# Repatriation as disguised Expulsion in Interwar Belgium

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DOI: 10.25518/1370-2262.1641

**Résumé :**

**FR.** Dans cet article, j'examine les corrélations entre crise économique, changements de pratiques d'éloignement des étrangers et création de catégories d'indésirables. Pour ce faire, je me penche sur les expériences individuelles des étrangers polonais pour voir comment le rapatriement des étrangers est devenu un moyen d'éloigner les étrangers pour des raisons politiques, alors qu'il était destiné à éloigner les étrangers qui se retrouvaient sans moyens de subsistance à la suite de la crise économique des années 1930. Cette étude se base sur les archives de la Police des étrangers : les dossiers généraux sur le rapatriement des chômeurs et les dossiers individuels des étrangers polonais expulsés. Cette recherche montre que la réponse du gouvernement belge à la crise économique a été, d'une part, une nouvelle utilisation du rapatriement et, d'autre part, la création d'une nouvelle catégorie d'indésirables.

**NL.** In dit artikel bevraag ik de correlaties tussen de economische crisis, veranderingen in de verwijderingspraktijken van vreemdelingen en de creatie van categorieën van ongewenste personen. Daartoe bekijk ik de individuele ervaringen van immigranten om na te gaan hoe hun repatriëring een methode werd om vreemdelingen om politieke redenen te verwijderen, terwijl ze oorspronkelijk bedoeld was om vreemdelingen te verwijderen die als gevolg van de economische crisis van de jaren dertig geen middelen van bestaan meer hadden. Deze studie is gebaseerd op de archieven van de Vreemdelingenpolitie: de algemene dossiers over de repatriëring van werklozen en de individuele dossiers van uitgezette personen. Dit onderzoek toont aan dat het antwoord van de Belgische overheid op de economische crisis enerzijds een nieuw gebruik van repatriëring was en anderzijds de creatie van een nieuwe categorie "ongewenste personen".

**Mots-clés** : Police des étrangers, travailleurs polonais, expulsion, déportation, Belgique

**Keywords** : Alien Police, Polish worker, expulsion, deportation, Belgium

## 1. Welfare State and expulsion in interwar Belgium

The Wall Street Crash of 1929 destabilised the world economy, and as a result unemployment increased in Belgium. Although the government had signed the Washington Convention in 1930, Polish workers were excluded from unemployment benefits. A few months later, the Catholic Minister of Labour and Industry, Philip Van Isacker[1], asked the Aliens Police to expel the Polish unemployed. In this paper, I look at the response of the Aliens Police to Minister Van Isacker and

the legal trickery it used to deport Polish who should have been protected from removal. I observe that international conventions do not always fulfil their promises, that residence status has not always protected the foreigner from deportation, and that the necessary consent to repatriation has not always been respected. 2

## State of Art

Although some researchers have shown interest in questioning the links between welfare state and mobility3, no research has focused on the link between the acquisition of social rights and the expulsion of foreigners. This article questions the impact of the welfare state on immigration policies in the Belgium interwar period, when Polish workers were excluded from unemployment benefits. To answer the question of how the welfare state impacted on expulsion policy, I first look at the evolution of the acquisition of social rights in Belgium during the 1920s. Secondly, I analyse how the expulsion policy was modified to remove residents who were protected from removal orders. In the third section, I observe how these policies were applied in concrete cases by tracing the life trajectories of foreigners subjected to these repatriation orders. This paper shows that it is not so much the welfare state that influenced migration policies but rather economic crises. However, the context of the welfare state leads to the creation of new categories of non-nationals: poor individuals who, although residents and therefore protected from expulsion, become foreigners to be removed from the territory.

