Strasbourg: European Commission against Racism and Intolerance, Council of Europe, 16 May 2006.

<sup>29</sup> See <[http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlannual\\_gr/dmlannual\\_gr?OpenDocument](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlannual_gr/dmlannual_gr?OpenDocument)> (5 June 2010).

<sup>30</sup> Presentation of Preliminary Results of a Research, 2006: European Mobility Year in an Enlarged Europe, on behalf of the Labour Department of the Ministry of Labour, 2.10.2006, Lefkosia. The research is based on interviews of stratified samples from all echelons of working life of 850 Cypriots, 200 workers from different European countries and uses methods of questionnaires, semi-structured interviews, and focus groups.

recognition of academic qualifications, and the great distance between Cyprus and continental Europe.<sup>31</sup>

Lower pay for migrant workers was discussed by the migrants interviewed for the purposes of PRIMTS project, confirming that irregular migrants are often paid much less than Cypriots or regular migrants. Ahmet, an unemployed Bulgarian worker in search for construction work alleges that non-European migrants accept to work with much less than EU nationals:

For example now the others, Russians, Pakistanis, I don't know, others as well, they work for 40 euros. Their price is lower. But they do not deposit anything, they are all illegal. (Ahmet, 26, Bulgaria, unemployed)

Sometimes employers register migrant workers as farm workers but use them for various other tasks unrelated to their job description, and thus pay them less than what those jobs require. Sugath, a Sri Lankan migrant registered as a farm worker interviewed for PRIMTS reported that his job regularly includes fixing parquets, curtains, floating screed etc. but is paid less than the other workers who are employed to perform such tasks:

I am working with one Romanian, Hungarian, and a Cypriot the boss also ... and they are getting more salary, they are getting 1,000 euro. But I am also doing that, the same job and they are paying me 402 euro only. Less salary but what can I do? I need the job. (Sugath, 43, Sri Lanka, farm worker)

Other migrants, however, stated that they knew of EU nationals who were also paid less than Cypriots. Gomul, a Bangladeshi migrant spoke about the discrimination he faced together with other non-Cypriots EU workers which took the form of lower pay for the same kind of job when compared with Cypriots:

I know that other Romanian they also know there are given less money, but they not complaining. They tell if you like to work, work, if you don't like, you may go home. They say like this! (Gomul, 32, Bangladesh, printer)

Many studies have located that colour remains a signifier of racism (Trimikliniotis 1999, 2005; Charakis 2005; Trimikliniotis and Demetriou 2008;). The empirical findings of the PRIMTS study indicate that there is widespread discrimination and if one is black, he or she is more likely to be stopped and searched. This is what Natham, who works in construction, has noted:

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31 See Press Release and power point presentation of the study *Barriers to Mobility from and to Cyprus*. (No link available)

Those who had white colour, let's say Syrians, Iranians, Iraqis, they are okay, because the police will pass to the place, they will see white people are working ... Okay, if they see a black there, they will go and ask "What is your paper?" So, is very risky for a black to be working illegally and then you don't even have chance to be taken by this employer. (Natham, 35, Congo, mediator)

The Cyprus Equality Body has ruled that the treatment of foreign female domestic workers is discriminatory on the ground of race or ethnic origin and located indirect discrimination in the low salaries paid to migrant domestic workers<sup>32</sup> compared to Cypriot workers. The fact that there is evidence of discrimination and violation of the employment working conditions of domestic workers was already recorded by many studies (see Trimikliniotis 1999; Kadir 2001; Trimikliniotis and Pantelides 2003; Trimikliniotis and Demetriou 2007, 2008).

The Third ECRI Report also points to indirect discrimination against non-EU workers "when collective agreements stipulate unreasonably disadvantageous conditions for sectors mainly operated by these workers." The ECRI Report refers to "exploitation and abuse by (...) employers" of domestic and other foreign workers, noting that there have been some changes in the procedures; however, "the close link still existing between employment with a specific employer and the residence permit" continues to be critical and as a result "domestic and other foreign workers are still reported to endure serious situations of exploitation and abuse in order to avoid deportation." In the PRIMTS study it was found that gender issues are inscribed in the labour of domestic work for instance and are manifested in the distortions and abuses in encounters with Cypriot women, but more directly apparent when examining the relations with men. Some domestic workers particularly referred to the sexual harassment which may force female migrant worker escape from their employers:

Lena: Yes, they don't give food, because they don't want to spend money for us, they buy everything for themselves, but they don't give food for us, that is why girls are running. Some girls are running, to make boyfriend, but not all the girls are same [pause] they make like this, so employer think like this, it's not true, all girls have too much problems. They are not same, no food sometime, Madam are shouting, telling to do bad work also.

