

RELEASED

Not to be released outside the Ge
Accounting Office except on the basis of specific approval
by the Office of Congressional Relations.

22725
119569

REPORT BY THE U.S.

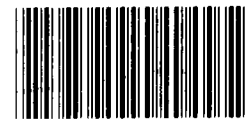
General Accounting Office

Information On The Enforcement Of Laws Regarding Employment Of Aliens In Selected Countries

This study provides information on legal and illegal alien workers in 19 countries and Hong Kong. Specifically, GAO compiled information on the countries' laws and policies concerning guest workers, national identification documents, employer responsibilities, illegal alien workers, and law enforcement. The Subcommittee on Immigration and Refugee Policy, Senate Committee on the Judiciary, requested the study because it felt that the experience of these countries would be useful as it considers immigration reform proposals.

The information was obtained by questionnaire. Because of the subcommittee's specific interest, followup visits were made to four countries--Canada, France, Switzerland, and the Federal Republic of Germany--to obtain more detailed responses.

The discussion of each country's situation contains characterizations of its laws, legal requirements, and sanctions. In most cases, GAO did not independently examine the countries' laws, regulations, and case law, but rather based its characterizations on information furnished by the countries in response to the questionnaire or in interviews.



119569

GAO/GGD-82-86
AUGUST 31, 1982

523247 / 119569

Request for copies of GAO reports should be sent to:

**U.S. General Accounting Office
Document Handling and Information
Services Facility
P.O. Box 6015
Gaithersburg, Md. 20760**

Telephone (202) 275-6241

The first five copies of individual reports are free of charge. Additional copies of bound audit reports are \$3.25 each. Additional copies of unbound report (i.e., letter reports) and most other publications are \$1.00 each. There will be a 25% discount on all orders for 100 or more copies mailed to a single address. Sales orders must be prepaid on a cash, check, or money order basis. Check should be made out to the "Superintendent of Documents".



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-204606

The Honorable Alan K. Simpson
Chairman, Subcommittee on Immigration
and Refugee Policy
Committee on the Judiciary
United States Senate

Dear Mr. Chairman:

Your July 6, 1981, letter requested that we identify countries that have laws prohibiting employers from hiring illegal aliens, how such laws are enforced, and any problems these countries encounter in enforcing their laws. As agreed with your office, to obtain the information we developed a questionnaire which was sent to 28 countries and Hong Kong (see app. XXIII). In addition, we visited four of these countries--Canada, the Federal Republic of Germany, France, and Switzerland--to gather more detailed information.

We received questionnaire responses from 19 countries and Hong Kong. Because the topics contained in the questionnaire had varying applicability to the countries surveyed, their responses varied in completeness. For example, Iceland responded that practically none of the questions applied to it; whereas, several countries provided comprehensive responses to every question. Still others responded to questions on some of the topics, but did not respond to other topics. Nine countries did not provide questionnaire responses in time to include them in this report. However, we will forward them to you if we receive them.

We have summarized each country's response under the five major topics in the questionnaire--guest workers, national identification document, employer responsibilities, illegal alien workers, and law enforcement (see app. I through XX). Also, we have not summarized the countries responses by topic in this letter since they are diverse and not amenable to such a presentation. However, because of your specific interest in Canada, the Federal Republic of Germany, France, and

Switzerland, we obtained more detailed information on those countries and highlighted it below. Our observations are based on responses to our questionnaire and discussions with officials in the four countries.

OVERVIEW

In most of the countries, the governments have been increasingly concerned with alien workers, especially illegal ones. Growing unemployment and increasing numbers of aliens have heightened the public's sensitivity to matters involving aliens and have induced governmental actions to control alien workers. Although each country had laws penalizing employers of illegal aliens, such laws were not an effective deterrent to stemming illegal employment for primarily two reasons. First, employers either were able to evade responsibility for illegal employment or, once apprehended, were penalized too little to deter such acts. Second, the laws generally were not being effectively enforced because of strict legal constraints on investigations, noncommunication between government agencies, lack of enforcement resolve, and lack of personnel.

In France and Germany new laws went into effect on January 1, 1982, to increase the effectiveness of their employer sanctions. And in Switzerland, a public referendum later this year will decide whether to implement new immigration legislation.

Canada

Between 32,000 and 40,000 authorized foreign workers can be found in Canada at any one time compared to an estimated 500,000 to 1,000,000 illegal aliens, most of whom work. Whereas guest workers generally have to apply for and receive work authorization before coming to Canada, illegal aliens generally enter as valid visitors or students and then violate their entry conditions.

Canada does not have a national identification document system, but all workers are required to have a Social Insurance number card (similar to the United States' Social Security card). Before hiring workers, employers are required to inspect prospective employees' cards. Guest workers are issued Social Insurance number cards beginning with the number nine. In order to work, anyone possessing a card beginning with the number nine also needs a valid employment authorization which has been issued by an immigration officer. Through various schemes, however, many aliens circumvent the system by obtaining fraudulent cards or presenting legal cards that belong to someone else. In other instances, some employers knowingly hire illegal workers, pay them lower wages, and avoid paying required taxes and employee benefits.

Canadian law enforcement officials opined that the laws penalizing employers of illegal aliens have not reduced the size of the illegal worker problem for several reasons. First, enforcing employer sanctions has not been an enforcement priority, although it is becoming more so. Second, employers of illegal workers are seldom charged with an offense. Often, employers who violate the law are not familiar with the law and their legal responsibilities. Because Canada's law requires violations to be "knowingly" made, enforcement personnel see their role as educating first time violators. Last, employers prosecuted and convicted have not been severely penalized. Small penalties have had little deterrent value.

Federal Republic of Germany

Of the approximately 4.7 million aliens residing in West Germany, 2 million are included in its workforce of 23 million. Since 1977, the alien population has grown substantially despite a 1973 work recruitment ban that stopped the flow of aliens to West Germany. Severe and growing unemployment has focused greater public and governmental attention on the alien population's integration into German society and culture and on illegal alien employment. Although there is not an official estimate, between 200,000 and 500,000 illegal aliens are believed to be in West Germany.

To prevent illegal alien hirings, German employers are responsible for making certain that alien employees possess the proper work permits. Employers are also required to keep various employee records, among which are an employee register listing employees' names; dates hired; and, if applicable, work authorization data; and copies of alien employees' work permits and tax cards. Employees are required to obtain tax cards from the Tax Office and give them to their employers. Illegal workers would not be able to obtain a legitimate tax card.

Sanctions against employers of illegal aliens have not effectively deterred illegal hirings. Some employers have been able to circumvent the law against illegal hirings by leasing workers. Other employers who have been caught with workers illegally hired are administratively fined. However, in cases where employers have appealed, the courts have generally reduced the fines significantly, thus negating the fines' deterrent effect.

Problems in enforcing the sanctions have also contributed to their reduced effectiveness. Legal constraints have hampered the police's ability to enter workplaces suspected of employing illegal aliens. Moreover, personnel shortages have inhibited greater enforcement efforts. Federal enforcement is quite limited, and the burden of enforcement has traditionally fallen

on the local police. Further, a reluctance by various Federal agencies to share information on possible wrongdoers has inhibited enforcement. Several of the problems noted above, however, have been addressed in a new law which went into effect January 1, 1982.

France

Like West Germany, France has a severe and growing unemployment problem which has focused increased attention on its alien population and illegal alien employment. Approximately 4.1 million of France's 53.8 million population are aliens and approximately 1.7 million aliens are included in France's total labor force of over 21 million. Also, like West Germany, France does not have an official estimate of the number of illegal alien residents, but unofficial estimates place their number between 150,000 and 350,000.

France's new socialist Government has taken a benevolent approach toward illegal aliens. It views illegal alien workers as exploited victims who deserve fair treatment. Thus, in September 1981, France instituted a program offering illegal alien workers an opportunity to regularize (legalize) their status.

Employers are responsible for assuring that alien employees are legal workers and are treated in compliance with applicable work laws. Within 24 hours of employing aliens, employers are required to record on a special register maintained in their office data contained on the employees' work and residency permits. These registers are occasionally inspected by labor inspectors during the course of their work. Employers who violate the laws governing alien workers are subject to fines and imprisonment. On January 1, 1982, a new law was enacted which increased the penalties that can be judicially applied to employers of illegal alien workers.

Employer sanctions are applied both administratively and judicially. Each employer administratively fined is also referred to the Federal prosecutors for possible separate criminal action. Labor Ministry officials believe the judicial sanctions have not been an effective deterrent because judges have levied light penalties on convicted employers. Furthermore, other agencies with the authority to sanction employers cannot because they are not notified when the violations are discovered. The new law enacted on January 1, 1982, in addition to increasing the penalties that can be judicially applied, provides the Labor Ministry with an additional sanction it can take against employers--confiscation of their tools and equipment.

Switzerland

In the early 1970's, Switzerland determined that its alien population, then about 18 percent of its total population, was too large and set upon a course to progressively reduce it. Currently, aliens comprise about 15 percent of Switzerland's total population, and the Government has implemented a new policy to maintain control over the size of the alien population. This policy calls for a balanced ratio between the Swiss population and the alien population. To maintain this balance, the Government establishes the number of residence permits to be issued each year by monitoring changes in the alien population.

Unlike France and West Germany, Switzerland does not have an unemployment problem. As of January 1982, only 10,000 workers, or about 0.2 percent of the Swiss workforce, were unemployed. Despite its almost full employment economy, the Swiss public is concerned about alien issues. In 1981, the Swiss Parliament accepted a new aliens law which would, among other things, confer on aliens certain residence and employment rights. However, public objection has forced the law to a public referendum to be decided later this year. Although official Government estimates of the number of illegal aliens have not been made, unofficially, illegal aliens are believed to number less than 50,000.

Before they can hire an alien, employers are required by law to ensure that the worker is authorized to work. Specifically, employers must inspect the alien's identification papers or verify the alien's legal status with the Cantonal (State) Alien Police. Also, employers must notify the community registration office where the employee is registered whenever a guest worker leaves or loses his/her job.

Swiss law does not penalize employers for hiring illegal alien workers. Rather, the law penalizes individuals, including employers, who facilitate an illegal's residence in Switzerland. Each Canton is responsible for administering the aliens law. As a result, enforcement varies. However, the judicial penalties levied on employers were generally considered light. New legislation to be considered by public referendum includes penalties for employing illegal alien workers.

OTHER MATTERS

Our discussions with government officials and labor representatives brought to our attention other common issues that are relevant to the situation in the United States and worthy of note. These issues involve seasonal workers, amnesty, and asylum.

Seasonal worker programs

With the exception of West Germany, each country had a seasonal worker program. These programs usually provided workers to meet agricultural needs, although in Switzerland many seasonal workers were also needed for the resort, hotel, and construction industries.

Generally, the seasonal workers complied with their entry conditions and did not pose problems for the countries employing them. Interestingly, Switzerland offers seasonal workers the opportunity to become annual residents if they meet certain conditions. About 7,000 seasonal workers take advantage of this opportunity yearly.

Amnesty

Both Canada and France have had programs to give illegal aliens an opportunity to obtain legal status. In 1973, Canada offered general amnesty to all illegal aliens and nonimmigrants, and in January 1982 France completed its general amnesty program for illegal alien workers. Both countries have had other amnesty programs which were less comprehensive than the two noted above.

During both countries' major amnesty efforts, the number of illegal aliens seeking amnesty was below expectations. Before the Canadian amnesty was implemented, speculation was that as many as 200,000 aliens might apply. However, only approximately 36,000 aliens were granted landed immigrant status (permanent residence) through the general amnesty program. Of these, about 20,000 had been in Canada illegally. Canadian officials believed that some of the 20,000 illegal aliens granted amnesty had previously left Canada for the United States but returned to take advantage of the offer.

In France, initial estimates of the number of aliens who would apply for regularization were as high as 300,000. Once the program was underway, expectations were revised, and, with 1 month remaining, it was believed that 100,000 alien workers would apply. As of January 14, 1982, the day before the program's deadline, approximately 80,000 illegal alien workers had applied for regularization. Of those applying, 30,000 could not produce a contract from their employers, one of the program's requirements. To rule on these applications, a special committee was established.

Asylum

In all four countries visited, officials complained about the number of aliens who requested political asylum. Such claims, although generally considered frivolous, require each country to

process and investigate each request as though it were bona fide. As a result, the number of requests has overwhelmed the normal asylum investigative and deliberative mechanisms.

While each case is being considered, requestors are entitled to all benefits offered by the host country, such as financial and housing assistance, welfare eligibility, and work permits. Generally, when a case is decided against an alien, the alien appeals the decision. By appealing each decision that goes against them until all appeals are exhausted, requestors can take advantage of the system for 2 years and often longer.

Increasingly, aliens apprehended as illegal workers claim that they will be persecuted by their native governments if forced to return. By requesting asylum, they have found a way to forestall their expulsions. To counteract this tactic, all four of the countries were seeking ways to streamline or shortcut the normal asylum process for those believed to be economic refugees.

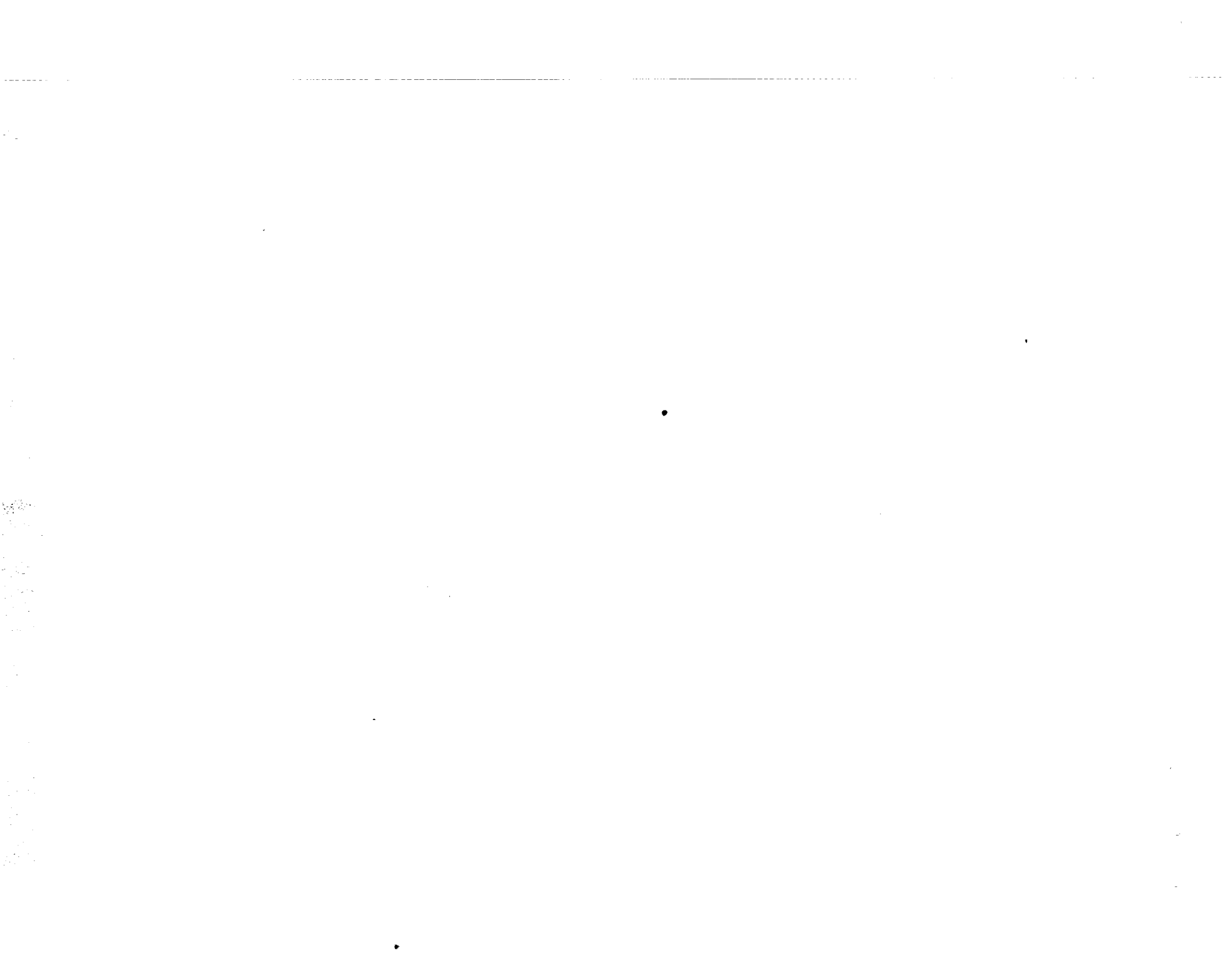
- - - -

We plan no further distribution of this report until 30 days from its issue date, unless you publicly announce its contents earlier. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

W. J. Anderson

William J. Anderson
Director



C o n t e n t s

		<u>Page</u>
<u>APPENDIX</u>		
I	Canada	1
II	Federal Republic of Germany	10
III	France	19
IV	Switzerland	28
V	Argentina	36
VI	Australia	38
VII	Austria	39
VIII	Denmark	41
IX	Dominican Republic	44
X	Finland	46
XI	Greece	49
XII	Hong Kong	52
XIII	Iceland	55
XIV	Italy	56
XV	Japan	58
XVI	Luxembourg	60
XVII	Singapore	63
XVIII	Spain	64
XIX	Sweden	66
XX	Thailand	69
XXI	Letter dated July 6, 1981, from the Chairman, Subcommittee on Immigration and Refugee Policy, Senate Committee on the Judiciary	71
XXII	Objectives, scope, and methodology	72
XXIII	GAO questionnaire sent to 28 countries and Hong Kong	74

CANADA

Although Canada does not have a formal guest worker program, it issues between 90,000 and 100,000 employment authorizations a year for temporary foreign workers. These workers are authorized to work when neither Canadians or landed (permanent) resident aliens are available to do the work. In addition to these legal foreign workers, Royal Canadian Mounted Police officials believe that between 500,000 and 1,000,000 aliens are in Canada illegally and that most of them work. Although Canada has laws prohibiting the employment of illegal workers, enforcement officials believe that these laws have not reduced the size of the problem.