Some historians have already examined the repatriation of Polish workers during the interwar period in France. Janine Ponty's work has shown that the repatriation from France was largely forced. Although the early ones were done with the consent of the foreigners concerned, from 1934 onwards forced repatriations increased. She demonstrates in a very convincing way how the noose was tightened and ended up forcing foreigners to leave the territory without the repatriation being applied in a coercive manner.4 Philippe Rygiel's collective work observes these forced departures through analysis from a local perspective, showing the different national and local, private, and public actors involved in the process of repatriation. This work confirms J. Ponty's theory and gives an insight into the perception that political representatives and business leaders had of foreigners: available workers, movable at will and deportable if the economic context was not favourable to their presence in the national territory. These works are very instructive for writing a comparative analysis.

Concerning the Belgian case, some authors have analysed the expulsion of immigrants in the 19th century. The works of Maïté Van Vyve, Thorsten Feys and Nicolas Coupain are worth mentioning.5 These works make it possible to observe the evolution of the category of 'alien' conceived by the Aliens Police. Idesbald Goddeeris had already highlighted the state aid for Polish refugees during the 19th century.6 Frank Caestecker's work on immigration policies in Belgium from 1840 to 1940 is also crucial for gaining insight into the discussions and decisions taken within the Aliens Police.7 He addresses the issue of the repatriation of foreigners, which he includes in a more general policy of managing the economic crisis in the 1930s. However, while his work allows us to understand the internal logic of the Aliens Police, it does not consider the way in which this repatriation was applied to foreigners.

This paper confirms, by providing new analyses of the history of the Aliens Police, that the latter always pushed the interpretation of the law to its limits, sometimes even acting outside the legal framework. Indeed, various works have already described how the Aliens Police extended their

prerogatives either unofficially through discretionary practices or officially through pressure or when the context allowed it.[8]

Thus, this paper opens new perspectives on the question of the consent of foreign subjects for repatriation, the creation of new categories of undesirable individuals and the application of repatriation measures. The contribution of this study is therefore to pursue the analysis of these aspects by including them in a general consideration of the impact of the welfare state on migration policies. It also tests the hypotheses of A. Afonso, E. Mescoli and J. M. Lafleur considering the economic arguments justifying repatriation in the 1930s. Thus, through the analysis of the repatriation of Polish workers, it investigates the correlations between economic crisis, changes in practices of deportation of foreigners and the creation of categories of undesirable non-nationals.

The first section of this article is devoted to the context of the 1920s. It covers the conventions regulating social rights in Belgium, the 1932 strike that led to a compromise between trade unions and employers to the detriment of foreign subjects and the exclusion of certain categories of immigrants from unemployment benefits in 1933.

Having presented these contextual elements, in the second section of this article, I turn to an important issue; namely, how repatriation became, in the eyes of the Aliens Police and the Belgian government, an adequate solution to removing non-expellable foreign subjects from the territory. To understand this phenomenon, this section presents the laws regulating the expulsion, the response of the Aliens Police to the Minister's request to expel foreign individuals excluded from unemployment benefits and the participation of different actors enabling the repatriation of the foreigner from his/her home to across the border. Finally, this section discusses the arguments and means used to respond to the request of the Minister of Labour to expel foreigners who were excluded from the labour market.

The third section of this article deals with the practices of the Aliens Police. By looking at the micro-level of the street-level bureaucrat and the way in which the foreigner complied or did not comply with the measures taken against him or her, we can understand the application of these laws and what kind of impact they had on foreigners' lives.[9] These life trajectories provide answers to the questions: Who was targeted for repatriation? What room for manoeuvre did foreign subjects have? What did these practices reveal about categories of undesirables? In this same section, the consent for repatriation is also discussed.

## Methodology

My research is based on archives of the Aliens Police: the general files on repatriation of unemployed Polish and the individual files of deported individuals. It focuses on both the discourses and the practices of the Aliens Police. I therefore focus on the goals of this institution and its modes of action and foreigners' strategies for avoiding deportation.

In 1830, the Aliens Police was created. It was an organ of the *Sûreté publique* (State security), which itself became part of the *Ministère de la Justice* in the same year. Nine years later, the *Sûreté publique* saw its power delimited in the very vague terms of a royal decree: the *Sûreté publique* had to inform the government on the state of mind of the population and control the Aliens Police by means of a circular.[10] As the 1831 Constitution does not mention a *Sûreté publique*, its powers are attributed by royal decree and not by the legislator, and its staff and budget are limited.