Moderator: What they do?

Lena: They [the employer] ask to do sex! Many run away from employers! I pay for the agent, they also didn't do anything for my release paper, one agent, I paid 300 euros.

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32 Calculated at CYP0.82 per hour, contrasted with CYP4-Cyp5 per hour for Cypriots carrying out the same work: Cyprus Ombudswoman Report File No. A.K.I 2/2005, dated 4.11.2005, page 4.

Moderator: What did she do?

Lena: She didn't do anything for me [release paper]. I have my case until now, not finish [pause]. Also one agent said that she will do my release paper, she also took 300 euros from me, she took money and didn't do anything.

Mabel: I heard my three, four girls from India. She, err, don't find nothing job; she is taking 300 euros [almost everybody is speaking at the same time]. Also, Dora another agent, she [mentions where the agent lives] take money and do nothing. (Lena, 25, India, irregular domestic worker; Mabel, 26, India, irregular domestic worker, focus group)

The study of the Mediterranean Institute of Gender Studies<sup>33</sup> illustrates that the discrimination against domestic migrant workers employed in Cyprus is specifically structured by a number of factors routed in the policy regulating their stay, working conditions, and employment position and shows violations of the contractual and labour rights as they are forced to work more than the seven hours per day that their contract provides and are essentially always on call by their employer. Christina, a Sri Lankan migrant domestic worker interviewed for the purposes of PRIMTS, noted that employers sometimes forget that domestic workers are human:

When we come here we spend a lot of money and we miss our families. Physically, emotionally we are tired because we are human. They have to think also reasonably for our side. But sometimes they think: "Ok, this is my maid and I can do whatever I want with her." They forget that we are human also. (Christina, 27, Sri Lanka, domestic worker)

## **Policy Assessment of Informal Economy and Undeclared Work**

Data on undeclared work is fragmentary and based on estimates and rough guess. Cyprus' "black market economy" is worth more than an estimated 486 million pounds (972 million dollars) annually, representing 9.17 per cent of its gross domestic product (GDP).<sup>34</sup> Irregular

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33 The Mediterranean Institute of Gender Studies (MIGS, see <[www.medinstgenderstudies.org](http://www.medinstgenderstudies.org)> (13 October 2010)), in collaboration with Intercollege is coordinating a transnational project entitled "Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation," funded under the INTI Preparatory Actions 2005, Integration for third country nationals of the European Commission. They have published a leaflet which contains the results of the project with regards to the situation of female migrant domestic workers in each of the five partner countries, as well as policy recommendations on EU level. It is available in English and Greek; see <<http://www.medinstgenderstudies.org/wp/wp-content/uploads/inti-results-leaflet-english.pdf>> (15 October 2010).

<sup>34</sup> See AKEL (2004: " *Black Economy in Cyprus*, Nicosia, for a study on the so-called "informal sector." According to this study the biggest sector in the island's illegal economy is drug trafficking, worth 136 million Cyprus pounds each year, and prostitution worth 40 million Cyprus pounds.

or undocumented or clandestine migrant workers form a significant portion of what is known as the “informal” or “black economy,” and can be seen as part of the phenomenon of “undeclared work.” The current policy on the informal economy and undeclared work is to crack it down essentially by repressive measures. Undocumented migration has additional and specific characteristics that derive from their third country national status which make their position in “undeclared” work particularly vulnerable as they face, if discovered, detention, fines, and imprisonment as well as deportation.

In Cyprus, irregular or undocumented migrants are primarily “overstayers”, i.e., workers who have entered the country legally but remain after their visa conditions have expired. They are employed in sectors of the economy with extremely harsh working conditions such as construction, agriculture, manufacturing, and the entertainment business. Media reports bring out the plight of such workers, who are said to be paid minimal wages, far below the official minimum wage acceptable to Cypriots (statutory or terms agreed in the collective agreements), endure long working hours, unhealthy and unsafe working conditions, and it is not uncommon that they are harassed, not to mention the practice of some employers to withhold their wages, particularly in the case of seasonal workers. Some fall victims to labour trafficking and have to survive under slavery-like conditions.