Guest workers

In general, Canada does not have a formal guest worker program. Only a relatively small number of the employment authorizations issued to temporary seasonal workers in the agriculture industry each year might be considered as a guest worker program. These workers are brought in under the terms of bilateral agreements between Canada and several Caribbean countries and Mexico to satisfy the seasonal needs of Canadian farmers. Between 6,000 and 9,000 work authorizations are issued each summer to these seasonal workers who generally work for periods of 8 to 16 weeks.

There are another 90,000 to 100,000 employment authorizations issued yearly for temporary workers. These authorizations are mainly for skilled workers. The number of foreign workers admitted to Canada is not limited. However, for employers to obtain foreign workers, they must apply for them from a Canadian Employment Center. Before authorizing a foreign worker to enter, the Employment Center must determine whether Canadian citizens or permanent resident aliens are available to do the job or, if not, whether a citizen or permanent resident alien could be trained to do the job within a reasonable period of time. The Center ensures that employment authorizations are not issued if their issuance would adversely affect the employment opportunity of Canadians. Once the Employment Center certifies that there are not any eligible candidates in Canada, an immigration officer can issue an employment authorization.

To determine whether workers are available in Canada, the Employment Center searches its records for qualified unemployed individuals and, if unsuccessful, advertises for workers in the province's newspaper. Depending on the job offered, advertisements can also be placed in other provinces' newspapers. If these efforts fail to find a qualified worker,

foreign workers are solicited. Occasionally, work authorizations for foreign workers are issued for a period of time during which a Canadian is being trained for the job.

Generally, workers are selected by Canadian employers or, in the case of entertainers, by booking agents. With seasonal agricultural workers, the selection is made by the countries sending the workers under the terms of bilateral agreements. All workers must be qualified for the work intended and meet all other admission requirements, including a medical examination where applicable.

Once an employer submits a request for a temporary foreign worker, it takes about 3 months to obtain one if the worker is from a country such as the United States or Great Britain. However, it may take much longer if the worker is from Africa or Asia. How long it takes to obtain a worker often depends on the number of staff in the consulate involved and the staff's workload. If there is an extreme urgency in acquiring a foreign worker, for example, to keep critical equipment operating, a special ministerial permit for immediate admission can be issued.

Most work authorizations are valid for a maximum of 1 year, although extensions can be granted where necessary. In certain circumstances involving long-term employment, for example, a diplomat's spouse, authorizations can be issued for 3 years. In addition to the authorized period, work authorizations also specify the employer and the type of job authorized. A temporary worker is not at liberty to change any of these terms and conditions without written approval from an immigration officer. The following table show the numbers of employment authorizations issued during the last 4 calendar years.

<u>Year</u>	<u>Authorizations issued</u>
1978	92,000
1979	94,000
1980	108,000
1981 (through August)	82,000

Although the number of authorizations issued each year averages more than 90,000, the number of person-years of employment averages only about 30,000 each year because authorizations are usually valid for less than a year. The number of foreign workers in Canada at any one time runs between 32,000 and 40,000. More foreign workers are in Canada during the summer months.

Temporary workers are not eligible for welfare or housing allowances and are counseled to obtain private medical insurance coverage. Temporary workers are eligible for unemployment insurance benefits provided they meet the requirements.

National identification document

Canada does not have a national identification document, nor is one being contemplated. However, all workers are required to have a Social Insurance number card (similar to the United States' Social Security card) to present to employers when applying for jobs. Each Social Insurance card number is unique and identifies its holder. Social Insurance number cards that begin with the number nine identify the holders as being neither Canadian citizens nor permanent resident aliens. These cards should alert employers that the cardholders need a valid employment authorization to work.

Employer responsibilities

Employers are responsible for insuring that their employees are not working illegally. The law states that employers will require employees to produce their Social Insurance cards within 3 days after employment. Besides examining the card, employers need to record the card's number so that required Social Insurance payments can be withheld. Also, when accepting an application for employment that indicates birth outside Canada, employers are expected to ask for proof of citizenship or permanent residency. If the person cannot provide a copy of his landing record or citizenship, then the employer is required to request written proof of authorization to work in Canada--either a written employment authorization or a special Ministerial permit.

Employers are expected to offer salary and working conditions that would attract Canadians and to make normal payroll deductions for income taxes, workers' pensions, and unemployment insurance. Although employers are also expected to advise the Employment Center when temporary workers are laid off or their employment is terminated, they are not required to do so and, therefore, seldom do.

Employers who "knowingly" employ an illegal alien worker are guilty of an offense that carries a maximum possible sentence upon conviction of a \$5,000 fine (about \$4,000 in U.S. currency) ^{1/} and/or 2 years' imprisonment. Upon summary conviction (misdemeanor), the maximum possible sentence is

^{1/}Hereafter, all references to money will either be noted in U.S. dollars or followed by the U.S. equivalent as of August 12, 1982.

a \$1,000 fine (about \$820) and/or 6 months' imprisonment. Penalties against employers are determined in a court of law. When a violation has occurred, the Royal Canadian Mounted Police are notified and they decide whether to charge the employer. Under law, it must be established that the employer knowingly engaged an illegal worker; therefore, employers are not charged if they have been the victim of fraud or deception.

Aliens have been found to deceive employers in several ways. Often employers do not examine a job applicant's Social Insurance number card but ask the individual to provide his/her card number on the job application form. In such instances, an alien without an employment authorization will invent a Social Insurance number or use someone else's legitimate number. In those cases in which the employer asks to examine the card, an alien will use a friend's name and legitimate card or acquire a fraudulent card. Royal Canadian Mounted Police officials stated that counterfeit cards were abundant and easily obtainable for the right price. Additionally, aliens without an employment authorization have been able to obtain legitimate cards by simply applying for them. Immigration officials stated that a more sophisticated method of deception involves aliens identifying deceased Canadians, applying for and obtaining their birth certificates, and then using them to acquire legitimate documents.

Both Immigration and Royal Canadian Mounted Police officials agree that the sanctions applicable to employers who hire aliens lacking an employment authorization have been minimally successful for several reasons.

- In some cases, the illegal worker was employed by a relative. In these instances, it's difficult to prove in court that the alien was not just "helping out" his/her relative.
- Excessive costs caused by court backlogs and legal delays have impelled officials to forego prosecuting some employers. Keeping the illegal alien, the prime witness, in Canada for the employer's trial can be very costly for the Government because it must pay the alien's expenses.
- The legal requirement that an employer must "knowingly" engage an illegal worker has made enforcement more complicated. Proving that the employer knowingly violated the law can be difficult. Employers claim that under legal privacy protections, they find it difficult to determine whether a prospective employee is in the country legally.

--Enforcing employer sanctions has not been a high enforcement priority within the Royal Canadian Mounted Police, although it is becoming a higher priority.

--Judges' sentences of convicted employers have been very lenient. Because typical sentences have involved a few hundred dollars' fine and no jail, their deterrent effect has been limited.

The Royal Canadian Mounted Police have found that employers are often not aware of their responsibilities under the law. In such cases, it is difficult to legally prove that the employer knowingly hired the alien. As a result, law enforcement officers have been forced to adopt an education role to familiarize employers with the law. For this reason, first time violators are usually just warned and given a set of guidelines that explains what their responsibilities are when hiring employees. The guidelines state that employers are responsible for checking Social Insurance number cards and identifying which card numbers are invalid and which require accompanying employment authorizations. The employer indicates that he/she understands this responsibility by signing a statement acknowledging his/her understanding. This statement is kept by the Royal Canadian Mounted Police and could be used as evidence to demonstrate the employer's knowledge should he/she commit a similar subsequent violation. In cases that have been successfully prosecuted, the Government proved that the employers knew the law and that the employers had hired illegal workers before. Also in successful cases, the alien testified against the employer.

Of those employers found to have illegal workers in their employ, only one of four has been prosecuted. In 1980, 34 employers were prosecuted and in 1981 (January through September), 27 employers were prosecuted. The following chart shows the results of the prosecutions.

	1980 (Calendar year)	1981 (First 9 months)
Convictions	26	16
Withdrawals	4	8
Dismissals	<u>4</u>	<u>3</u>
Total prosecutions	<u>34</u>	<u>27</u>

Of those employers convicted, about 71 percent were fined \$200 (about \$165) or less, 17 percent were fined between \$201 and \$500 (about \$165 to \$410), and 12 percent were fined more

than \$500 (\$410). Fines given employers are based on the violations' severity. Repeat offenders are fined more heavily than first time violators.

Illegal alien workers

Royal Canadian Mounted Police officials estimated that between 500,000 and 1,000,000 illegal aliens reside in Canada and that most of them work. Most illegal workers come to Canada as bona fide visitors or students and then violate their entry conditions by seeking employment.

Illegal alien workers may obtain employment through a variety of means. In many cases, employers knowingly hire illegal aliens to obtain cheap labor. Workers are often directed to such employers by members of the ethnic community or unscrupulous immigration consultants. In other cases, visitors obtain Social Insurance number cards illegally and pose as permanent residents or citizens when applying for work.

The majority of illegal workers are found in the larger urban centers and, for the most part, work as unskilled laborers. At least half of the illegal worker population is believed to be in Toronto and Montreal. Illegal workers do not tend to concentrate in any one industry. Some of their more common occupations include bus boy, janitor, seasonal farm worker, and factory worker. But, they have also been apprehended in the more remote regions of Canada working in such diverse occupations as logger, tree planter, cook, and general laborer in fish canneries and sawmills.

Apprehended illegal workers may be prosecuted. Such persons are liable on summary conviction (misdemeanor) to a fine not exceeding \$1,000 (about \$820) or to imprisonment for a term not exceeding 6 months, or to both. On conviction on indictment (felony) such persons are liable to a fine not exceeding \$5000 (about \$4,100) or to imprisonment for a term not exceeding 2 years, or to both. The following table shows the number of illegal alien workers apprehended, prosecuted, and convicted from January 1, 1979 through September 30, 1981.

<u>Year</u>	<u>Number of Illegal Alien Workers</u>		
	<u>Apprehended</u>	<u>Prosecuted</u>	<u>Convicted</u>
1979	1,405	681	608
1980	2,309	572	505
1981 (through September)	2,609	no data	no data

As is the case with employers, the decision to prosecute illegal aliens rests with the Royal Canadian Mounted Police. In the majority of cases, prosecution is not sought. Instead, the person is brought before an adjudicator at an inquiry and is either ordered deported or is issued a departure notice. Deportation is usually ordered when there is a flagrant abuse committed, for example, if the person is a repeat offender, previous deportee, or a danger to the public. A departure notice is issued in cases where the circumstances surrounding the offense are less flagrant, for example, if the person is a student in dire straits, and where the adjudicator is satisfied that the person is willing and able to effect his/her own departure. A person who is ordered deported requires the consent of the Minister to return to Canada, whereas a person who has been issued a departure notice can be readmitted provided all admission requirements are met. The following table shows the number of illegal alien workers deported or given departure notices from January 1, 1979, through September 30, 1981.

<u>Year</u>	<u>Aliens deported</u>	<u>Aliens given departure notices</u>
1979	780	670
1980	791	620
1981 (through September)	573	410

In 1973, Canada offered a general amnesty to aliens (both illegal and legal nonimmigrant aliens) who wished to change their status to landed immigrant. Although the number of illegal aliens in Canada at that time was not known, speculation was that as many as 200,000 aliens might apply for the status change. Under the program, aliens who had been in Canada on November 30, 1972, could apply at immigration offices or employment centers during a 60-day period beginning August 15, 1973.

The criteria for granting the landed immigrant status was very liberal; only aliens with significant criminal records were to be rejected. Qualified aliens who declined to seek amnesty lost the ability to adjust their status inside Canada, and, if they were illegal aliens, they became subject to deportation without appeal rights.

To insure that potential applicants received notification of the amnesty program, publicity about it was extensive. Besides radio and television announcements about the program, newspapers, posters, billboards, and pamphlets were utilized. Special attention was given to the ethnic media and translating

program details into foreign languages. Attention was also given to making sure that aliens living in remote areas were notified and given an opportunity to apply. For example, teams of immigration officers were sent to rural areas where aliens were suspected of living. Prior to their arrival, rural and territorial newspapers carried notices of the officers' schedules.

Despite these efforts, only about 36,000 aliens changed status. Of these, about 20,000 were illegally in Canada and about 16,000 were legal nonimmigrants. Canadian officials believed that some of the 20,000 illegal aliens granted landed immigrant status had previously left Canada for the United States but returned to take advantage of the amnesty offer. This was the last general amnesty in Canada even though the province of Quebec had a limited amnesty for Haitians in the mid-1970's.

Law enforcement

All peace officers in Canada have authority to apprehend violators of the Immigration Act. These peace officers include immigration officers and police officers at the Federal, provincial, and municipal levels. However, in actual practice, it is the Royal Canadian Mounted Police and the Canadian Employment and Immigration Commission that are actively involved in enforcing the immigration laws.

The Royal Canadian Mounted Police has Immigration and Passport Divisions across the country in which 100 officers are involved full time in immigration and passport investigations. In addition, other officers involved primarily in the enforcement of other statutes are involved occasionally in immigration work. The Canadian Employment and Immigration Commission has 80 immigration officers across Canada who are engaged full time in investigative work. As with the Mounted Police, many immigration counselors also do some part-time investigative work. All officers have arrest authority with or without warrant, depending on the seriousness of the offense and whether the person is considered to be a danger to the public or is unlikely to appear for examination, inquiry, or removal.

Information pertaining to violations of the Immigration Act, specifically information concerning illegal workers, frequently is in the form of "tips" from concerned individuals. In other instances, routine investigations are undertaken in certain areas and industries where the employment of illegal workers is suspected. Such investigations are usually a joint effort combining Mounted Police and Employment and Immigration Commission resources. While immigration officers have the

power to seize documents, they do not have the authority to search or enter private premises unless they have a search warrant.

