

PRESS RELEASE

New EMN study provides deeper insights into the issue of illegal employment, building on the findings of the 2017 study

A new study by the European Emigration Network (EMN) highlights the issue of illegal employment among third-country nationals (TCNs) in EMN Member Countries from 2017 to 2022. The report details the various ways in which TCNs engage in illegal employment and the challenges faced by both workers and authorities. It offers an up-to-date analysis of key legislative and policy frameworks, as well as practices to prevent, identify, and tackle illegal employment. It also includes beneficiaries of temporary protection (BoTP).

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Illegal employment of TCNs continues to be a top political concern. National debates have intensified around the impact of illegal employment on society, especially due to the COVID-19 pandemic and Russia's war of aggression against Ukraine. Since 2017, many EMN Member Countries have implemented significant legislative reforms, mainly targeting employer sanctions. For example, in 2021, Cyprus increased penalties for employers breaching labour rules, with the maximum punishment now being up to five years in prison and/or a fine of up to EUR 20 000. In 2018 Estonia increased fines tenfold for legal entities engaging in illegal employment practices.

Preventive measures, however, have largely remained the same since 2017, focusing on awareness-raising,¹ mandatory notifications to authorities when employing TCNs,² compiling lists of unreliable employees³ or blacklisted employers.⁴ Key challenges in preventive measures include difficulties with monitoring and inspections,⁵ language barriers in communicating rights and obligations,⁶ and administrative obstacles,⁷ including data protection issues.⁸

Between 2017 and 2022, all EMN Member Countries actively conducted on-site inspections to tackle the illegal employment of TCNs. Most countries integrated this effort into broader labour inspections. Increased yearly general labour inspections have been reported in six countries in the EMN:⁹ for instance, Greece's annual inspections increased in all sectors since 2017, with a 13% rise in 2022 compared to 2021. Other countries report success in finding more violations and hiring more inspectors. The increase in the number of labour inspectors on the ground in Luxembourg, from 22 in 2018 to 86 in 2021, significantly enhanced the detection of illegal employment of TCNs with twice as many cases detected in 2022 compared to 2021. Four¹⁰ countries specifically conducted targeted inspections focused on TCNs in situations of illegal employment.

Small to medium-sized enterprises (SMEs) are the most common employers of illegally employed TCNs, particularly in sectors like construction, accommodation, food services,

¹ BE, CY, CZ, EE, EL, FI, FR, HU, IE, IT, LT, LU, LV, NL, SK.

² AT, BG, LT, LU, LV, NL, SK.

³ BG.

⁴ FR, SK.

⁵ AT, BE, CZ, FI, FR, EL, IE, LT, LV, PL, FI.

⁶ BE, CY, FI, FR, HR, HU, LU, LV.

⁷ LV reported administrative obstacles relating to posted workers.

⁸ BE, LU, SE.

⁹ BE, BG, CY, EL, LU, SE. Inspections have decreased, however, in CZ, HU, IT, LV, LT, PL.

¹⁰ EE, FI, LV, PL.

manufacturing, agriculture, forestry, and fishing. Sectors increasingly vulnerable to illegal employment practices include beauty and wellness, delivery services, security services, event management, and demolition work.

EMN Member Countries have improved cooperation between national actors and also with other countries and sectors. Since 2017 new schemes for better collaboration between national agencies involved in prevention and enforcement efforts have been introduced.¹¹ Labour inspectorates often collaborate with immigration and asylum services,¹² financial and tax authorities,¹³ law enforcement and border control,¹⁴ social security and insurance agencies,¹⁵ and occupational safety and health authorities.¹⁶ Cross-border cooperation has also increased,¹⁷ using new initiatives like the European Labour Authority's (ELA) European Platform tackling undeclared work.

The consequences for TCNs caught working illegally depend on their residence status and whether they currently have or previously had a work permit. Penalties range from revoked or denied residence permits to return decisions and fines. For example, in Ireland, immigration permission can be withdrawn and the employment permit revoked,¹⁸ subjecting the person to the same removal process¹⁹ as those found irregularly present in the state. However, special procedures are in place²⁰ in most EMN Member Countries²¹ for victims of exploitation or human trafficking, such as granting temporary residence permits or activation of an application for international protection.

The inform

- Title: 'Illegal employment of third-country nationals: 2017-2022 situation analysis'
- Subject: The study examines the illegal employment of third-country nationals in EMN Member Countries. It explores the various ways TCNs engage in illegal employment and the challenges encountered by both workers and authorities. It also reviews key legislative and policy frameworks as well as practices aimed at preventing, identifying, and addressing the issue.

The EMN

The European Migration Network (EMN) is a Europe-wide network consisting of [National Contact Points \(NCPs\)](#) in the EMN Member (EU Member States except Denmark) and Observer Countries (NO, GE, MD, UA, ME, AM, RS, MK), the European Commission and is supported by the EMN Service Provider, providing information on migration and asylum. The EMN was set up in 2008 by the European Commission on behalf of the European Council to satisfy the need for a regular exchange of reliable information on migration and asylum-related issues on a European level.

¹¹ BE, BG, EE, FR, IE, IT, LT, LV, NL, SE.

¹² BE, BG, CY, IE, IT, NL, PL, SE, SK.

¹³ EE, EL, FI, FR, HU, IE, LU, LV, SE, SI.

¹⁴ BG, EE, FI, HR, IE, IT, LU, LV, PL, SE.

¹⁵ BE, EL, IE, PL.

¹⁶ CZ, FI, HU.

¹⁷ AT, BE, BG, CY, CZ, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK.

¹⁸ Subject to section 16 of the Employment Permits Act 2006, as amended.

¹⁹ Section 3 of the Immigration Act 1999.

²⁰ European Migration Network (EMN), 'Third-country national victims of trafficking in human beings: Detection, identification and protection', 22 March 2022, https://home-affairs.ec.europa.eu/whats-new/publications/emn-study-third-country-national-victims-trafficking-human-beings-detection-identification-and_en

²¹ AT, BE, BG, CY, FI, FR, HU, HR, IE, IT, LU, LV, NL, SE, SK.

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