The Council of Europe Commissioner for Human Rights<sup>35</sup> criticized the practice of the authorities in Cyprus to criminally prosecute persons who enter the country unlawfully or who reside in Cyprus unlawfully and suggested the handling of such cases at the administrative level, which would also contribute to the alleviation of the problem of the overcrowding of jails, where the illegal immigrants are held. Also the Third ECRI Report on Cyprus records that the working conditions in the sectors of the farming and agriculture industry, which is almost entirely made up by migrant workers, are “extremely poor”: wages are well below the minimum fixed by collective sectors of the economy. The Report refers to NGO claims that asylum seekers are pushed towards the irregular labour market and recommends that the Cypriot authorities ensure that asylum seekers are not discriminated against in exercising the right to employment granted to them by law. No measures were taken towards implementing these recommendations.

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<sup>35</sup> Report of the European Commissioner for Human Rights Alvaro Robles on Cyprus, submitted to the European Council on 12.02.2004.



There is no mechanism for irregular migrants to lodge complaints against their employers. Irregular migrants are reluctant to file complaints for fear that they will be returned to their home country when caught; in fact there have been instances reported in the media as well as in reports of the Ombudsman where migrant workers in *legal* employment were forcibly expelled from the country when they filed complaints against their employers. Evidence of non-compliance by employers with labour laws is abundant, whilst few initiatives have taken place to unionize or otherwise organize migrant workers.

Under Cypriot law, assistance to third country nationals to lodge complaints is not considered as facilitation of unauthorized residence under domestic rules implementing the relevant Council Directive<sup>36</sup> defining the facilitation of unauthorized entry, transit and residence, or under other national regulations. The *Aliens and Immigration Law*<sup>37</sup> criminalizes assistance to unlawfully enter, transit or stay into any member state, however this provision cannot be interpreted as including assistance to file complaints. In late 2009 immigration law was amended so as to criminalize the renting of accommodation to undocumented migrants.<sup>38</sup> The law has attracted criticism from MPs and human rights NGOs that it attempts to turn the average citizen into police spies, but no consideration was given to the impact of this law upon the migrants themselves.

### **Critical Evaluation of Other Policies Affecting TCNs**

*The Cyprus National Action Plan for Employment 2004–2006* (NAPE) set out certain goals which have not been met. The relevant section, Guideline 7 of the NAPE titled “Promote the integration of and combat discrimination against people at a disadvantage in the labour market,” is silent on measures to combat discrimination on the grounds of racial or ethnic origin. On the contrary, it praises the current system which attaches migrant workers’ entry visas to specific employers, as a measure, which has minimized unemployment amongst third country nationals. Referring to the Pontiac migrants in Cyprus, the Guideline states that they do not face unemployment problems due to the conditions of full employment and thanks to

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<sup>36</sup> Directive 2002/90/EC of 28 November 2002.

<sup>37</sup> Article 19(A).

<sup>38</sup> *Law amending the Aliens and Immigration Law No. 143(I)/2009.*

the “special education measures for these people aiming at their social integration (e.g. supportive teaching, language learning, and special activities).” Despite the abundance of evidence and research, the NAPE did not recognize the existence of any social exclusion problems among migrants. The promotion measures it set forward for the elimination of social exclusion are general and not focused on any group in particular (with the exception of measures for persons with disabilities).

The *National Action Plan for Social Inclusion* for the period 2004–2006 published by the Cyprus Ministry of Labour and Social Insurance in July 2004 lists migrant workers as one of the vulnerable groups as “groups at risk,” but does not foresee any measures to address this. When social partners who were asked to comment on the Plan, the Pancyprian Federation of Labour (PEO) and to a lesser extent the Democratic Labour Federation of Cyprus – DEOK raised an issue with the way in which discrimination against migrants was dealt with in the Plan. The PEO pointed out the need for institutional transformation to improve the vulnerable position of migrant workers especially against deportation due to interruption of their employment relationship and stressed the need for adequate medical insurance and the need to safeguard their social insurance rights. The National Action plan, without providing any detail, pledges that “the key priority for the social protection system of Cyprus is to maintain its successful performance in countering social exclusion and to respond with a sustainable approach to the socio-economic challenges of the future.”