One of the major difficulties encountered in preventing the employment of illegal aliens is the lack of a universal visitor visa requirement. Many visitors from third world countries are not required to have a visitor visa to enter Canada. When they arrive they pose as genuine visitors. However, once in Canada they engage in unauthorized employment and violate their visitor status.

FEDERAL REPUBLIC OF GERMANY

A growing alien population and severe unemployment have combined to focus the Government's and the public's attention on alien matters. Since 1977, the alien population has grown from about 4 million to about 4.7 million despite a 1973 ban on recruiting foreign workers which stopped the flow of alien labor. Of Germany's total labor force of about 23 million, approximately 2 million are alien workers. Along with the recent growth in the number of aliens, there has been a growth in the number of unemployed. Between December 1980 and December 1981, the unemployment rate increased from 4.8 percent to 7.3 percent, leaving 1.7 million workers unemployed--the highest level in over 30 years.

The alien population's growth is attributable to three factors: (1) a high birth rate among foreigners, (2) the arrival of foreign workers' dependents, and (3) a dramatic rise in aliens applying for political asylum. While the Government can do little about the foreigners birth rate, it has taken measures that affect the other two factors.

The German public generally agrees that enough foreigners reside in Germany and that the growth in their population should be stopped. In an effort to stem this growth, the German Government has taken various control measures. In 1981, the Federal Government (1) asked State Governments to tighten residence permit controls for family members coming to join guest workers; (2) changed the requirements that persons seeking asylum must meet to obtain work permits; and (3) passed legislation which eliminated a loophole that employers were using to avoid being sanctioned and which gave Federal agencies more freedom to share information on suspected employers of illegal aliens.

Guest workers

Prior to 1973, Germany actively recruited workers from other countries. However, because of rising unemployment and the increasing numbers of aliens in Germany, the recruitment of alien workers was banned in 1973. Laws were enacted making it more difficult for aliens to enter Germany and to work there.

To obtain a work permit, an alien must first have obtained a residence permit from a State's Alien Office. Work permits are granted by State Labor Offices to aliens possessing special skills, certain professionals, spouses of German citizens, refugees, and alien workers' dependents who qualify. Aliens can be issued either a general permit or a special permit.

The general work permit is issued to eligible aliens when German citizens, permanent resident aliens, and European Economic Community citizens are not available to perform the work. General work permits are issued to alien workers already legally in Germany or their dependents. Alien workers' dependents are eligible for a general work permit if they have resided in Germany for 4 years; or, if they seek occupations where labor shortages exist, they are eligible in 2 years.

The initial general permit is issued for 1 year for a specific job with a specific employer. Following the initial permit period, qualified aliens can receive a 2 year renewable permit. After working in Germany for 5 years, the alien is eligible for an unlimited permit which is valid for 5 years. When an alien obtains an unlimited permit, labor market searches for German citizens, permanent resident aliens, and European Economic Community citizens are no longer required.

Special work permits, valid for 5 years, are issued to specially skilled and professional aliens, German citizens' alien spouses, aliens entitled to asylum, refugees, and aliens holding general permits who have been employed continuously in Germany for 5 years. For special work permit holders, labor market searches are not required.

Germany has taken several actions to control the growth of its alien population. These actions include tightening controls for issuing work permits to foreign workers' dependents and changing procedures for handling persons seeking asylum to discourage unqualified requestors. Dependents of foreign workers have accounted for over 80 percent of the resident alien population growth since 1978. Until recently, there were few restrictions on guest workers bringing family members to Germany. Consequently, this privilege was abused. To deal with these abuses, the Federal Cabinet in December 1981 approved the following suggestions to the State Governments which are responsible for issuing residence and work permits.

1. To receive a residence permit, foreign workers' dependent children must be under age 16 (the previous limit was 18). Many alien children 16 to 18 were joining their families only as an opportunity to work.
2. Children who have only one parent in Germany should not be eligible for residence permits. Exceptions could be made for single parent families.
3. Aliens who are studying, receiving training, or working under short-term contracts should not be allowed to bring their dependents with them.

4. Spouses of second generation foreign workers may not be allowed residency, unless the sponsor is at least 18 years old, has lived in Germany at least 7 years, and has been married at least 1 year.

Aliens were also entering Germany by abusing the political asylum process. By requesting asylum and exhausting all appeals, an alien can remain in Germany for several years. The more aliens who request asylum, the more overburdened the decision-making mechanism becomes and the longer the aliens can remain. Some alien workers have requested asylum to keep from being expelled. While awaiting resolution of their requests, the aliens are entitled to financial assistance and work permits.

Because requests were so numerous, the Federal and State Governments took several steps to reduce them. The immediate effect of these steps was that the number of asylum requests decreased from 104,000 in 1980 to 44,000 in 1981 (January through November). Since many persons seeking asylum were Turkish, Germany imposed a visa requirement on all Turkish nationals to make it more difficult for them to gain entry into Germany. The Federal Government also changed the rules allowing requesters to work. Because of the rule change, persons seeking asylum must wait 2 years to receive a work permit. If, however, they are from an Eastern Block country, the waiting period is 1 year. Finally, several German States, instead of giving cash assistance, have started providing requesters in-kind benefits (food, lodging, and a little pocket money). The Government is also considering revising the asylum appeal process by limiting the number of appeals that can be made and by quickly determining which claims are purely abusive.

National identification document

German citizens are required to have national identity cards which contain their biographical data, their picture, and their address. The cards must be presented when requested by officials. These cards are not issued to foreigners.

Foreigners entering, residing in, or leaving Germany can prove their identity with a valid national passport. For foreigners, such as refugees who cannot obtain a valid passport from their home country, a German Alien passport can be issued.

Employer responsibilities

German employers are responsible for assuring that aliens hired are legal aliens possessing the proper work permits. Employers found employing illegal aliens can be administratively fined and, in certain cases, criminally prosecuted. However, a general consensus of German officials was that despite the employer

sanction laws, the hiring of illegal aliens was still a significant problem. These officials stated that employers have been able to evade responsibility for hiring illegal aliens and, when caught, have successfully appealed the administrative fines imposed.

To correct some of the shortcomings in the employer sanction laws and to improve their enforcement, the Federal Government passed new legislation which went into effect January 1, 1982. It provides for increased penalties for employers who hire illegal workers; makes employers responsible for determining whether workers hired through leasing firms are legal aliens; allows greater cooperation among Federal agencies; prohibits the temporary employment of manual laborers in the construction industry; and makes it illegal for any individual or any transportation company to bring illegal aliens into Germany.

All employers are required to maintain an employee register listing employees names, date hired, and if applicable, work authorization data. In cases of alien workers, employers are required to keep photocopies of the employees' work permits. In addition, all employees are required to obtain from the Tax Office and present to their employers a tax card. The employer is responsible for maintaining all employees' tax cards at his/her place of business. Illegal workers would not be able to obtain a legitimate tax card.

Under German law, hiring illegal alien workers is an administrative offense punishable by fine. Under the legislation which became effective January 1, 1982, the maximum amount of the fine was increased from 50,000 deutsche marks (DM) to 100,000 DM (about \$20,000 to \$40,000). The fine is administered by the Federal Employment Institutes' local labor offices, and the amount assessed is based on the number of illegals employed and the number of times the employer has committed the offense. A typical fine for a first time offender would be about 2,000 DM to 3,000 DM (\$800 to \$1,200). During 1979 and 1980, the local labor offices imposed a total of 28,000 fines on employers.

In addition to a fine, employers can be assessed for any back taxes, insurances, or medical payments that they failed to provide. Such assessments cannot be appealed. However, it is not uncommon for employers to try to avoid substantial penalties by claiming that their illegal employees had worked a far shorter period than they actually did.

Employers generally appeal administrative fines that they consider too great. Such appeals have generally met with success, as judges have not considered the hiring of illegal aliens

a serious violation. Because judges have been lenient, reduced fines have had little deterrent effect. Employers accept the fines as a business cost. It remains to be seen whether judges' attitudes will change now that tougher fines have been authorized.

German employers can be tried criminally and imprisoned for up to 3 years for employing illegal aliens if the conditions under which the aliens worked sharply contrasted with those of legal employees. In especially severe cases, those involving efforts to make large personal gains, an employer can be imprisoned for up to 5 years. If the local Labor Office believes a criminal offense has been committed, it refers the case to the Ministry of Justice for prosecution. Referrals, however, have been rare. Additionally, the Ministry of Justice can refer cases to the States for prosecution. Although statistics were scanty, in 1979 the Government referred 92 cases to the States. Available information did not show the specific reasons for referring these cases or their disposition. German officials did not know of any employer ever being imprisoned. Legal proceedings against employers are few because employers and illegal employees cooperate and refuse to testify against one another.

Some employers have been able to evade responsibility for hiring illegal workers altogether by subcontracting for work from firms that obtain illegal aliens on a temporary basis through leasing agencies. If the aliens are apprehended, employers can deny responsibility for their hiring. The practice is very profitable. The subcontractor is awarded the contract because, by paying the illegal aliens lower wages and by not paying the required taxes and employee benefits, he/she can afford to bid low. Obtaining illegal labor is most prevalent in the construction and road construction industries. German officials cited this subcontracting practice as the most serious illegal worker problem.

Although the old law required fines and imprisonment for officials of the leasing firms that furnished alien workers without permits and fines for employers of leased illegal workers, the employers of subcontractors were exempt from penalty. However, the new law requires employers to assure that employees of subcontractors are legally employable. Employers who hire illegal workers are liable for a maximum administrative fine of 100,000 DM (about \$40,000). Those providing illegal workers to employers can be fined up to 50,000 DM (about \$20,000). Additionally, the leasing agency is responsible for paying any taxes or unemployment insurance costs that have been avoided by the employer.

Because the construction industry commonly employed illegal workers through leasing agencies, the new law prohibits

the hiring of temporary manual laborers in the construction industry. This provision was demanded by the trade unions because many of its members were unemployed. Their arguments won favorable public opinion.

The following table shows the number of administrative and criminal cases initiated for various illegal alien worker violations during calendar years 1977 through 1980.

<u>Violation (type)</u>	<u>Number of cases initiated</u>			
	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Alien working without a permit (administrative)	35,707	25,809	27,609	34,102
Employer employing an illegal alien worker (administrative)	42,104	30,533	29,544	36,794
Employer employing a leased illegal alien worker (administrative)	156	141	243	526
Leasing agency leasing an illegal alien worker (criminal)	106	91	115	181
Employer employing illegal alien workers in deplorable working conditions (criminal)	30	16	26	30

Statistics on the results of the above cases were not available.

Illegal alien workers

Although official Government estimates have not been made, unofficial ones cite the number of illegal alien workers as between 200,000 and 500,000. The largest segment of illegal workers are from Turkey. Turks also comprise the largest number of foreigners in Germany. However, Yugoslavians, Pakistanis, Portuguese, Poles, Afghans, and Ghanians among others, also permeate the illegal workforce.

Illegal workers enter Germany primarily in two ways. First, they cross the border illegally through checkpoints manned by the Border Police or between border checkpoints. Second, they enter legally and subsequently violate their entry conditions.

At checkpoints some aliens enter illegally using fraudulent documents, hiding in vehicles, or waiting until the checkpoints are so crowded that the border officials just wave them through without making identity checks.

Aliens can also cross the border surreptitiously between checkpoints. The area between the checkpoints is called the green border. Crossing into Germany via the green border is relatively easy. Although both the Border Police and Immigration personnel patrol the border, severe personnel shortages inhibit them from effectively protecting it. The most they can do is block illegal crossing points when they discover them. For example, large rocks will be placed on paths where there are indications of vehicular traffic.

Unlike the United States, Germany does not employ electronic or seismic monitoring devices to detect border penetrations. Moreover, German officials do not believe using helicopters or planes to patrol the borders would be acceptable to Germany's neighbors.

As previously noted, many illegal aliens have entered Germany by legal means. The largest segment of legal aliens entered on tourist passports and then disappeared; others entered as students or were sailors who jumped ship. Once their status becomes illegal, they disappear within established ethnic communities; for example, those from Ghana go to Hamburg, Afghans go to Frankfurt, and Turks often go to West Berlin.

Another category of illegal worker comes from the family members of legal workers. Legal alien workers' families, once in Germany, are not allowed to work for a 4-year period. If, however, an occupational shortage exists, this period may be reduced to 2 years. When the waiting period expires, aliens can be granted a work permit only if German, permanent resident alien, or European Economic Community employees are not available. Rather than waiting until they are legally eligible to work, some family members work illegally.

Although illegal workers can be found in many occupational areas, the largest illegal worker concentrations are in the areas of building construction, road construction, agriculture, hotels, and restaurants.

Illegal alien workers are normally fined and expelled from Germany. The fines for working without a permit range from 5 DM (about \$2) to 1,000 DM (about \$400). The penalties are administratively assessed by the Labor Office. During 1979 and 1980, local labor offices imposed a total of 14,000 fines on illegal workers. Aliens who violate the work laws have also

violated the residency laws. Therefore, in addition to a fine, an alien may also be required to pay a nuisance fee of 200 DM (about \$80).

Law enforcement

The administration of Germany's immigration law is delegated to each State Government. The States, through local alien and labor offices, exercise administrative authority over the issuance and renewal of residence and work permits. The States are also responsible for identifying aliens who have violated their residency conditions and for apprehending illegal aliens. The enforcement of the illegal alien work laws is principally the responsibility of local police. Their efforts have been limited for two reasons: (1) strict interpretation of the law requiring evidence of illegal activity before searches can be made of workplaces suspected of employing illegals and (2) personnel shortages which have inhibited effective searches.

Most local police departments do not have a special immigration section, although several of the larger cities, such as Frankfurt, do. Even where special immigration groups exist, they are composed of only a few officers.

Federal forces for controlling immigration are primarily concerned with control of the borders and entry points into Germany. A Federal immigration force, whose purpose is to combat the problem of illegal workers, has recently been formed but it has only 60 employees with limited enforcement capability. This force has representatives in each of Germany's States who collaborate with local police. Eventually, the group plans to have 150 officers. Although hampered by staff shortages, the group assists local police by making investigations, obtaining search warrants, and participating in raids of employers.

The January 1, 1982, legislation has eased the evidence requirements needed to search a business for illegal workers. For the first time, police can enter an establishment if it is suspected of employing illegal aliens. The State of Bavaria is considering employing undercover detectives to identify businesses employing illegal aliens. The new legislation also allows Federal agencies to initiate contact and share information with the Labor Ministry if an employer is suspected of hiring illegal workers. For example, from tax information, the Finance Ministry may suspect that an employer has hired illegal workers. The Ministry of Finance now can initiate contact with Labor to inform it of its suspicions. Previously, the Ministry of Finance could provide data on specific employers only when it was requested by the Labor Ministry.

Illegal workers are commonly identified from tips, often from an employer's competitors. Illegal workers are also discovered during police investigations of matters such as traffic violations and petty crimes.

FRANCE

After a century of recruiting foreign labor, France in 1974 suspended further labor recruitment because of rising unemployment, which was then about 4 percent. In January 1982, France again experienced severe and growing unemployment. The unemployment rate had risen to 8.5 percent, an extraordinarily high rate in post World War II France. The growth of unemployment has focused greater public and governmental attention to the alien population and illegal alien employment.

Approximately 4.1 million of France's 53.8 million population are legal resident aliens. About 1.7 million of these are included in France's total labor force of over 21 million. As of January 1982, the unemployment rate among the alien worker population was 10 percent.

Illegal alien workers, estimated to be between 150,000 and 350,000, have added to the unemployment problem. Although France has a structure for controlling the illegal alien worker problem, it has not sought to penalize either employers or illegal aliens to the degree allowed by law.

Guest workers

With the exception of European Economic Community citizens, for whom no employment restrictions exist, only workers in the following categories can enter France: seasonal farm workers (grape pickers, etc.) and persons capable of rendering important services to France (managers of multinational companies, highly qualified professionals, artists, etc.). The following table shows the nationalities which comprise France's legal resident alien population as of January 1981.