Nevertheless, the *Sûreté publique* enjoyed a substantial level of autonomy during the period studied and its authority covered the whole country.11

To control immigrants and to judge their possible undesirability within the territory, the Aliens Police produced an individual file for each foreigner registered in Belgium. As its role was to enforce public order, it had the power to expel persons who appeared suspicious. While at the time of Belgium's creation, Orangistes12 were the target of special surveillance, some twenty years later it was the republican, socialist and anarchist refugees who attracted the attention of the Aliens Police. Each period has its own suspects.

In the thirties, the Aliens Police used repatriation measures to expel foreigners suspected of political activities. On this matter, I consulted the general files of the Aliens Police to look back at the events already described by F. Caestecker.13 I have looked through the general files on expulsions (1925-1936), the file on administrative jurisprudence, under which royal expulsion orders were issued in respect to non-resident foreigners (1898-1951), the file on foreign subjects expelled by royal order (1905-1934), the file on the notification of expulsion orders (1917-1952), the file on the creation of a list of expellees and deportees (1921-1939) and the file on the submission of expulsion orders to the Council of Ministers (1931-1939). These files provided a general framework for discussions on expulsion practices.14 The lists of royal expulsion orders and ministerial removal orders (see below) by day and judicial statistics were also consulted, but these documents contained little information on the practices of the Aliens Police. However, they would be useful for a long-term analysis of expulsions.15 This archive was supplemented with individual files of the Aliens Police. These files reveal how measures were applied to foreigners; for example, that repatriation measures were taken against undesirable foreigners for political reasons. These individual files were chosen because they appeared in the general file 1160 entitled '*Dossier relatif à l'expulsion de chômeurs étrangers 1933-1939*', in which there is a copy of a sheet attesting to the repatriation of a foreign subject and mentioning the individual file number of the person in question.16

## 2. Access to Social Rights Since 1919

In terms of social rights, the end of the First World War was marked in Belgium by the Loppem agreements, which led to the introduction of universal male suffrage and the right to strike. The end of the war led to a search for labour. However, the war experience and the rise of nationalism that accompanied it pushed the government to tighten access to the territory (by introducing visas) and access to naturalisation.17 That said, many foreigners came to Belgium, and after the economic crisis of 1921, social conditions of workers improved.18 Some examples of this are the introduction of the eight-hour day, the substantial expansion of the trade union movement, which collaborated in the organisation of unemployment benefits and family allowances.19 However, as Rosental states, in the interwar period, bilateral treaties and international conventions concerning the social rights of migrants were not only about social protection. Employers preferred immigration to channel the flow of labour from 'desirable' countries towards them.20

In the context of the economic crisis, the 1930s were marked by a series of restrictions on foreign nationals in the labour market. As early as 1930, a person wishing to come to Belgium was required, in addition to a visa application, to be in possession of an employment contract, a certificate of morality and a medical certificate.21 Aliens Police records show that many foreigners had managed to enter the country without these documents. These series of restrictions must therefore be understood for what it is: a dissuasive document that cannot, however, allow the

removal of non-Belgians already registered in a Belgian municipality. If the entry conditions seem dissuasive, they were certainly not for people who had fled their own country for political reasons, as was the case for Italian and German communists and anti-fascists, as well as for German Jews, who, from 1933 onwards, were numerous in Belgium, particularly with a view to immigrating across the Atlantic. It was also in 1933 that Minister Van Isacker decided to exclude certain categories of foreign subjects from unemployment benefits, under the terms of the Washington Convention signed three years earlier.