The *National Report on the Strategies on Social Protection and Social Integration 2008–2010* (p. 10) prioritizes TCNs’ integration as a measure for the promotion of active inclusion of vulnerable groups. This includes references to full integration in Cypriot society, access to social services, vocational training for refugees, protection of unaccompanied minors, and provision of language course. In setting the main challenges, priorities, and goals, the Report refers to the need for immediate measures to combat poverty and social exclusion (p. 16–17): amongst the groups at risk are “economic migrants and refugees, especially third country nationals” (p. 17). Amongst the various measures proposed it also includes “cultural support and social integration of adults and children of TCNs.” The Report does not contain any definition of integration and the measures are general and vague. The subheading “Development of actions for inclusion of TCNs” (p. 25) pronounces that during the period 2008–2010 a number of programmes will be developed aiming at the intervention and action

for “the smooth integration of aliens in Cypriot society” and their support/promotion in the labour market via measures that would achieve the EU integration goals.

### **Trade Unions and Civic Activities**

The current institutional framework hardly provides the space for the civic participation of immigrants. It is, therefore, hard to differentiate between restrictive and encouraging legal conditions. There are obviously “restrictive conditions” that prohibit political participation in elections (restrictions in voting, in standing for office), unless full citizenship is granted, but there are no formal prohibitions of membership in parties and organizations, rights for self-organization, public rallies, etc., although there have been cases where the contract of employment of migrants in certain sectors prohibited involvement in political activity. Overall, the situation in Cyprus can be described as rather disappointing on the issue of the civic participation of TCNs. Even though the rights guaranteed under the Constitution and the ECHR are generally respected, with some exceptions, migrants face a tough regime because, on the whole, issues relating to their stay are considered as falling outside these rights. The anti-discrimination legislation transposing Directives 43/2000 and 78/2000 has had little impact on the situation of migrants in Cyprus and this is mostly restricted to their conditions of work.

The main focus of the migrant support NGOs in Cyprus is to protect the basic rights of migrants in labour disputes. Lack of funding and understaffing, however, restricts the activities of many NGOs and civic participation such as foreigners/immigrant committees, quotas and subsidies to ethnic organizations have not been on top of their agendas. Over the last years, some migrant support initiatives have developed. However, the sector remains underdeveloped and the media does not always give it the space and attention it requires.

There have not been any trade unions as such set up by immigrants, although a small number of organizations or associations of immigrants are gradually beginning to emerge. One of these organizations was set up by and consists of migrant workers from Bulgaria, whose intention is to focus on labour issues, including conditions of employment. Another organization that was set up with the assistance of UNHCR is that of recognized refugees; its activities have for various reasons been very limited and restricted to employment related

issues and to assisting asylum seekers with the asylum procedure. Immigrants are allowed and encouraged to join the mainstream trade unions. It is argued that trade unions have not been very successful in taking action to support or demonstrate their solidarity to migrant workers (Trimikliniotis 1999). In spite of the ideological differences and the varying degrees of emphasis between the trade unions in Cyprus,<sup>39</sup> there is a consensus<sup>40</sup> in their reluctance to accept the presence of migrant workers in Cyprus, who are regularly blamed for rising unemployment.<sup>41</sup> During the 1990s, trade unions adopted a defensive approach towards migrant workers, and made regular xenophobic remarks. It was common for trade unionists, particularly those on the right of the political spectrum, to claim that “*they [migrant workers] are stealing our bread.*”<sup>42</sup> Interestingly, even the super-exploitation and human rights violations of migrant workers have been invoked as justification for their deportation.<sup>43</sup> The trade unions of the Left are more cautious and adopt a more sympathetic approach towards migrants, but they have not done very much to organize migrant workers in their ranks. Over the last 10 years, the left-wing trade union PEO has shifted towards a generally more sympathetic approach towards migrant workers and a number of initiatives were taken to support them, including the setting up of the Migrant Workers’ Bureau in 2003 to address exclusively the problems of migrant workers, the employment of a number of migrant workers as trade unionists/liaisons with the migrant communities, and a large conference in 2004 for the rights of migrant workers which was widely attended by migrant workers themselves. The PEO has advocated for the need to take measures to combat the widespread discrimination against migrant workers, especially in sectors where collective agreements are not in existence.