<u>Nationality</u>	<u>Number of aliens</u>
Algerian	808,176
Moroccan	421,265
Tunisian	181,618
Portuguese	857,324
Spanish	424,692
Turkish	103,946
Yugoslav	68,239
European Economic Community	638,121
Francophone African	106,012
Others	417,637
Refugees	<u>120,948</u>
Total	<u>4,147,978</u>

An employer desiring to hire an alien worker must apply to the National Office of Immigration for authorization and submit a proposed 1 year employee contract. The contract must specify the name of the alien or the specialized skill sought and must stipulate that wages and working conditions will be comparable to those provided to French citizens. With the application, the employer must pay a 500 franc fee (about \$70).

The National Office of Immigration checks with the local employment service office in the employer's area to determine whether either citizens or resident aliens with the required skills are available to do the work. If labor is not available, the Immigration Office will approve the employer's application.

Within 8 days of entry into France, the guest worker must apply for both a work and a residence permit. A work permit must be obtained before the residence permit will be approved. The following tables list the types of work and residence permits and their conditions.

Work Permits

<u>Permit type</u>	<u>Permit conditions</u>
Temporary	Valid for 6 months for a specific occupation and geographic area.
Seasonal	Valid for 8 months for a specific occupation and geographic area.
Card A	Valid for 1 year for a specific occupation and geographic area.
Card B	Valid for 3 years for a specific occupation and geographic area.
Card C	Valid for 10 years for all occupations (except government services).

Residence Permits

<u>Permit type</u>	<u>Permit conditions</u>
Temporary	Valid for 1 year or less.
Ordinary	Valid for 3 years.
Privileged	Valid for 10 years.

Since the Socialist Government's election in 1981, residence and work permit renewals and access to the more favored permit categories have become the rule rather than the exception. Additionally, unemployed permit holders are automatically granted permit extensions. The following table shows the number of temporary, ordinary, and privileged residence permits issued and in effect to aliens age 16 and over.

<u>Permits</u>	<u>Number in effect</u> (as of January 1981)
Temporary	282,997
Ordinary	896,316
Privileged	952,140

After meeting certain length-of-residency requirements, guest workers are entitled to bring in their dependents if they are able to prove adequate income (the legal minimum wage--about \$579 a month being regarded as sufficient). Dependents are admitted after having passed a medical examination for the detection of contagious diseases, alcoholism, and mental illness. Policies outlining the employment rights of the guest worker's family have been recently reaffirmed. The following table shows the number of guest workers, seasonal workers, and alien dependents admitted during 1978, 1979, and 1980.

<u>Category</u>	<u>1978</u>	<u>1979</u>	<u>1980</u> (note a)
Guest workers	18,356	17,395	17,370
Seasonal workers	122,658	124,715	120,436
Dependents	40,120	39,298	42,018

a/Figures do not include refugees after July 19, 1980.

Guest workers benefit from all of the statutory programs providing protection against sickness, invalidity, old age, occupational disease, injury, and unemployment. Guest workers, if eligible, can receive a family allowance; however, benefits are reduced and limits on the number of eligible children are imposed if the guest workers' dependents do not reside in France. As a counterpart, a large percentage of the funds that are saved by reducing the family allowance benefits for non-resident dependents are transferred to the Fonds d'Action Sociale, a program that provides social welfare to guest workers. This program is aimed at facilitating the adaptation and integration of immigrants into French society. This fund, among other things, provides for low rent homes for single workers,

cultural programs for guest workers and their families, and instruction in the French language.

National identification document

French citizens are not legally required to carry a national identification document. However, a national identification card (carte d'identite) is available from the Ministry of Interior and is a must for accomplishing many daily formalities such as providing identification when writing and cashing checks; picking up undelivered mail at the post office; crossing the border of a neighboring country; and, occasionally, providing identification during street identity checks by the police. The cost to obtain a card is 60 francs (\$9.00) per card. The card program operates on about a 4.5 million franc budget annually (about \$650,000). Carrying the card is not required for work purposes.

The French public authorities do not report any specific problems in administering the national identification document program. However, a plan that would have allowed authorities to use technological advances to protect identification documents from forgery was discarded.

In 1980, a law was passed enabling records pertaining to national identity cards and alien work and residency permits to be computerized. In January 1981, as a pilot program, the Government initiated a computerized identity system in certain Paris suburbs. An unavowed system goal was to provide for better tracing of undocumented workers. The National Commission on Data Systems and Freedoms reviewed and mandated corrections to the system to prevent the possible transfer of personal data into other computerized systems. However, the Minister of the Interior, noting that the computerized system might endanger individual freedoms, ordered that the manual procedures be immediately restored.

Employer responsibilities

Employers are responsible for assuring that alien employees are legal workers and are treated in compliance with applicable work laws. Within 24 hours of employing alien workers, employers are required to record on a special register maintained in their office data contained on the employees' work and residency permits. These registers are occasionally inspected by Labor inspectors during the course of their work. Employers also are responsible for complying with payroll and social security regulations. However, employers are not responsible for informing authorities when guest workers' employment terminates or when their residency permits expire.

Employers who violate the guest worker laws are subject to fines and imprisonment. In July 1976, France passed a law making the hiring of illegal workers a crime. Convicted employers could have been fined up to 3,000 francs (about \$450) and given a maximum 1-month jail term. A new law effective in January 1982 will make employers subject to fines of 2,000 to 20,000 francs (about \$300 to \$3,000) and/or 2 months to 1 year in jail for each illegal alien employed. Further, employers must pay 1 month's severance pay to illegal workers they terminate.

Separate from and in addition to any court imposed fines, employers can be administratively fined by the National Immigration Office up to 5,000 francs (about \$700) for each illegal worker hired. Administrative actions generally precede any judicial actions. The fine assessed depends on the seriousness and circumstances of the violation. Additionally, as of January 1982, the Office was given the power to immediately confiscate the employer's tools and equipment. Because many employers could be put out of business by this penalty, officials hope it will have a significant deterrent effect. Administrative penalties can be appealed only to the administering agency, not to the courts. Few appeals have been mitigated. However, should an employer also be prosecuted in the courts and found innocent, the administrative penalty will be refunded.

National Immigration Office officials stated that their Office fines almost all employers found employing illegal workers. In addition, the Ministry of Justice prosecuted about 85 percent of all employers caught violating the law. However, the immigration officials believe that judges generally do not view illegal employment as a serious offense, and, therefore, the penalties they impose are no deterrent to employers. According to the officials, the judges view illegal employment as disrespect for an administrative formality. They could not recall any employer being incarcerated for hiring illegal workers.

The following statistics on employers sanctioned in 1978, 1979, and 1980 were obtained by the U.S. Embassy, Paris.

	<u>1978</u>	<u>1979</u>	<u>1980</u>
Employers sanctioned	3,263	3,793	4,414
Employers prosecuted	1,934	2,292	2,790
Employers found guilty and sentenced	1,558	1,858	2,206
Employers jailed	4	1	0
Employers whose jail sen- tences were postponed and who were placed on probation	10	1	6
Average amount of fine imposed (francs)	1,443	1,725	2,080

Employers caught with illegal alien workers are also liable for taxes and insurances which they failed to pay during the alien's employment. However, in order to recover them from the employers, a separate action has to be initiated by the agency which oversees these funds. Immigration officials stated that communication between the involved agencies is not very good, and thus these funds are often not recovered.

Illegal alien workers

According to French officials, an official estimate of the size of the illegal alien worker population has not been made. Because illegal work is a clandestine activity, it is impossible to accurately estimate the size of the problem. Unofficially, however, estimates range from 150,000 to 350,000.

Traditionally, most illegal alien workers entered France as visitors and subsequently violated their entry conditions. Until 1980, French entry requirements had been quite lenient, and visitors, generally, were not required to have an entry visa. France's liberal entry requirements stemmed, in part, from its past role as a colonial empire and from its desire to promote tourism.

Because most illegal workers entered as legal visitors, France, in late 1980, implemented visitor visa requirements for citizens of 30 countries. France is also considering imposing visa requirements on other countries as well. Because visa requirements make it more difficult for aliens desiring to work to enter France legally, many potential violators are deterred. Additionally, instituting visa requirements can be accomplished administratively and, therefore, can be easily and quickly implemented once political considerations have been satisfied.

According to the Director of Consular Affairs, Ministry of External Relations, since imposition of visitor visa requirements, border entry violations have significantly increased. Prior to the visa requirements, legal entry into France was easy and surreptitious entries along the border had not been a problem. Patrolling the borders has not been very effective. Border penetrations are easily achieved and violators are sometimes aided by organized rings.

Many of France's illegal workers come from former French colonies such as Algeria, Tunisia, and Haiti. France also has many legal residents from the same countries, thus illegal aliens find aid among their countrymen who reside in France legally. Other nationalities identified as having violated French work laws are Liberians, Sudanese, Ghanians, Afghans, Turks, and Poles.

Many Poles who were in France when Poland declared martial law stayed beyond the 3-month visitor limit. Those staying were allowed to seek asylum. While some have declared asylum, others have taken a wait and see attitude. Poles who have not sought asylum and whose visitors time has expired have been allowed to stay and work.

Illegal alien workers were employed in many different businesses, notably agriculture, forestry, food processing, and clothing. Many illegal workers are legal aliens who take unauthorized second jobs.

Apprehended illegal workers generally are not expelled from France. The employer is required to pay the employee 1 month's salary as severance pay; however, the unemployed worker is not eligible for unemployment benefits or welfare. Furthermore, the illegal worker is not given a work permit even though he/she is allowed to remain in France.

Law enforcement

To control illegal alien workers, France's enforcement efforts and penalties are aimed at employers, not at illegal employees. The Government's view is that the illegal employees are exploited and, therefore, deserve fair treatment. The Government's three-phase strategy to control illegal workers is to restrict their access into France, regularize (legalize) the status of illegal workers already living within the country, and increase employer penalties to deter illegal hirings, thus decreasing the demand for such workers.

As previously noted, France has imposed visitor visa requirements on 30 countries whose citizens were found to frequently violate French work laws. France is considering

imposing this requirement on other countries as well. While such actions are believed to have restricted illegal workers' access to France, surreptitious border crossings have increased significantly.

The second phase of France's control strategy is to allow illegal workers the opportunity to regularize their status. Regularization has been tried several times before. In 1971, over 70,000 aliens were regularized. In 1975, a year after France restricted its admission of non-European Economic Community guest workers, about 40,000 applied and received regularization. In 1977, approximately 6,000 aliens had their status regularized.

Under France's most recent regularization program, illegal workers had from September 1, 1981, until January 15, 1982, to apply. The program, however, had two conditions. First, the alien must have resided in France prior to January 1, 1981. Second, the alien had to have an employment contract which stipulated that he/she was employed and would receive wages and benefits that met all legal requirements.

At the outset, French officials expected as many as 300,000 illegal alien workers to apply. With 6 weeks remaining in the regularization period, officials still believed as many as 100,000 alien workers would apply. However, as of January 14, 1982, with only 1 day left, only about 80,000 had applied and of these, 30,000 did not meet the program's two conditions.

Generally, those applicants who did not qualify were unable to submit a valid employment contract. Some were illegal workers who were unemployed while others were workers whose employers refused to provide them contracts. Officials believe that many aliens did not apply because of employers' pressures or threats. By meeting the Government's contract conditions, employers stood to lose their principal incentive for hiring illegal workers--the profits made from exploiting them.

The Government formed a panel to review all cases that did not meet the two conditions. French officials believe that when these cases are reviewed, the panel will be sympathetic to most of the aliens and their status will be regularized. However, officials noted that some aliens entered the country after January 1, 1981, to take advantage of the regularization offer. In some cases, these persons were illegal aliens who previously had left France but returned with documentation which showed they had lived in France prior to January 1, 1981. In other cases, the aliens were arriving with documents counterfeited to show a pre-1981 date of residence.

The third phase of France's strategy to control illegal alien workers is to increase the penalties against employers who hire illegal workers. These penalties were described previously.

The laws pertaining to illegal alien workers are enforced by several different agencies whose officers are sworn to uphold the law, including National and local police, labor inspectors, and agricultural inspectors. Labor and agricultural inspectors are primarily concerned with work safety and sanitation matters and compliance with the labor laws; they do not have arrest authority. However, they do have access to an employer's register of workers and work locations. Should they suspect the presence of illegal workers, they would notify the police for appropriate action.

In addition to the work of labor and agricultural inspectors, illegal workers are generally uncovered through anonymous tips to police; through routine police activities, such as traffic violations and identity checks; or through specific investigations culminating in police raids.

SWITZERLAND

Because of its culture, size, and economy, Switzerland does not encourage immigration. However, it relies to a large extent on foreign workers. Its dilemma, then, is twofold. First, it must find the correct balance of foreigners to Swiss and, second, it must be able to control this balance.

In the mid-1970's, a common perception existed among the Swiss that the foreign population was too large. At that time, approximately 18 percent of the population was foreign. As of January 1982, the foreign population was about 1.3 million, or 15 percent of the population (about 76 percent of the foreign population has resided in Switzerland 10 years or more). This reduction occurred as a result of a deliberate Government policy to control the size of the foreign population by controlling the number of new annual work permits it grants to aliens (a quota system).

The demand for new workers, however, exceeds the number of annual and seasonal work permits granted by the Government. And, because Switzerland enjoys a near full employment economy (unemployment is only 0.2 percent, about 10,000 workers), the demand for workers cannot be filled from within the country. An estimated 50,000 additional foreign workers are needed to fill the demand. The construction, agriculture, and catering industries (hotels, restaurants, etc.) are responsible for much of the additional demand. The greatest need is for seasonal employees who work 9 months a year or less. More annual workers are also needed; for example, in Zurich only 1 out of every 20 requests from commercial firms for annual work permitholders is granted.

For firms that need workers but cannot receive permits, the alternatives are to do without or seek illegal workers. The media has placed the number of illegal workers at about 50,000. And, Government officials who said it was impossible to determine the number of illegal workers conceded that the number was probably in the tens of thousands.

Despite its almost full employment economy and the reduction in the foreign population that has occurred, the Swiss public is still concerned about alien issues. In 1981, the Swiss Parliament accepted a new law which primarily amended and consolidated prior laws pertaining to aliens. The new law also prescribed, for the first time, that aliens had certain rights. Among the rights specified was that aliens living in Switzerland without interruption for 10 years could claim a domicile permit; and certain aliens granted residency or employment in one Canton (State) could claim the right to work or live in a

different Canton. The new law engendered considerable public opposition which forced it into a public referendum. The referendum is scheduled for the summer of 1982.

Guest workers

Switzerland classifies its foreign workers into several categories. These categories include short-term permit holders, seasonal workers, annual permit workers, domicile permit workers, and border workers. Short term, seasonal, and annual permit workers are controlled by quotas established by the Federal Government and apportioned among the Cantons. The quota for annual permits is established to control the size of the foreign population in Switzerland. The number of border workers and domiciled permit workers is not controlled by quota.

For the period November 1, 1980, through October 31, 1981, the Federal Government established the following quotas: short-term permits, 11,000; annual permits, 10,000; and seasonal permits, 110,000. The Federal Government retains control of a certain portion of the permits and the remainder are apportioned to the Cantons. For the period November 1, 1980, through October 31, 1981, the Federal Government retained control of 7,500 short-term permits, 3,000 annual permits, and 10,000 seasonal permits. The Federal Government controls these permits to rectify regional imbalances, to react to emergency or critical needs vital to economic, regional, or national interests, or for other special reasons. In addition, the Federal Government has designated the health, education, forestry, and agricultural occupations as priority areas for permit distribution. The Cantons must give preference to filling needs in these priority areas when it issues permits.

Short-term permits

For the period from November 1, 1980, through October 31, 1981, the Cantons were apportioned a total of 2,500 short-term permits and the Federal Government retained control of 5,500 of them. These permits are issued for periods of no longer than 12 months and are nonrenewable. Short-term permits are issued to corporate and business trainees or to foreigners as an integral part of their education.

Annual permits

Annual permits are used to control the size of the foreign population in Switzerland. The number of new annual permits issued yearly is determined by fluctuations in the number of outstanding annual and domicile permits. Changes such as deaths, departures, and family reunions are among the factors considered in determining quotas.