## The Washington Convention of 1919

According to Article 3 of the ILO Unemployment Convention 2 of 1919,

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

However, when reading the conditions given by Belgium at the time of its signature in 1930, it was announced that if the insurance funds were exhausted, foreigners whose state had not signed a bilateral convention with Belgium were excluded from unemployment benefits:

Foreign workers employed on Belgian territory who are members of a Belgian insurance institution approved by the State receive from that institution statutory benefits equal to those paid to nationals. (…) When these statutory rights are exhausted, benefits from the National Emergency Fund are paid only to nationals of countries which afford reciprocal treatment to Belgians residing in their territory.22

This clause on the potential exclusion from unemployment benefits was added to the introduction of the aforementioned administrative requirements – such as a work permit – for foreigners wishing to enter Belgium. The arguments used to justify the tightening of the conditions of entry into Belgium are found in the introduction to the royal decree adopting them:

In the presence of the industrial crisis, the effects of which are spreading over Belgium, it is important to take urgent measures to counteract the overabundant influx of foreign labour. Indeed, the constant arrival of foreign workers and the increasing number of unemployed that it inevitably entails constitute a danger that should not be underestimated.

Both in the well-understood interest of the foreigner himself, who risks no longer finding in our country the means to provide honestly for his existence, and in the interest of security and public tranquillity, there is reason to authorise the establishment in the kingdom only of foreigners who are assured of finding regular employment there…23

This quote gives a foretaste of the fear that the increase in the number of unemployed foreigners jeopardises security.

### The exclusion of unemployed foreigners from the National Emergency Fund

In 1933, the above clause was applied: the Belgian government excluded all foreign workers from unemployment benefits, except for the French, Dutch and Luxembourgers.[24] This decree was published a few months after the great strikes of 1932. The big losers of these strikes were the non-Belgian nationals and Belgian women, who after many negotiations, were abandoned by the unions, especially the socialist ones.[25] The communist party did not miss the opportunity to criticise the socialists and to support the rights of non-nationals, when the latter were excluded from unemployment benefits, by arguing on their participation during the strikes of 1932.[26]

The Washington Convention on unemployment, signed by Belgium in 1930, was not a guarantee for foreigners, as the minutes of the meeting of the inter-ministerial commission state:

It would seem that, from the point of view of the application of the 1919 Convention, a distinction could be made between the compensation paid by the insurance fund (from which foreigners, who are entitled to invoke the 1919 Convention, cannot be deprived) and the compensation paid by the national emergency fund, which is in a way a gift: it could be argued that the 1919 Convention does not extend to such gifts.[27]

Thus, a non-national who had paid into an unemployment fund organised by a trade union would receive benefits. However, he or she did not receive assistance from the National Emergency Fund, which compensated for situations in which the trade union funds did not apply. These situations were either when the unemployed person had exhausted his or her rights (set at a maximum of 60 days), or because the fund was deficient in the payment of benefits, or because the unemployed person had not paid contributions long enough to receive his or her trade union's benefits.[28] It should be emphasised that nationals from bordering and allied countries, i.e. France, the Netherlands and Luxembourg, were not excluded from unemployment benefits. These people were protected by bilateral conventions that the Belgian government had signed to protect its numerous nationals in these countries.[29]

The double objective of the Minister of Labour and Industry, P. Van Isacker, was to reduce the budget allocated to unemployment benefits while preserving the interests of his electorate.[30]

Therefore, in 1933, the exclusion of non-Belgians from unemployment benefits represents an important turning point in the loss of rights granted to non-nationals and confirms the non-linearity of the construction of the welfare state. The foreigners mainly affected by this exclusion from unemployment benefits were Poles, Hungarians, and Czechs.

On reading the general and individual files produced by the Aliens Police, it appears that repatriation is introduced to remove resident foreigners, in other words, individuals protected from expulsion. Before examining individual cases, it is necessary to present the way in which the Aliens Police resorted to repatriation.

## 3. Repatriation as an Alternative to Impossible Expulsions

On 17 June 1933, the Minister of Industry and Labour informed the Aliens Police of the exclusion of certain categories of foreigners from unemployment benefits.[31] At the same time, he asked the police to organise the deportation of these foreigners who had no means of subsistence. Minister

Van Isacker did not realise that his request contravened the Alien Acts. To understand the reaction of the Aliens Police, it is necessary to look at its competences and the legal framework for removal orders in Belgium at that time.