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<sup>39</sup> One must distinguish between trade unions, as there are differences in emphasis and ideological leanings. PEO has to be seen in conjunction with the left wing party AKEL and the broad Left. SEK (Confederation of Labour of Cyprus) is ideologically and organically tied to the Right-wing party DESY (Democratic Rally).

<sup>40</sup> In December 1996, there was even common action by trade unions taken against migrant workers in the hotel industry in Paphos; see reports in *Haravgi*, 12.12.1996 and *Phileleftheros*, 13.12.1996. Today, all trade unions regularly express their misgivings about the numbers of migrant workers in Cyprus and even call for more restrictions. Only the PEO has taken a strong stance to condemn the recent wave of anti-immigrant fervour in the media, with MPs from all the parties, with exception of AKEL, marching against the presence of migrants and particularly irregular migrants.

<sup>41</sup> In addition to SEK and DEOK, the argument that unemployment is linked with immigration is still maintained today by the Cyprus Ministry of Labour, but disputed by the employers’ union OEB who argue that more permits for the employment of migrant workers must be issued if the targeted rate of growth is to be achieved (see reports: “OEB: Oi allodapoi den epirezoun tin anergia” in *Phileleftheros* (28.09.2005); “I apaxsolisi allodapon den epirazei tin anergia” in *Phileleftheros* (09.10.2005)). In a recent press conference, the Minister of Labour referred to a study made by his Ministry, which attributes the recent rise in unemployment primarily to immigration (Christophorou, C. “Xenoi afxisan tin anergia” in *Phileleftheros* (10.08.2005)), however when we asked the Ministry for a copy of this study we did not receive any response.

<sup>42</sup> SEK spokesman in *Phileleftheros* (02.12.1997).

<sup>43</sup> Interview with Assistant General Secretary of SEK, Demetris Kittenis, *Ergatiki Foni* (30.10.1996).

There are sectors of the labour market that have traditionally been trade union strongholds, such as the construction industry, where approximately 50% of the workforce is made up of migrant workers; in such sectors trade unions have eventually started to recruit migrant workers as members and they advocate for their rights. However in sectors which have not been unionized, such as the agricultural and farming sector which is predominantly made up of migrant workers, trade unions have failed to unionize them, partly due to employers' hostility, and partly to the difficulty of unionizing seasonal labour, but also due to an absence of a sense of priority by the unions.

It is apparent that there are structural barriers to the proper representation, organizing, and articulating the case for migrant workers by the trade unions. The migrant workers more actively involved in the trade unions are the Greek nationals of Pontiac origin and the Bulgarian nationals; this may be attributed partly to the fact that their countries of origin have a history of unionization, when compared to other migrants in Cyprus, but primarily to the fact that their residence status in Cyprus is more secure than that of other migrants and are less likely to face deportations if they lose their jobs.

## **Conclusions**

Integration requires a serious change in the whole way in which migrants are perceived and are structurally located in society. In particular, it requires a radical reform of the current immigration model which needs to shift from the short-term temporary model to a policy of granting long-term status to migrants who have a vested interest in adapting and producing in Cypriot society. At policy level, the whole approach to immigration policy must break away from the ideology of "control" and, in particular, border control and move towards a more proactive and positive approach towards immigrants and immigration. The basis of the model of reception of migrant workers must be based on a multi-cultural model that promotes equality and non-discrimination, participation and dialogue, belonging, and respect for difference.

The policy of repression followed in Cyprus has proven to be ineffective in controlling migration flows and merely reproduces the problem of exclusion and discrimination. As

argued elsewhere (Trimikliniotis 2009), the current regimes of regulation of the most vulnerable groups, the “weakest link” of labour and the backbone of undeclared labour and clandestine migrant labour is in fact produced and reproduced by the way migrant regulation is organized, somewhere in between immigration regulation and labour regulation. It is the process of legislating and what one scholar called “institutional precariousness” (Watts 1999, 129–148) caught inside the contradiction between severe and repressive immigration control on the one hand, and ineffective labour market regulation on the other.

The reproduction of racist ideologies by “scapegoating” migrants is the guise behind which extreme Right and racist ideas are being bred. A longer-term vision ought to be adopted learning from the experiences of southern Europe: only via the regularization of undocumented workers can we progress towards this vision.

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