New annual permits are issued to guest workers for a 1-year period. During this period, first year permit holders generally will not be allowed to change jobs, professions, or Cantons. After fulfilling the first year period, the guest workers can change jobs and professions but first must receive approval from the local labor office and Cantonal Alien Police. If the alien wants to take a job in another Canton, that Canton must be willing to issue the alien one of its permits. After 5 consecutive years, annual permit holders acquire rights to renew their permits. Holders of annual permits also have the right to bring their families to join them 15 months after receiving their first annual permit.

Domicile permits

After 10 years of uninterrupted residence, annual permit holders may be granted a domicile permit (for citizens of certain countries, the period is 5 years). The domicile permit places the holder in a position close to that of a citizen; however, the permit is valid only for residing and working in the issuing Canton. But, aliens have the right to stay and work temporarily in another Canton without registering.

The domicile permit is issued for a limited time period. However, the alien is entitled to renew it unless there is a cause for its cancellation. The permit holder is not restricted in any way in the labor market of the issuing Canton. Thus, domicile permit holders can change jobs or professions without seeking labor office approval. Domicile permits are not limited by quotas.

Seasonal permits

The number of seasonal work permits issued is controlled by federally established quotas. The Federal Government reserves a portion of these permits and allocates the remainder to the Cantons. For employers to be eligible for seasonal workers, they must offer jobs that are clearly restricted to certain seasons, such as winter resorts, agricultural industries, and building trades. Seasonal permits may be issued only for the length of the season and in no instance for longer than 9 months each year.

Seasonal workers cannot change jobs or professions during the period of their seasonal permit but may change if they work more than one season. For example, a seasonal worker may work an agricultural job in one Canton during the harvest season with one permit and during the winter obtain a seasonal job at a ski resort in another Canton with another permit.

Seasonal workers who meet certain conditions can transform their status to annual permit holders. In order to qualify, a seasonal worker must have worked in Switzerland

for a total of 36 months during four successive years. Most seasonal permitholders work less than 9 months a year. Moreover, about 20 percent do not return to Switzerland for a second year. Hence, of the 110,000 aliens issued permits from November 1, 1980, through October 31, 1981, only about 7,000 applied for and were granted annual permits. Annual permits granted to qualified seasonal workers do not count against the quota of annual permits available.

Seasonal workers are an old tradition in Switzerland. The workers usually come from Spain, Italy, and Yugoslavia. In certain regions (mountain resort areas) the majority of workers during the season are seasonal workers. Without them, most regions could not survive economically. The number of seasonal permits issued in prior years were: 1978, 121,750; 1979, 130,073; and 1980, 143,994.

Border permits

Border permits are issued by the Cantons and are not controlled by Federal quotas. They can be issued to persons who have lived in neighboring countries near the Swiss border for at least 6 months. Border workers may be employed in Switzerland only in an area near the border and must leave Switzerland daily. Border permits are issued for a year and are renewable. In 1978 through 1980, between 23,000 and 31,000 of these permits were issued each year.

National identification document

Swiss citizens are not required to possess a national identification document. However, about 50 percent have an identification card. Those with the card find them useful for travelling to neighboring countries, for cashing checks, for picking up mail at post offices, etc. Depending on where the card is purchased, its cost ranges from 8 to 12 Swiss Francs (about \$3.70 to \$5.55) for adults and half that price for children under 15. The card is valid for 10 years for adults and 5 years for children.

For foreigners, the residence/work permit issued by the Cantonal Alien Police serves as an identification document which attests to their legal status. The permit must be presented to the authorities, upon request, and to employers whenever a new job is taken.

Each community maintains a register of all gainfully employed or nonemployed aliens residing there who have domicile, annual, or seasonal permits. The personal data in the register is provided to the Federal Government where it is computerized and becomes part of the Central Register of Foreigners in Switzerland.

Recently, this register has been enlarged to include alien workers who have border permits. The principal purpose of the Central Register is to maintain an exact count of foreigners in the country. The data in the Central Register is not used for control purposes.

Employer responsibilities

Before seeking an alien worker, employers must first try to find available Swiss workers (citizens and domicile permit-holders) or resident aliens who may be willing to take the job offered. The employer has to show (1) that he/she has made all possible efforts to find an employee in the local labor market; (2) that the job was registered with the local labor office without success and it was not possible to find a suitable worker on the overall Swiss labor market; and (3) that employees available on the Swiss labor market could not be trained within an acceptable time period. Additionally, the job must offer the same local prevailing salary and work conditions as would be given a Swiss applicant. Only after meeting the above conditions will the employer be allowed to seek an alien.

Employers are not allowed to employ foreign workers without making sure that the worker is authorized to work. Before hiring a foreign worker, employers are required to inspect the foreigner's identification papers or check with the Cantonal Alien Police. Also, employers must notify the community registration office where the employee is registered whenever a guest worker leaves or loses his/her job.

Swiss law does not specifically prohibit hiring illegal workers, rather it prohibits anyone from facilitating an illegal alien residing in Switzerland. Providing a job to an illegal alien is considered facilitating the alien's residence and thus is illegal. The penalty for facilitating an illegal alien's residence is a prison sentence of up to 6 months to which a fine of up to 10,000 Swiss Francs (about \$4,650) may be added. Prosecutions for this violation are a Cantonal responsibility. Employers are responsible for the cost of repatriating illegal employees to their home countries.

Despite the penalties prescribed by the law, when prosecuted, the penalties imposed by the court generally have been light. The penalties have varied in degree from judge to judge, with some judges being considered tougher in their sentencing than others. However, the general perception was that most judges do not view the employment of illegal aliens as a serious violation.

Rarely, if ever, has an employer been sent to jail for employing an illegal alien. Typically, the sentence imposed on a first time offender is a suspended sentence or a warning and

a small fine of 200 to 500 Swiss Francs (about \$90 to \$225). During 1981, in the Canton of Bern, 150 employers were cited for employing illegal workers of which 103 received only warnings. Occasionally the fine has been significant. For example, the Chief of Bern's Alien Police recalled an employer of 20 illegal workers being fined 25,000 Swiss Francs (approximately \$11,600). However, the major part of the fine was imposed by the Tax Office since the employer had not paid the illegal workers' wage, social security, and unemployment taxes.

Most employers of illegal workers, however, pay the required taxes and insurance. The Chief of Bern's Alien Police said that those employers who do not are fined by the Tax Office.

The greatest deterrent to hiring illegal workers, according to employer representatives, is the possibility that, if identified, the Cantons can refuse to allow the employer to hire foreign workers in the future. Such a sanction would be catastrophic to employers who rely on foreign workers, especially seasonal workers. This penalty has been applied primarily in cases where an employer is found to be a repeat offender.

An employers' organization representative stated that many employers who hire illegal workers pay them fairly and pay all required taxes and insurance. Employers who pay illegal workers' required taxes and insurance do not risk being identified through law enforcement efforts because such information is not shared with law enforcement authorities. Additionally, employers who pay illegal workers fairly, as well as making all other required payments, probably would be treated leniently by the courts, if prosecuted. Employer organization officials believed that many employers who hire illegal workers would prefer hiring legal workers but because of the quota system, priority quota areas, and the demand for quota workers, they cannot obtain legal workers. In any event, the employer organizations advise their members against hiring illegal workers.

Illegal alien workers

Despite fairly good procedures at airports to screen and control aliens entering Switzerland, officials believed it would be relatively easy for aliens to surreptitiously enter the country across the borders. However, once in Switzerland, aliens would have a difficult time remaining undetected. Alien control is facilitated by small communities and the lack of large foreign population accumulations. It is also aided by Switzerland's strict residence control procedure which is applicable to the total population. This control procedure requires aliens who intend to settle or work in Switzerland to register with the Alien Police in their place of residence. Furthermore, anyone who provides aliens lodging for remuneration must register them with the local police.

The media has placed the number of illegal alien workers at about 50,000. Government officials, who do not believe that an accurate illegal alien worker estimate can be made, concede that there are several tens of thousands of them. Officials do not believe that Switzerland's illegal worker problem is nearly as serious as Germany's or France's.

For the illegal worker, the penalty for the first offense is always expulsion and denial of permission to reenter Switzerland. Denial of reentry is stamped in the violator's passport and usually lasts from 2 to 3 years. Such denial is all inclusive and extends to using Switzerland as a transit point when flying between two countries. From 1970 through 1981, between 1,200 and 1,900 illegal alien workers were expelled annually.

Expelled aliens who reenter Switzerland in contravention of their expulsion order violate Federal law and can be prosecuted. If convicted, the alien can be fined from 300 to 800 Swiss Francs (\$140 to \$370) and imprisoned for 1 to 3 months. After serving the sentence and/or paying the fine, the alien is expelled again. If another such violation occurs, the alien could be permanently expelled.

Law enforcement

Each Canton and community is responsible for identifying and controlling illegal alien workers. As a result, the degree to which enforcement takes place is determined by the prevailing policies, philosophies, and budget constraints of each community. Some areas have taken a strict approach to the problem and others have not. Still others, due to budget constraints, could not do so even if they wanted to.

Each Canton has its own Cantonal Alien Police force which is responsible primarily for control of legal workers. Although illegal workers come to their attention, they have no arrest authority. Thus, they refer information on illegal workers to the local police who do have arrest authority.

As of December 1981, over 67,000 aliens with annual and domicile permits resided in the Canton of Bern. Of the 67,000, more than 41,000 worked. During the year, another 13,000 aliens may enter the country under seasonal permits as well as about 600 workers from Germany and France who have border permits. To fulfill its responsibilities to these legal aliens, the Bern Cantonal Alien Police has only 25 officers. As a result, the Alien Police do not investigate employers. The Chief of the Alien Police stated that even if he had more officers, he would not investigate employers. He stated that

such an action might seem like harassment of certain employers and that to be fair, all employers would have to be investigated.

Discovery of illegal aliens is almost always through denunciations by employers' competitors or tips by anonymous citizens who complain when someone has too many aliens employed. Also, illegal aliens are exposed through routine law enforcement activities, such as issuing traffic violations.

ARGENTINAGuest workers

Argentina permits qualified aliens to enter and work on a temporary basis if the region where they plan to work needs workers with their skills. To qualify for entry and a temporary work authorization, aliens need to (1) pass a medical examination, (2) clear a police conduct check, and (3) possess a valid entry document (such as a passport or identity document) and a labor contract.

Temporary workers are admitted for 1 year but can apply for a renewal or an extension of their work authorization. Temporary workers may be authorized to change jobs and to have their families join them. In general, alien workers enjoy the same benefits granted Argentine citizens.

National identification document

Argentina requires everyone to possess an identity document. Permanent resident aliens can obtain a national identity document but temporary aliens cannot until they have been in the country legally for more than 1 year.

Employer responsibilities

Before hiring alien employees, employers must verify that the workers are legal residents and possess legal work authorizations. The employer can verify an alien's residence status by inspecting his/her entry documents. Aliens entering Argentina at the borders either are given a stamped control card or get their passports stamped. The stamp shows the alien's authorized period of stay, entry date, and entry category (permanent or temporary resident, tourist, etc.). Among the documents authorizing an alien to work are permanent or temporary work permits, properly stamped passports, Argentine National Identity Documents, political asylum cards, seasonal worker cards, or identity cards issued by the provincial or Federal police.

Employers who hire aliens without proper authorization are subject to an administrative fine. The fine is levied by the National Bureau of Migrations. If an employer can prove that the illegal alien obtained the job through deceit or fraud, the case will be dismissed without penalty. The average fine for employing illegal aliens is 1.5 million pesos (about \$38). Additionally, employers who provide lodging to illegal aliens can be fined up to 300,000 pesos (about \$8). Employers can, however, appeal their administrative fines to the courts.

Illegal alien workers

There are an estimated 300,000 illegal alien workers in Argentina. Apprehended illegal workers are not fined. Instead, after considering their history, date of entry into the country, and the nation's migration policy, they are either urged to correct their residence authorization, warned to depart Argentina, or expelled. For the 3-year period 1978 through 1980, 1,933 illegal alien workers were expelled.

Law enforcement

The Embassy did not provide Argentina our questions on law enforcement.

AUSTRALIAGuest workers

Australia does not have an alien guest worker program.

National identification document

Australia does not require a national identification document.

Employer responsibilities

Employers are not legally responsible for determining the citizenship status of their employees.

Illegal alien workers

Many nonimmigrants take jobs without authorization. These nonimmigrants are visitors who have overstayed, seamen who have deserted, stowaways, and persons who gained entry to Australia by misrepresentation. An illegal alien who works is subject to a fine of up to \$1,000. During 1981 more than 50 nonimmigrants were prosecuted for working without authorization.

Law enforcement

The Department of Immigration and Ethnic Affairs is the agency primarily concerned with enforcement of immigration law violations. It has approximately 30 immigration officers stationed throughout the country. Immigration officers are responsible for the detection, apprehension, and detention of prohibited immigrants. Other officers empowered to enforce the prohibitions against unauthorized alien workers include Customs officers, Federal police, State police, and Territorial police.

Information about prohibited immigrants often is provided to the Department of Immigration and Ethnic Affairs from various sources, including the general community, police agencies, vindictive or aggrieved neighbors, and relatives. Not infrequently, prohibited immigrants surrender themselves and seek deportation.

AUSTRIAGuest workers

The employment of guest workers is subject to the Alien Employment Act of 1975. According to the act, an employer must obtain an employment authorization for all alien workers. If an employer intends to import new guest workers, he/she is required to first obtain a Labor Office certificate. The Labor Office issues this certificate on the assumption that the incoming aliens can meet the conditions for receiving an employment authorization.

The employment authorization is granted for a maximum of 1 year and can be extended for an additional year at the employer's request, providing that the legal requirements for employing guest workers are still met. The employment authorization is maintained by the employer as proof that he/she is allowed to employ the alien.

If the employment authorization is not extended--either because the employer does not request an extension or because its requirements are not fulfilled--the guest worker enjoys the same rights as citizens who are unemployed (severance pay and unemployment compensation). If the guest worker applies for a new job, the potential employer must meet all the requirements for obtaining an employment authorization.

Before entering Austria, guest workers must obtain a visa. Guest workers are permitted to bring their families with them (spouse and children under 19). Visas are issued for both the guest workers and their families on the basis of their approved employment authorization. The expiration date of the visa extends 1 month beyond the expiration date of the employment authorization. Visas can be extended for up to 30 weeks beyond their expiration date if the guest worker is eligible for unemployment benefits.

The following table shows the number of guest workers admitted to Austria by year since 1978.

<u>Year</u>	<u>Number of workers admitted</u>
1978	176,709
1979	170,592
1980	174,712
1981 (Jan. - Oct.)	172,073

Guest workers must be paid wages equal to wages paid to citizen workers having like qualifications in the same jobs.

Additionally, working conditions must be comparable to those provided similar citizen workers. Guest worker participation in the following social insurance programs is compulsory--old-age, health, and unemployment insurance and workmen's compensation.

National identification document

Austria does not require a national identification document for guest workers. However, all guest workers receive a copy of the employment authorization. The document is free and serves as proof that the alien is legally employed. The alien is not required to carry the document.

No information pertaining to national identity documents for Austrian citizens was provided in the questionnaire response.

Employer responsibilities

Information pertaining to employers' responsibilities when hiring or discharging alien workers was not provided in the questionnaire response.

Illegal alien workers

According to the Federal Ministry for Social Administration, illegal alien employment is significant. Although working illegally is prohibited, illegal alien workers are not penalized. In fact, illegal alien workers are entitled to the same rights as those with valid working contracts.

Law enforcement

The offices of Labor Market Administration (composed of local labor offices, provincial labor offices, and the Ministry of Social Affairs) decide whether to admit aliens to the domestic labor market. In case of obvious violations of the law or if violations are strongly suspected, the offices of the Labor Market Administration request appropriate regional authorities to open administrative proceedings. Employers found guilty of employing illegal workers can be administratively fined. The offices of the Labor Market Administration do not maintain statistical data on the extent of the problem since it is an insignificant one.