## Legal Framework for Removal Orders

The Aliens Police was responsible for establishing the undesirability of each foreigner entering Belgium. It was also responsible for removing them from the territory if they did not meet economic (insufficient means of subsistence), political (foreigners are banned from participating in political activities) or moral (e.g., procurer, prostitutes, and indecent exposure) conditions.

To carry out these removals, the Aliens Police proceeded, depending on the status of the foreigner, either to removal or expulsion.

Removal (**renvoi**), which includes rejection (refoulement) at the border, was an administrative measure that applied to non-resident immigrants. The reasons for this were insufficient documentation or insufficient means of subsistence. The administrative removal order did not require any prior formality and was issued by the executive, central, provincial, or municipal authorities. Therefore, a foreigner lacking means of subsistence was sent back to the border if he/she was not a resident.32

As for **expulsion**, it was applied by royal decree (by the executive power) to resident foreigners. Depending on the period and the grounds for expulsion, it must be deliberated in the Council of Ministers. To expel a resident foreigner, he or she must be prosecuted in Belgium or abroad or have been convicted or endanger the public peace in Belgium. For example, conviction for a criminal offence, anarchist activities, suspicion of espionage, conspiracy against the internal security of the State, conspiracy against a foreign power, illegal debauchery and pimping, conviction for vagrancy or begging. Without one of these cases, expulsion was not legally possible.33

**Resident status** protected a foreign subject without means of subsistence from deportation. It also required the executive power to produce a royal decree depending on a prosecution or conviction of the foreigner. But what is resident status? To obtain the administrative status of ‘residents’, the foreigner had to register in his or her municipality and obtain from the Minister of Justice – after investigation by the Aliens Police – a special identity card conferring the status of resident, which was valid for two years. For this status to have legal value, the foreigner was required to fulfil three conditions: firstly, they must be entered in the register of foreigners with the authorisation of the Minister of Justice (cf. the administrative status mentioned above); secondly, he/she must be established or effectively reside at the place of registration and this registration must not be vitiated by any fraud; thirdly, there must be nothing in his/her behaviour that would lead to the assumption that they did not intend to settle in Belgium.34

**Repatriation** was a removal measure linked to the precarious situation of the foreigner. For example, when the individual would have no means of support (they were an orphan, insane, an old man/woman or abandoned children). There was also provision for the repatriation of foreign individuals who could not be returned to any neighbouring border by virtue of treaties.35

With this legal framework clarified, it is now possible to understand the interest of the Aliens Police in making new use of repatriation as a measure of deportation. This is a new use because repatriation was a removal order used in another context. Indeed, it was generally at the expense

of the country of origin, regulated by collective agreements and applied to foreigners in need and consenting to leave Belgium (such as the elderly, the insane, orphans or abandoned children).[36] Therefore, in the 1930s, the use of repatriation was no longer a tool to help foreigners return to their country of origin, but a tool for deportation.

## The attitude of the Aliens Police

In reaction to a letter from the Minister of Labour and Industry concerning the expulsion of foreigners excluded from unemployment, Robert de Foy[37], Deputy Administrator, referred to the Alien Act of 1897 and concluded, 'The *Sûreté Publique* is of the opinion that this provision is not applicable to the individuals referred to in the decision of the Council of Ministers and shares the opinion that their expulsion is not justified.'[38]

A few months later, in September 1933, R. de Foy, who had in the meantime become General Administrator of the Aliens Police, formulated for the first time the idea of using repatriation to remove unemployed foreigners. To introduce his idea, he declared that the public assistance commissions of the industrial regions 'will not be able to provide for these unemployed foreigners. Diplomatic and consular representatives accredited in Belgium will not be able to do so either.'[39] He therefore agreed with the Minister of Labour and Industry that these foreigners should be expelled. However, he was opposed to preventive expulsions, which would be contrary to the Belgian legal system and would violate the laws of hospitality and humanity.