DENMARKGuest workers

The entry of aliens into Denmark for work and residence is strictly limited. Denmark has neither a guest worker program, nor an immigration program. Although a guest worker program did exist, Denmark terminated it in 1973 because in reality, the program had been inactive for some years. With the exception of family reunions and refugees, aliens are generally not granted residence and work permits. Special entry provisions exist for citizens of the Scandinavian countries, the European Economic Community, and for workers covered by special treaties.

No numerical limits are placed on aliens admitted for employment; however, such admissions are based on national interest and the need for foreign specialists. Before an alien can be admitted, he/she must have an offer for a specific job approved by the local union. Since admissions are based on contracts for specific employment, aliens may not change employers without the authorities' permission.

Alien workers are admitted for limited time periods. Requests for extensions must be supported by evidence of a continuing need for the alien's services. Aliens' dependents may be authorized residence permits but will not usually be granted work permits until they have resided in Denmark for at least 2 years. Authorization for the entry and employment of unskilled or semiskilled workers is not normally approved.

The following table shows the number of aliens granted first time work permits from 1978 through 1980.

	<u>1978</u>	<u>1979</u>	<u>1980</u>
Citizens of European Economic Community	2,544	2,877	3,275
Other aliens	<u>4,261</u>	<u>4,554</u>	<u>5,009</u>
Totals	<u>6,805</u>	<u>7,431</u>	<u>8,284</u>

Work and/or residence permits can be withdrawn when the need for the alien's services no longer exists. However, Danish officials, when considering whether to withdraw an alien's permit, give favorable consideration to aliens who have resided in Denmark for a number of years.

National identification document

While Denmark technically does not have a national identity document, it does issue a National Health Card, which is frequently used as an identity document, to all residents.

Aliens are required to carry a valid travel document containing either a residence stamp or a residence/work stamp proving their lawful admission status. If the alien has resided in Denmark for 2 years, the residence/work permit takes the form of a separate card in lieu of a stamp on a travel document. Aliens are required to present the travel document upon demand to the authorities. If unable to present the document, the alien can be fined and detained until such time as the alien's lawful admission is verified.

The production of residence/work permit cards costs approximately \$4,080 per year. The cards are laminated to prevent alteration. Monitoring the program requires an undetermined amount of staff and is complicated by the fact that departing aliens do not always surrender their cards. When this occurs, the departure must be verified through other means, such as the central personnel register. The alien control records are not computerized. Reasonably rapid verification of aliens' status is possible with the current manual system.

Employer responsibilities

Employers are required to insure that aliens are properly documented. They are further required to submit an employment contract which meets Danish standards of wages, etc. The local union must approve each contract and the employers are required to fulfill the contract terms. If an employer wishes to extend an alien's permit, the employer must reexamine and recertify the contract to show a continuing need for the foreign specialist. The employer is also required to verify that the alien has received the proper admission stamp.

Employers who fail to comply with the laws governing alien workers are subject to penalties. Generally, employers are fined, although the law provides for a possible 6-month sentence for violations. Fines are based on the length of time that the alien was employed--about \$67 for the first month and about \$27 for each additional month. For the 3-year period 1978 through 1980, 64 employers were penalized for employing illegal aliens. To be convicted, an employer must have knowingly and willingly hired an illegal alien and/or collaborated with the alien to circumvent the legal requirements.

Illegal alien workers

Denmark does not have a major problem with illegal alien workers, although abuses exist. For the 4-year period 1978 through 1981, 170 aliens were arrested for working illegally. Resident aliens who violate their admission terms are subject to fines, while aliens admitted as tourists or without residence status are subject to deportation. Resident aliens are deported only in cases of serious crimes. Illegally employed aliens are usually found in small businesses performing unskilled labor.

Illegal aliens use various methods to circumvent entry requirements. They use residence/work permits issued to other aliens, arrange "pro forma" marriages to Danish citizens or residents, and procure passports or identity cards issued by European Economic Community countries.

Law enforcement

The Danish Alien Police, under the Ministry of Justice, is the primary agency responsible for administering and controlling aliens. Its efforts are supported by municipal and local police forces. In Copenhagen, 62 officers are assigned to enforcement. Outside of Copenhagen, local police assign a special officer to deal with questions regarding aliens. Questions that cannot be handled or problems that arise are referred to the Alien Police.

The Alien Police have fairly wide authority to take remedial action without referral to other agencies. Aliens determined to be in violation of their status can be quickly deported. Government funds can be used to transport aliens not having sufficient funds for transportation costs. In some cases the alien's employer may be asked to contribute to defray the deportation costs. Deportation cases usually involve tourists and vagrants and have averaged 1,200 per year, including persons deported for reasons which are not related to illegal alien matters.

Another measure used to control illegal entrants has been the imposition of visa requirements. Denmark established visa requirements for citizens of Turkey and Pakistan when it became obvious that these countries were major sources of illegal aliens.

DOMINICAN REPUBLICGuest workers

The Dominican Republic's guest worker program consists of admitting Haitian laborers to cut sugar cane. The Haitian workers are recruited in Haiti and are selected by the Haitian Government and the Dominican State Sugar Council. The number admitted is determined annually and is based on the estimated size of the sugar cane crop. From 1979 through 1981, an average of 16,667 Haitian workers were admitted annually.

Guest workers are required to have a passport, a personal identity document, and a health certificate. Haitian laborers may reside in the Dominican Republic only for the length of the harvest and their families are not permitted to accompany them. The guest workers participate in special health and housing programs directed by the State Sugar Council.

National identification document

All citizens and resident aliens over 16 are required to have and carry at all times an identification card called a cedula. The cedula is valid for life but must be renewed annually. The annual fee for the card is \$1. The cost for designing, producing, and distributing the card is \$.50. The cedula is used for many purposes, for example, to obtain passports and other public documents; to marry or divorce; to enroll in a university; to enlist in the Army, the police, or the fire department; to be a commercial employee or to work for any other person; to obtain any type of license from public offices; to obtain permission to bear arms; and to travel to foreign countries.

To control the integrity of the card system, extensive investigations are made when any doubt arises about the authenticity of the card or whether the person bearing the card is the legitimate holder. Persons applying for a card must present a birth certificate or a marriage certificate. Each card bears a control number protected by security measures like coding and the bearer's full name, thumbprints, and photograph. The annual cost of the cedula program is about \$1.2 million.

All individuals issued cedulae are listed on a manually maintained Government registry. In addition to control purposes, the registry is also used to verify the eligibility for and receipt of Government health and employment benefits, however, it is not used for law enforcement purposes.

Employer responsibilities

Generally, employers are not responsible for verifying the citizenship status of their employees. Employers that hire Haitian guest workers are required to abide by the contract agreed to by the Haitian Government and the State Sugar Council. Additionally, they are required to pay an alien the portion of his/her salary which had been withheld and his/her bonus when the employment is terminated. Employers are also required to escort Haitians whose employment has ended to the border and pay their transportation and meal expenses.

Illegal alien workers

In addition to about 200,000 Haitians working illegally in the Dominican Republic, there are some Chinese and Cubans also working illegally. Most illegal aliens work in the agricultural sector and the construction industry. Apprehended illegal alien workers are deported. For the 3-year period 1979 through 1981, 4,749 illegal workers were deported.

Law enforcement

Both the Directorate General of Migration of the Secretariat of State for Interior and Police and the National Police are responsible for enforcing the laws pertaining to illegal alien workers. The number of law enforcement officers devoted to illegal alien worker problems varies depending upon the case-load.

Law enforcement authorities learn of illegal worker violations through the Directorate General of Migration's Inspection Service or through traditional police methods (that is, anonymous tips, interrogations, etc.). Most investigations of illegal workers begin by interrogating the suspected violators. To deter violations, the Government advertises in newspapers and on television and radio to warn employers to refrain from hiring illegal aliens.

FINLANDGuest workers

Finland does not have a guest worker program and it does not help aliens find employment. An alien wishing to work in Finland must locate an employer and apply for residence and work permits at the nearest Finnish Embassy or Consulate abroad. The work permit applications must be accompanied by an employer's certification that the alien will be hired for an existing job. The Ministries of Labor and Interior are responsible for processing an alien's application. A work permit is granted only when an employer can show that he/she has been unable to fill the position locally.

An alien already residing in Finland can apply for a work permit by submitting an application along with his/her passport to the local police. The police deliver the application, along with their recommendation concerning its approval to the Alien Office of the Ministry of Interior.

An alien can be granted a work permit for the maximum period that his/her visa or residence permit is in effect. (Residence permits are initially granted for 1 year but can be renewed for 5 years.) The work permit is valid only for the particular job that the employer certified to in the application. If an alien wishes to accept another job, then an application for a new work permit must be submitted.

An alien taking lodging in Finland must complete a police form giving the landlord personal data and other information. If an alien resides with someone not in the lodging business, the host must notify the police. When changing lodgings, an alien is to notify the landlord so that the landlord can notify the police.

National identification document

Finland does not require citizens to obtain a national identification document. However, citizens are expected to be able to identify themselves to authorities upon request. A national identity card can be obtained by any citizen who wants one. To obtain a card, a citizen must apply, provide proof of identity and citizenship, and pay a fee of approximately \$2.40. The card costs the Government approximately \$2.00 to design, produce, and distribute. The card is issued for identification, proof of nationality, and travel within Scandinavia. The card does not indicate whether a citizen is entitled to Government welfare, health, or employment benefits.

The card is valid indefinitely; however, if the bearer's appearance changes substantially, a new card must be obtained. To prevent forgery, the card is printed on special paper and laminated with plastic. To further prevent forgery, metal rivets are punched through the top left and bottom right hand side of the bearer's photograph and a seal is placed over it. The annual cost of operating the identity card program is approximately \$250,000. While records are not computerized, Finland has an office of population registry which can verify citizenship and place of residence.

Employer responsibilities

Employers are responsible for verifying that employees are not illegal aliens. Employers can verify aliens' legal status by checking their passport for residence and work permits. These permits, in the form of stamps, must be in the passport before an alien is hired. Within 24 hours of verifying an alien's status, employers are required to notify the local police of the alien's identity and the job he/she was given. The police are then required to give this information to the Interior Ministry's Alien Office within 24 hours. Likewise, employers are required to notify the police when an alien's employment is ended.

Employers can be administratively fined from 5 to 20 times their daily salary for hiring an illegal alien. Employers who fail to pay the fine may be prosecuted and, if found guilty, sentenced to from 5 to 20 days in jail. Employers cannot be penalized if they are victims of fraud or deception.

Illegal alien workers

The Office of Alien Affairs, Ministry of Interior, is not aware of any illegal alien workers in the country. Relatively few foreigners work in Finland and, because of stringent controls, employers are hesitant to hire illegal workers.

Illegal aliens are expelled as soon as they are discovered. Twelve aliens were deported in 1979, 19 in 1980, and 14 in 1981 because they lacked residence and work visas.

Law enforcement

The Office of Alien Affairs is responsible for enforcing laws pertaining to illegal aliens. It is supported by police throughout the country. While Finland has 11,000 policemen committed to upholding its laws, including those concerning illegal aliens, only certain designated inspectors and police commissioners have arrest authority.

Since Finland is a homogeneous society, most aliens are easily identifiable. Sometimes, citizens notify the police when they discover aliens without the necessary residence or work permits. In addition, the police occasionally spot check aliens to determine whether they are properly documented.

A new "Statute on Aliens," currently being debated by the Finnish Parliament, would limit the discretionary authority now available to the Office of Alien Affairs and, generally, would be more democratic with respect to the rights of aliens. As an example, under current law, an alien cannot appeal a decision made by the Office of Alien Affairs. If an alien is expelled, he/she may not appeal the decision. Under the proposed new act, however, a system of appeals would be available.

GREECEGuest workers

Greece does not have a formal guest worker program. Legally employed aliens fill specific temporary vacancies in certain general fields. They may be making intracompany transfers or temporarily performing services of an exceptional nature. The most common categories of temporary workers are:

1. Executives or technical experts employed by enterprises which have imported foreign capital for productive investments.
2. Personnel employed by Greek or foreign shipping companies.
3. Workers employed by recreational and resort centers established by foreign enterprises (not to exceed 15 percent of the entire staff).
4. Unskilled personnel employed by tourist enterprises and cattle, dairy, pig, and poultry farms.
5. Artists.
6. Sports coaches.
7. Tour leaders.

Foreigners working temporarily do not have social security benefits or medical coverage.

On January 1, 1981, Greece became a member of the European Economic Community. Community citizens may freely immigrate to and work among member nations. Thus far, not many European Economic Community citizens have come to Greece under this arrangement.

The Ministry of Labor and the Ministry of Public Order are the primary agencies responsible for administering the alien employment laws. The Ministry of Labor is responsible for granting aliens work permits.

National identification document

All Greek citizens over 14 residing permanently in Greece are required to have a national identification card issued by local police authorities. The card is the main proof of identity and includes such information as the date and place of birth, home address, occupation, religion, names of

parents and spouse, photograph, right index fingerprint, and blood category. Citizens are required to carry the card at all times and show it to authorities on demand. Sanctions are prescribed for failure to present the card.

The card is used as a supporting document for the issuance of licenses, voting booklets, and passports. It is also used to verify Government welfare, health, employment eligibility and for law enforcement purposes. Police rules prescribe procedures for replacing the card in case of loss. The card is also replaced whenever the bearer changes jobs or addresses or gets married. A minimal fee is charged for the card which is valid indefinitely.

The card is protected from forgery by lamination and by the specially water-marked paper it is printed on. To protect the cards further, the Government is making an effort to computerize them.

Employer responsibilities

Employers are prohibited from hiring alien workers who do not hold valid residence and work permits. To obtain an alien worker, employers must submit an application to the local labor exchange justifying their need for an alien. The local labor exchange consults the police and, if it finds the application justified, issues a permit which is sent to the alien. With the work permit, an alien can obtain the proper entry visa. If an alien is already in Greece under another type of visa, the employer still follows the same procedure.

Unless he/she is a victim of fraud or deception by an alien, an employer who hires an illegal alien is subject to fines imposed by the court as well as imprisonment from 15 days to 3 months. During the 3 years ending December 1981, charges were brought against 747 employers.

Illegal alien workers

Statistics are not available on the size of the illegal alien worker population. Newspaper accounts place the number at between 30,000 and 50,000. When apprehended, illegal aliens face fines from \$8 to \$85 and imprisonment from 10 days to 3 months. For 1979 through 1981, 461 aliens were prosecuted in the magistrate court.

Most of the illegal aliens come from Afro-Asian countries. Illegal aliens most commonly enter Greece as crew members on merchant vessels, or as visitors. Very few aliens attempt border crossings. Illegal aliens are usually employed as servants; tutors; practical nurses; hospital attendants; and as laborers in industries, in handicraft workshops, and on farms. Most work is in the Athens area.

During the period 1979 through 1981, 3,638 aliens were asked to leave Greece at their own expense while 840 aliens were deported at Government expense. During that same period, immigration agencies did not renew residence permits for 16,047 aliens, thus obliging them to leave Greece voluntarily.

Law enforcement

The City Police and the Gendarmerie are responsible for enforcing laws regarding employment of illegal aliens. Enforcing laws regarding illegal aliens, however, is only a small part of their official duties. Their primary enforcement responsibilities regarding illegal aliens include gathering intelligence about them, locating and apprehending them, and referring their cases to the court. Employment violations come to the police agencies' attention through signed documents, intelligence gathering, and surprise checks and raids of areas frequented by illegal aliens.

The police agencies have problems in preventing the employment of illegal aliens for three reasons. First, numerous employers are interested in hiring cheap foreign labor. Second, if aliens are caught, they use the legal process to delay deportation. And finally, some aliens enter the country illegally, subsequently marry Greek nationals, and become entitled to resident status.

HONG KONGGuest workers

Hong Kong does not have a guest worker program as such. Nevertheless, employment visas are issued to aliens who possess skills which are not readily available locally and/or who are able to show that their presence will benefit Hong Kong economically. Between October 1979 and September 1981, a total of 14,146 employment visas were issued to aliens.