For R. de Foy, repatriation was the solution and could be organised by the Sûreté Publique on condition that a special credit was granted. He reassured the government about the financial cost of this project by declaring that 'the repatriation of the foreign unemployed at the cost of the State will, moreover, constitute an expense which will be recouped in a very short time by the savings made on unemployment benefits.'[40]

As requested by the Minister of Labour and Industry, the municipal administrations reported the resident and non-resident foreigners excluded from unemployment benefits to the Aliens Police. In November 1933, of the 250 foreigners reported by the municipalities, 50 were categorised not resident.[41] The latter were directly notified of their removal.

For several months, R. de Foy had been trying to convince the government to use repatriation against the resident unemployed. According to his argument, repatriation was the only solution, as the expulsion of resident foreigners was not possible. An inter-ministerial commission was convened to find a solution for 'measures to be taken regarding unemployed Polish workers in Belgium'[42]. Several ministers supported de Foy's project. However, they realised the problematic aspect of such a practice, as the report of the meeting testifies, 'As it would be impossible from an international point of view to expel the Polish unemployed, gentle pressure would be exerted.'[43]

In March 1934, 225,000 francs was allocated to the Aliens Police for 'the costs of interviewing and repatriating nomads'[44]. It is clear that the vocabulary used in the official report of the Council of Ministers was censored. There is no mention of the repatriation of Poles, but of nomads, as this targeted repatriation was not in accordance with the law protecting resident foreigners.

## Institutional Actors Involved in the Repatriation Order

At first, the Polish embassy denounced the exclusion of Poles from unemployment benefit and asked to sign a bilateral agreement with Belgium.45 Soon, the Polish consulates became the privileged intermediaries between the Aliens Police and the Poles. This collaboration is even more surprising, since according to the historian J. Ponty, the Polish government took a dim view of their compatriots who had lived abroad for years and had become politicised or secularised.46 Despite this, since repatriation was to be carried out with the consent of the foreigner, the consulate was best placed to exert the aforementioned ‘gentle pressure’.

Another institution also involved in putting ‘gentle pressure’ on foreigners to convince them to be repatriated was the Belgian Federation of Private Organisations for the Protection of Migrants (FBOPPM).47 It is difficult to pinpoint the weight that this federation may have had in the repatriation procedure. This is due to its discreet function: in a letter from its president to the Aliens Police, the latter proposes to exert ‘gentle pressure’ on foreigners, an expression he himself uses with inverted commas. He explains that many associations are part of his federation and that, for example, ‘the Christian and socialist unions ⟐…⟐ can inform the administration of those who wish to be repatriated or who consent to it.’48 As for the way in which this gentle pressure would be exerted, the president does not hesitate to stress that it would be ‘exerted much more delicately and effectively by professional associations, corresponding to the political ideas of the interested parties, than by official organisations.’49 He adds that charitable associations of a religious nature (Catholic, Protestant and Jewish) ‘will have more influence […] on foreigners belonging to these denominations, to persuade them to return to their country, according to their interests. They will inspire their confidence.’50 He ends his letter by proposing to organise a meeting with the various associations and the Aliens Police to consider how they could assist with the repatriation of unemployed foreign workers. This letter highlights the fragile line between forced and voluntary repatriation, which is discussed in the third part of this paper.

The Aliens Police were responsible for organising repatriation. In this task, they were assisted by Orbis, which was a transport company that took the repatriates back to the Polish border. The departure took place either from Brussels or from Liège and lasted 21 hours. This company also took care of the formalities with the Polish consulate for the extension of passports and visas. As with all the services it offered, this private company also charged for the formalities at the consulates. The trip cost between 250 and 350 francs and each passenger was allowed to take 30 kg of luggage.