Before aliens can be hired, they must possess valid travel documents allowing reentry to their home countries. Apart from domestic workers recruited mainly from the Philippines, most workers are in the professional and technical occupations. Alien workers are not allowed to change employment or to have part-time employment without prior approval from the Director of Immigration.

Visas are usually approved for an initial stay of 6 months, but extensions are granted if the Immigration Department is satisfied that the employment meets the criteria stated above. Persons admitted for employment are generally allowed to bring their dependents with them, although this policy does not apply to domestic workers and other skilled or semiskilled workers admitted under contracts. Although aliens are not eligible for Government welfare benefits, in practice, medical treatment and housing and education allowances are usually provided by the employer.

National identification document

Every resident 11 years old or older is required to register for an identity card. The card serves a dual purpose-- a form of identification and evidence that the holder is legally employable. The cardholder may be fined up to HK \$1,000 (about \$160) if he/she does not have the card in his/her possession. At present, the cards have no date of expiration and central records are maintained manually.

The card is printed on security paper and is laminated. The Hong Kong authorities plan to introduce a new style of card which will incorporate additional security features since there has been a marked increase in the use of forged and counterfeited cards since October 1980 when the policy on repatriation of illegal entrants was changed. The new cards will be part of a computerized records system. The cost of the card to the applicant is low, but a higher cost is charged if the card is lost, defaced, or requires amendment.

Employer responsibilities

Employers are required to enter into an agreement to repatriate an alien employee at the end of the contract. The salary and allowances offered to the alien are carefully watched to make sure that employers are not bringing in cheap labor.

Employers must inspect every applicant's identity papers. Hiring illegal aliens can subject an employer to a maximum fine of HK \$50,000 (about \$8,600) and imprisonment up to 1 year. Employers must maintain records at the place of employment showing the employees' names and the types and numbers of their work authorization documents.

From October 1980 through September 1981, 241 employers have been prosecuted and fined. Most employers were prosecuted for not maintaining proper employee records. The fines have averaged HK \$640 (about \$100).

Illegal alien workers

In addition to absorbing legal aliens, Hong Kong has also been faced with absorbing illegal aliens from China. In 1974, a policy was initiated to repatriate illegal entrants apprehended in the border area while those who successfully reached the urban area or their relatives in Hong Kong were generally allowed to stay. Since October 1980, all illegal aliens from China, whether or not they had successfully evaded the border patrols, have been liable to repatriation. Most other illegal aliens come from Taiwan or Macau. Many illegal aliens are visitors who have overstayed their permitted stay. Most of those who overstay their allotted time are from Chinese communities in Southeast Asia. The illegal alien profile is an unmarried male between 16 and 25 who is probably employed.

The Government believes that approximately 5,500 illegal aliens are in Hong Kong. Most enter from China, Macau, or Taiwan. Most illegal aliens are assumed to be working. From October 1980 through September 1981, 120 illegal alien workers were apprehended and repatriated. Only five illegal alien workers were prosecuted and fined. The fines averaged HK \$300 (about \$48).

Illegal aliens take up a variety of occupations but most of them are in unskilled occupations. The following table shows the occupations of those illegal aliens apprehended.

<u>Occupation</u>	<u>Number of illegal immigrants</u>
Factory workers	24
Construction workers	17
Restaurant workers	6
Skilled workers	2
Casual workers	17
Laborers	8
Shop assistants	3
Delivery/transport workers	6
Apprentices	1
Farmers	4
Fishermen	5
Technicians/mechanics	6
Salesmen	1
Students	3
Hawkers	5
Others	<u>12</u>
Total	<u>120</u>

Law enforcement

The responsibility for enforcing illegal alien employment regulations rests with the Immigration Department which is supported by local police and the Labor Department. The police conduct identity checks and provide general support in large joint operations. Labor inspectors check employees' records during normal visits to factories to determine whether employers are complying with the labor laws.

ICELAND

Iceland's response to our questionnaire stated that practically none of our questions applied to its situation.

ITALYGuest workers

Except for European Economic Community, Swiss, or San Marino citizens, aliens seeking employment in Italy must obtain an entry visa from the police. Before the entry visa can be issued, prospective employers must first obtain a work permit from the Provincial Labor and Full Employment Offices. The employer then submits the work permit along with a request for an entry visa to the police. The police are responsible for issuing the entry visa to the alien.

Upon their arrival in Italy, aliens must apply to the local police within 3 days for a sojourn permit--a permit for residence. The sojourn permit, which also contains a work permit, is valid for a year and expires upon the worker's separation from employment. The permit with work authorization is valid only for a specific occupation and employer. If aliens wish to change employers, occupations, or communities, they must obtain a different sojourn permit. The new sojourn permit is valid for a 60-day period. During this period, an alien has to receive the Provincial Labor Office's approval to change jobs. Once an alien finds new employment and is issued a new work permit, he/she may then obtain another sojourn permit consistent with the new work permit. When seeking other jobs, aliens may use Italian job placement offices if they possess a valid sojourn permit or an equivalent document.

Aliens who fail to report their residence to the police can be fined up to 80,000 lire (about \$57) and imprisoned up to 3 months. Moreover, they can be expelled. Expelled aliens cannot reenter the country unless they obtain special authorization from the Interior Ministry. Unauthorized reentry is punishable by imprisonment of from 2 to 6 months after which the alien is expelled again.

The Labor Ministry can approve the employment of an alien already residing in Italy who possesses the visa normally required for working purposes, if the alien has Provincial Labor Office authorization, and if the Ministry finds no reason to refuse it. However, if aliens intend to work independently in industry, commerce, or a profession, they must have appropriate entry visas. The number of aliens allowed to work in Italy is not limited as long as their employment is not detrimental to Italian workers. The Provincial Labor Office's work authorization attests that Italian labor is unavailable. As of December 31, 1980, 84,336 foreign workers were registered in Italy.

National identification document

Information pertaining to a national identity document was not provided.

Employer responsibilities

Employers are required to notify the police within 24 hours of hiring or separating an alien. When hiring an alien, the employer must give the police the alien's name, address, biographical data, and work assignment. Upon separation, the employer must notify the police of the alien's new destination within 24 hours of the alien's departure. Employers who fail to comply are subject to 6 months' imprisonment and a maximum fine of 200,000 lire (about \$142).

In dealing with alien workers, employers are governed by the same rules that apply to Italian workers and must provide alien workers the same earnings and social security benefits. However, illegal alien workers are not covered by Italy's worker protection laws. Employers hiring workers without a work authorization can be fined from 36,000 to 80,000 lire (about \$26 to \$57) per worker up to a total of 16,000,000 lire (about \$11,400). Employers who fail to pay all contributions and premiums for employees' social security are subject to an administrative fine. If the employer fails to pay the required payments by a differential of 5 million lire or greater per month, he/she can be imprisoned for up to 2 years.

Illegal alien workers

Although Italian officials believe that aliens frequently work illegally, they did not provide any estimate of the scope of the problem. However, they did note a 1978 survey which stated that at least 280,000 foreigners were working illegally. The officials responding to our questionnaire could not confirm or deny this information.

Law enforcement

Labor Inspectorate Officials are authorized to enforce all labor laws whether or not they involve foreign workers. The inspectors are considered judicial police for labor matters and certain flagrant violations.

JAPANGuest workers

Japan does not allow guest workers to enter the country. As a result, no legal or institutional framework exists for this purpose.

National identification document

Japan does not maintain a national identification documentation system.

Employer responsibilities

No responsibilities are imposed on employers in the hiring of aliens.

Illegal alien workers

Japan's most predominant problem with alien employment is illegal employment. Illegal aliens are believed to number between 50,000 and 60,000. However, the number of illegal aliens gainfully employed, although unknown, is believed to be considerable.

Almost all illegal alien workers enter Japan as legitimate tourists. Aliens from Korea or Taiwan dominate the alien worker population. Most illegal alien workers are employed as nightclub dancers, bar hostesses, and construction workers, often in subway construction. In the case of illegal construction workers, those from Taiwan often enter in groups as tourists while Koreans generally enter individually to visit relatives. Once their authorized period of stay expires, most of these laborers depart Japan. Nightclub hostesses and entertainers are brought into Japan by agents both in groups and individually. They generally avoid middle size cities which offer neither the mass anonymity of large cities nor the remoteness of agricultural towns.

Under Japanese law, an alien engaged in unauthorized activities can be punished by imprisonment not exceeding 3 years or fined 300,000 yen (about \$1,140). In practice, illegal alien workers apprehended are detained briefly for administrative purposes and then deported at their expense. Proceedings in cases of illegal alien employment are directed solely against the illegal aliens. Employers are not legally liable for hiring illegal aliens.

Law enforcement

The agency responsible for enforcing the immigration laws is the immigration authority of the Ministry of Justice. In 1980 the immigration authority had 692 immigration control officers with investigative responsibilities. Police, private informants, and public relations campaigns bring matters involving illegal aliens to the immigration authority's attention. From 1978 through 1980, the immigration authorities apprehended 1,683 illegal alien workers.

Promoters involved in bringing alien workers into Japan are strongly urged through correspondence and meetings to desist. Government Ministries also aid in the national immigration control effort. For example, the Ministry of Education routinely cautions universities about hiring illegal workers.

LUXEMBOURGGuest workers

Luxembourg is a small country of approximately 360,000 people of which about 25 percent are aliens. The Luxembourg economy has been heavily dependent on alien workers since World War II. The 1940's and 1950's saw an influx of Italian workers, most of whom have become permanent residents of the Grand Duchy. In the 1970's a fresh demand for alien workers encouraged Luxembourg to sign guest worker agreements with Yugoslavia and Portugal. The number of Yugoslavian workers that took advantage of the program was minimal. However, Portuguese nationals now comprise the largest single foreign ethnic group in Luxembourg. Originally, guest workers were recruited through the cooperation of either the Yugoslavian or Portuguese Governments. Within a few years of the program's initiation, however, word-of-mouth recruitment from relatives or friends already working in Luxembourg eliminated the need for the Governments of the two countries to stay involved. The current recession has lessened Luxembourg's need for foreign workers. At present, with fewer jobs available, the guest worker program is barely functioning.

Before applying for a visa, guest workers must obtain an employment contract outlining specific work requirements. The Ministry of Labor verifies the contract with the employer and determines whether any workers in Luxembourg are available to do the job. Once these determinations are made, the Ministry notifies the pertinent Embassy responsible for issuing the required entry visa. Workers are allowed to bring their families to Luxembourg.

An employer's ability to continue employing a guest worker depends upon the Ministry of Labor's willingness to extend the worker's old permit or issue a new permit. Permits are renewed, extended, or terminated on the basis of the need for a specific specialty and the worker's previous performance. When the work permit expires, so does the alien's residency permit.

The above regulations concerning foreign workers do not apply to citizens of European Economic Community countries which have free access to the labor markets of other member countries.

Luxembourg issues four different types of labor permits, referred to as A, B, C, and D permits. An "A" Permit is valid for a maximum of 1 year and can be used to work in only one field for one specific employer. The worker may not change employers or the specific job for which he/she was hired. At the end of the year, he/she must leave Luxembourg. Prior to arrival

in Luxembourg, workers seeking an "A" Permit must have presented their employment papers to the Luxembourg Embassy in their home country and received a visa which allows them to enter Luxembourg and apply for an "A" Permit. Without this visa they are ineligible to receive the permit which is issued only in Luxembourg.

A "B" Permit is valid for 5 years. It is restricted to one field of work, but is good for any employer in that field. Thus, the worker can change employers and, in fact, benefit from promotions as long as he/she remains in the same field. In most cases a "B" Permit is issued only to persons who have worked satisfactorily under an "A" Permit for 1 year.

A "C" Permit is valid for any field of work and any employer. This work permit is valid indefinitely and is issued to foreign workers who have proven themselves to be worthwhile residents of the Grand Duchy for an uninterrupted period of no less than 7 years. The permit expires if its holder is absent from Luxembourg for more than 1 year.

A "D" Permit is for apprentices and trainees and is valid only for an apprenticeship or training period. A holder of a "D" Permit may change employers during the apprenticeship or training period if the Ministry of Labor approves.

Limitations on the number of guest workers are determined annually by a tripartite committee of government, labor, and management. The limits are based on the number of jobs which cannot be filled by workers already in Luxembourg. Approximately 3,000 guest workers are in Luxembourg at any given time.

National identification document

All persons residing in the Grand Duchy of Luxembourg must have an identification document issued by the Grand Duchy. Foreign workers receive identification cards which are valid for 1 year but which can be renewed indefinitely. These documents should be carried at all times and shown to authorities upon request. Forgery is not a serious concern of Luxembourg authorities. The cost of designing, producing, and distributing the document is negligible.

Employer responsibilities

Employers must have permission from the Ministry of Labor to hire guest workers. Employers have the same responsibilities toward guest workers as they do toward Luxembourg employees. Guest workers and their employers must pay into the Government's social security and medical programs and are entitled to benefits according to the same standards applied to Luxembourg citizens.

Employers are prohibited by law from employing any foreigner without the correct work permit. Employers hiring illegal aliens can be fined if they are citizens or deported if they are aliens. In most cases, however, employers are warned not to continue the practice.

Illegal alien workers

The number of illegal aliens working in Luxembourg is negligible. The Ministry of Labor estimates that no more than 15 persons at any one time are illegally working.

Law enforcement

Representatives of the Ministry of Justice regularly check places of employment which may have illegal aliens. In almost all cases, those employing illegal aliens are aliens themselves.

SINGAPOREGuest workers

Employers are generally allowed to recruit guest workers in a wide range of occupations. Guest workers who do not earn more than 750 dollars (\$345) per month are required by statute to apply jointly with their employers for a work permit.

Guest workers are issued work permits for periods of from 3 months to 3 years. These guest workers are eligible for medical benefits and all welfare benefits enjoyed by local workers. However, changing jobs is discouraged.

National identification document

Information pertaining to a national identity document was not provided.

Employer responsibilities

In recruiting guest workers, employers are required to adhere to four main conditions.

- The guest workers shall be paid the prevailing wages of the local employees and shall be entitled to all the same benefits enjoyed by local employees in the same company.
- The employer must provide proper living facilities for guest workers in need of them.
- The employer must ensure that the employment contract complies with Singapore's Employment Act.
- The employer is responsible for repatriating guest workers upon termination of their employment.

Illegal alien workers

Although illegal alien employment exists, it is not alarming. Generally, persons become employed illegally while on social visits to Singapore.

Law enforcement

The Ministry of Labor's Labor Inspectorate enforces all labor laws, including those relating to illegal alien employment. The Labor Inspectorate is responsible for detecting and prosecuting illegal alien workers.

SPAINGuest workers

Spain does not have a specific guest worker program, although certain rules and regulations govern such activity. For example, guest workers are required to have work permits. There are no limitations on the number of aliens employed. Before a work permit is granted, however, consideration is given to unemployment in the proposed occupation and in the geographic area where the guest worker intends to work. During the 3-year period 1979 through 1981, 25,602 initial work permits were issued. Work permits are valid for 6 months but may be extended or renewed. In 1981, 61,995 aliens held legal work permits.

Employers select their guest workers and are required to obtain the employees' work permits before employing them. Aliens intending to work in Spain for more than 3 months need a variety of documents before work permits can be authorized, including

- a valid passport with a special visa,
- a medical certificate attesting that the worker is free of contagious diseases, and
- a labor contract approved by the provincial labor office.

Guest workers employed by individuals or firms are automatically registered in a mandatory social security program.

National identification document

Aliens are required to have an identification document. Once obtained, the work permit becomes a primary source of identification. An alien is required to carry the permit at all times as it attests to his/her legal status with labor and police authorities. It is not used to verify the receipt of Government welfare or health benefits or for law enforcement purposes. The document is protected from forgery with seals and the signature of the issuing authority.

Employer responsibilities

Employers are responsible for verifying the legal status of an alien seeking employment. If an alien does not have a work permit, the employer is obligated to obtain one for him/her. The employer is not allowed to employ aliens until work permits have been issued. Employers who hire illegal aliens are administratively fined between \$10 and \$240 by the Labor Inspection Office.

When an alien's employment is terminated, the employer must notify the Ministry of Labor and the social security office so that the alien's file can be closed.

Illegal alien workers

Spain did not provide an estimate of its illegal alien worker population because of the inexactness of estimating a clandestine activity. Responses pertaining to our other questions about illegal alien workers were not provided.

Law enforcement

Information pertaining to our law enforcement question was not provided.

SWEDENGuest workers

Sweden does not have a guest worker program. Aliens are present either temporarily as visitors, students, or researchers, etc. (as such, they are generally not allowed to work) or permanently as residents. Under certain conditions foreign students are allowed to work during summer vacation.

National identification document

All Swedish citizens and aliens residing in Sweden are issued an identification number in lieu of a national identification card. The number is composed of the last two digits of the year of birth, the four digits of the day and month of birth, the birth registration number (3 digits), and a check digit. The personal number, which is kept for life, is widely used both by Government and the private sector. For example, it is used as a national military service number; in national insurance; for recording the registry of automobiles, drivers licenses, and passports; and for the internal accounting records of major companies and banks. It is also the fundamental identifier for taxation purposes. Because the personal number is so pervasive, most residents have memorized their number. Personal numbers can be easily verified, which deters improper use.

Resident aliens, except citizens of other Nordic countries, are required to possess valid passports or travel documents containing residency permits. Aliens are not required to carry their documents at all times; however, should an authority require, an alien must be able to say where his/her passport document is kept. Aliens without valid passports can be issued a Swedish alien passport. If an alien is staying in Sweden for a short time and not planning to work, a foreign identification card may be sufficient in some cases. Passports and travel documents issued to aliens by foreign states on the basis of the conventions relating to the status of refugees, the status of stateless persons, and to refugee seamen, are also accepted.

Sweden does not have any special safeguards to prevent forgeries of Swedish passports. Because forgeries have occurred to some extent, special precautions, such as plastic coating, have been considered but have not been adopted.

Employer responsibilities

Employers of aliens are required to keep continuously informed as to whether the aliens have valid work permits. Employers are also required to notify the police in writing

when aliens take or leave employment. This notification must contain particulars as to whether the alien has a work permit.

Employers who hire aliens without work permits or who neglect to send the police the required notification can be fined, or in grave cases, imprisoned for a maximum of 12 months. Fines or imprisonment are imposed by a court of law. However, in certain cases, fines can also be imposed by the public prosecutor. The prosecutor has prosecutive discretion. Generally speaking, the number of employers brought to court and sentenced is not large. To the knowledge of the National Police Board, only one employer has been sentenced to imprisonment and that was for only 1 month. In this case the employer had committed repeated offenses and had employed several aliens without work permits. More commonly, employers are only fined and the fines imposed usually are not severe, averaging about \$180.

Illegal alien workers

Although Sweden has illegal alien workers, their number is not believed to be large. The Police Board estimates that about 1,000 illegal alien workers are in Sweden compared to a total workforce of 4.3 million. Most of the illegal aliens are Polish. Aliens who work in Sweden without a work permit can be fined by the court or by the public prosecutor. The most usual procedure, however, is to expel the alien from the country. Expulsions, however, are not automatic and must meet certain legal requirements. An alien expelled from Sweden may be required to deposit a sum of money to cover possible fines.

Illegal alien workers are found mainly in the larger cities. Some trades have a higher proportion of illegal workers than others; for example, cleaning firms, restaurants, and farms. Illegal aliens usually find work from an employer they know or whose name has been given to them by friends or relatives already living in Sweden.

The number of illegal alien workers brought to court and sentenced is much greater than the number of employers. The workers receive relatively small fines that are, in most cases, less than those imposed on employers. An illegal worker cannot be sentenced to prison for being employed.

Law enforcement

Enforcing laws regarding illegal aliens is primarily the responsibility of the local police. These tasks are part of normal police operations which means that any police officer could be required to investigate workplaces suspected of employing illegal aliens.

Illegal alien worker apprehensions generally result from spot checks by police or tips. An alien found to be working illegally can be taken into custody pending a decision by the local police board. Aliens may be detained if there is probable cause for expulsion or if it is believed that the alien would flee, if released. For an alien who is working illegally to be expelled from the country, it must be determined that he/she does not possess a valid residence permit. The public prosecutor and the courts decide an alien's possible liability and offense. The National Immigration Board and, in cases of appeal, the Cabinet, determine whether an alien will be expelled.

THAILANDGuest workers

Aliens seeking employment in Thailand must have a work permit. Generally, these permits are issued for 1 year, although there are exceptions. For example, aliens staying temporarily are authorized work permits for 30 days or for their approved length of stay.

National identification document

All aliens who work must have a work permit. Work permits must be carried by the alien or kept in the alien's office for presentation upon request. These permits are maintained for law enforcement purposes. To prevent work permit forgeries, each permit is numbered and listed with a registrar, made of special patterned paper, stamped with a seal, and signed by the issuing official.

Employer responsibilities

Employers may hire only those aliens who possess valid work permits. The employer must report any changes in an alien's employment status within 15 days to the registrar.

Employers who hire aliens without work permits or for jobs not in line with the conditions specified in the work permit are subject to up to 3 years' imprisonment and/or fines not more than 20,000 baht (about \$950). Employers are subject to administrative fines of not more than 1,000 baht (about \$48) for accepting illegal aliens for employment, transferring aliens to localities not specified in their work permit, or terminating the employment of alien workers without reporting the changes to the registrar within 15 days. Because employers are required to notify the registrar of changes in aliens' employment, it is not considered possible for an employer who is complying with the law to be defrauded by an alien.

Illegal alien workers

While employed, aliens can be cited for violating a variety of laws for which they will be penalized; for example, failure to carry their work permit, failure to notify the registrar when changing work location or types of work, or performing prohibited work. Penalties for these prohibited activities range from a fine of 1,000 baht (about \$48) for not carrying the work permit while in the office, to a fine of 100,000 baht (about \$4,762) and/or up to 5 years' imprisonment for doing prohibited types of work, which violates the Royal Decree. Authorities from the Labor Department's Alien Division turn

over petty offenders to the local police who either fine them or investigate the case and forward it to court for a final decision.

Law enforcement

The Alien Division learns of offenses from written and telephone complaints, inspection of suspected work places, and from the information supplied by the Immigration Division and Special Branch Police.

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

<p>STROM THURMOND, S.C., CHAIRMAN CHARLES McC. MATHIAS, Jr., MD. PAUL LAXALT, NEV. ORRIN G. HATCH, UTAH ROBERT DOLE, KANS. ALAN K. SIMPSON, WYO. JOHN P. EAST, N.C. CHARLES E. GRASSLEY, IOWA JEREMIAH DENTON, ALA. ARLEN SPECTER, PA.</p>	<p>JOSEPH R. BIDEN, Jr., DEL. EDWARD M. KENNEDY, MASS. ROBERT C. BYRD, W. VA. HOWARD M. METZENBAUM, OHIO DENNIS DeCONCINI, ARIZ. PATRICK J. LEAHY, VT. MAX BAUCUS, MONT. HOWELL HEFLIN, ALA.</p>
--	--

EMORY BREZDEN, CHIEF COUNSEL
QUENTIN CROMMELIN, JR., STAFF DIRECTOR

SUBCOMMITTEE ON
IMMIGRATION AND REFUGEE POLICY
ALAN K. SIMPSON, WYO., CHAIRMAN
STROM THURMOND, S.C. EDWARD M. KENNEDY, MASS.
CHARLES E. GRASSLEY, IOWA DENNIS DeCONCINI, ARIZ.
RICHARD W. DAY, CHIEF COUNSEL AND STAFF DIRECTOR

July 6, 1981

Mr. Milton J. Socolar
Acting Comptroller General of
the United States
U. S. General Accounting Office
441 G Street, N. W.
Washington, D. C. 20548

Dear Mr. Socolar:

The Subcommittee on Immigration and Refugee Policy began hearings in early May on the report issued by the Select Commission on Immigration and Refugee Policy. The report outlined recommendations for changes in immigration and refugee laws, policies and procedures. A principal issue in the report is the problem of illegal migration to this country. The report concludes that most illegal aliens are attracted to this country by employment opportunities. One of the Commission's recommendations is that legislation be passed making it illegal for employers to hire illegal aliens.

The Commission noted that without some means of verifying that a job applicant is entitled to work in the United States, the best intentioned employer would be reluctant to hire and might discriminate on the basis of appearance or accent. The Commission was unable to reach a consensus as to the specific verification system which should be adopted.

This Subcommittee is interested in knowing what countries have laws against the hiring of illegal aliens and how such laws are enforced. Therefore, I am requesting that your office identify these countries and, to the extent possible, obtain information on how the legislation is enforced and any related problems.

You may contact Mr. Charles Wood of my staff to discuss details regarding the Subcommittee's request, such as the specific type of information to be obtained, the total number of countries to be contacted, and those which should be visited for more in-depth coverage.

Most sincerely,


Alan K. Simpson
Chairman

AKS: cwv

OBJECTIVES, SCOPE, AND METHODOLOGY

In a letter dated July 6, 1981, the Chairman, Subcommittee on Immigration and Refugee Policy, Senate Committee on the Judiciary requested that we identify countries that have laws prohibiting employers from hiring illegal aliens, how such laws are enforced, and any problems such countries encounter in enforcing their laws. On the basis of discussions with the Chairman's office and the Department of State, we developed a questionnaire and sent it to 28 countries and Hong Kong. The questionnaire solicited information about their laws and policies concerning guest workers, national identification documents, employer responsibilities, illegal alien workers, and how such laws and policies are enforced.

The countries selected were identified from a 1981 Library of Congress Report entitled "Illegal Aliens: Penalties For Employment In Various Foreign Countries" and our 1979 General Accounting Office report entitled "Information on Immigration In 17 Countries," (GGD-79-15, Jan. 12, 1979). The countries were selected on the basis of whether they appeared to have laws which penalized employers for hiring illegal aliens (employer sanction laws). Several countries were selected at the request of the Chairman's office.

The Chairman's office also selected four countries (Canada, the Federal Republic of Germany, France, and Switzerland) for more detailed examination. We visited each country and held discussions with Government officials knowledgeable of both the legal and illegal worker situations. Also, where possible, we held discussions with representatives of employers' organizations to obtain their views on employer sanction laws. The information from Canada was obtained in November 1981 and the information from the Federal Republic of Germany, France, and Switzerland was gathered in January 1982.

The following table shows the countries we sent the questionnaire to and whether or not we had received their response as of May 15, 1982.

<u>Countries</u>	<u>Response received</u>
Argentina	yes
Australia	yes
Austria	yes
Belgium	no
Brazil	no
Canada	yes
Chile	no
Denmark	yes
Dominican Republic	yes
Federal Republic of Germany	yes
Finland	yes
France	yes
Great Britain	no
Greece	yes
Hong Kong	yes
Iceland	yes
Italy	yes
Japan	yes
Luxembourg	yes
Netherlands	no
Norway	no
Philippines	no
Portugal	no
Singapore	yes
Spain	yes
Sweden	yes
Switzerland	yes
Thailand	yes
Venezuela	no

The discussion of each country's situation contains characterizations of its laws, legal requirements, and sanctions. In most cases we did not independently examine the countries' laws, regulations, and case law, but rather based our characterizations on information furnished by the countries in response to the questionnaire or in interviews. Our work was performed in accordance with the General Accounting Office's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

Information obtained on Canada's amnesty experience was supplemented by information obtained from the December 1980 report "Amnesty: Conferring Legal Status on Illegal Immigrants" by David S. North of the Center for Labor and Migration Studies, New TransCentury Foundation, Washington, D.C.

QUESTIONNAIRE SENT TO 28 COUNTRIES
AND HONG KONG
CONCERNING ENFORCEMENT OF ALIEN
EMPLOYMENT LAWS

GUEST WORKERS

Does your country have an alien guest worker program? If yes, please describe the program, including the following items, if appropriate:

- limitations on the number of guest workers and how the limitations were determined.
- the number of guest workers admitted, by year, for the last 3 years.
- how guest workers are selected and the requirements they must meet.
- the documents an alien needs to obtain guest worker authorization and how they are verified.
- the factors the government considers before approving requests for guest workers.
- restrictions placed on guest workers, i.e. length of stay, changing jobs, bringing in family members, etc.
- guest workers' eligibility for government services, i.e. welfare, medical assistance, or housing allowances.
- the conditions for renewing, extending, or terminating a guest worker's authorization.
- the requirements imposed on employers who hire guest workers. and
- the employer's responsibility when a guest worker's employment terminates or his authorization expires.

NATIONAL IDENTIFICATION DOCUMENT

Does your country require a national identification document? If yes, please describe the program for obtaining such documents, including the following items, if appropriate:

- who is required to have such documentation?
- for what purposes is it used?

- the length of its validity and whether a fee is charged to obtain such a document.
- whether the document must be carried at all times and shown to authorities on demand.
- how the document is protected from forgery.
- the cost of designing, producing, and distributing the document.
- the yearly cost of operating the document program.
- whether national identification document records are used for verifying government welfare, health, or employment eligibility or for law enforcement purposes.
- whether the records are maintained on computer. and,
- the problems encountered in administering the national identification document program and how they can be overcome.

EMPLOYER RESPONSIBILITIES

Are employers responsible for verifying that employees are not illegal alien workers and what penalties can be assessed against employers who have illegal alien workers? The following items are of specific interest, if applicable:

- the procedures employers use to verify a worker's legal status.
- whether employers who hire illegal aliens are penalized and are the penalties administratively applied or determined in a court of law. and,
- whether employers of illegal aliens can be penalized if they are the victims of fraud or deception.

ILLEGAL ALIEN WORKERS

Are there illegal alien workers in your country? If so, the following items are of specific interest:

- your estimate of the illegal alien worker population in your country and the percent of the total workforce they comprise.

- the percentage of illegal alien workers who entered your country as visitors, guest workers, students, clandestinely, or other.
- the methods illegal alien workers use to obtain jobs.
- the penalties that can be assessed against illegal alien workers and how the penalties are administered. and,
- a general description of the nature of the illegal alien worker problem in your country, i.e. the industries in which illegal aliens find work, the types of jobs they obtain, and the areas of the country they inhabit.

LAW ENFORCEMENT

What government agencies are responsible for enforcing your laws regarding employment of illegal aliens and what are their responsibilities? The following items are of specific interest:

- the number of investigators each agency has committed to upholding these laws and whether they have arrest authority.
- whether the agencies are responsible for enforcing other laws unrelated to illegal aliens.
- how violations come to the enforcement agencies attention and what investigative techniques do they employ to arrest violators. and,
- the problems your country has encountered in preventing the employment of illegal aliens and the measures your country is taking or planning to take to correct such problems.

STATISTICAL DATA

Please provide the following statistical information, by year, for the last 3 years, if applicable:

- the number of employers penalized for hiring illegal alien workers.
- the number of employers prosecuted in a court of law.
- the number of employers convicted by a court.
- the number of employers imprisoned and the average length of the sentence received.

- the number of employers fined and the average amount of the fine.
- the number of illegal alien workers apprehended.
- the number of illegal alien workers prosecuted in a court of law.
- the number of illegal alien workers convicted by a court.
- the number of illegal alien workers imprisoned and the average length of the sentence received.
- the number of illegal alien workers fined and the average amount of the fine. and,
- the number of illegal alien workers deported.

LAWS AND REGULATIONS

Please provide a copy of your country's laws and administrative regulations that prescribe:

- the requirements for employers to hire citizens and legal aliens.
- the requirements for legal aliens to obtain employment.
- the penalties for employers who hire illegal aliens.
- the penalties for illegal aliens who obtain employment. and,
- the requirements for obtaining a national identification document.

Are significant changes to current laws being considered that would affect the above matters and which have a reasonable probability for implementation. If so, describe the changes considered.

(183533)





4 2925

AN EQUAL OPPORTUNITY EMPLOYER

**UNITED STATES
GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300**

**POSTAGE AND FEES PAID
U. S. GENERAL ACCOUNTING OFFICE**



THIRD CLASS