Another group involved in the repatriation was the gendarmerie, which from 1934 was mobilised to accompany individuals to the border, as the letter from R. de Foy to the commander of the gendarmerie brigade testified:

I have the honour to ask you to take the necessary measures so that the Polish subjects to be repatriated, under the auspices of the Orbis travel agency and who are taken by the personnel of your brigade to the Liège-Poland repatriation trains, are henceforth accompanied by two gendarmes as far as the Herbesthal station. They will keep a close watch on the convoy during the Liège-Herbesthal journey and during the stop at the latter station. They will be present when the train leaves Herbesthal. At the time of each convoy, a report should be sent to me mentioning the complete identity of the persons whose boarding has been assured and stating that they have really left Herbesthal, bound for Poland, by a train which no longer stops on Belgian territory.51

This quote shows the coercive nature of the repatriation order. The following section of this article

identifies the extent to which it is appropriate to speak of coerced departure. I also discuss the practices of agents to convince foreigners to leave and the strategies of foreigners to allow them to stay.

## 4. The Application of Repatriation in the Light of Consent

Was repatriation consented to by foreigners? The legitimacy of repatriation was based on the foreigners' consent to leave the country. Removal is therefore not produced by an order given by the Belgian state but is carried out following a request made by the foreigner through the consulate. This is evidenced by the numerous forms sent to the Aliens Police listing 'of repatriated Polish emigrants'52. The individual files consulted are based on the forms and lists found in the general file of the Aliens Police devoted to the *expulsion of foreigners excluded from unemployment benefits*. This sample is not representative, and I have not been able to construct any statistics on the proportionality of these cases. However, these cases, by shedding light on life paths that do not correspond to the procedure provided for by repatriation, illustrate once again how the Aliens Police appropriated the legal framework to extend its prerogatives.

In order to explore the issue of consent, this section is based on the individual files of the Aliens Police, allowing us to observe the life trajectories of foreigners submitted to repatriation. It appears that the prior consent of individuals required for repatriation was not always freely given. Indeed, on the one hand, it appears that some foreign subjects returned illegally to Belgium after repatriation. On the other hand, the Aliens Police requested that gendarmes escort the repatriated foreigners to the border to be sure that they left the territory.

The individual files of the Aliens Police indicate that among those who consented to leave the territory there were young workers. This was the case for around twenty young Polish glass workers or apprentices, who had arrived in Belgium between 1928 and 1929 and were repatriated in 1934. They were between 16 and 18 years old and came from the Lodz in Voivodeship. Their individual files produced by the Aliens Police give very little information. In most cases, we find an information sheet (to identify the individual), a letter from the Aliens Police asking if the company could contribute to paying for the cost of repatriation and a document signed by the worker attesting that he or she agrees to leave and not return to Belgium (see photo at the end of the chapter). Among this group of young workers, one decided to stay in Belgium, married a worker with the same occupation and fathered four children.53 This indicates that those who consented to repatriation probably had no ties to Belgium.

Some foreigners who were expelled but did not leave the territory because they were in a weakened state were also repatriated. These cases are those that were foreseen by repatriation as it had been conceived during the 19th century. For example, a coal miner arrived in Belgium in 1925 when he was twenty years old. After being convicted of stealing woollen blankets, he was sentenced for indecent assault. The Aliens Police noted that he 'risked being expelled from the Kingdom if his conduct again still leaves something to be desired'54. A few years later, a police report that would prove fatal to him indicated that he was found 'sleeping in a complete state of drunkenness, on Lambert Street in Jumet. His manly member was sticking out of his trousers and was perfectly visible to any passer-by'55. The Aliens Police immediately issued a royal decree of expulsion, which was to be applied as soon as he had served his sentence. In prison, however, the Society for the Protection of Children and the Patronage of Released Convicts, Vagrants and the Insane appealed to the Aliens Police to repatriate him. In 1935, he was repatriated via the ORBIS Company.

There are also people who wished to be repatriated and seem to have initiated the request, without any institution having tried to convince them. Among these foreigners there is a family that returned to Poland, 'the wife being sickly and suffering from nostalgia for the Country'56. This case differs from those mentioned above because repatriation is not justified by economic arguments. This reflects a broader use of repatriation that applies to foreigners who are not without income.

Among the life trajectories found in the Aliens Police's archives, at least two types of cases resulted in forced repatriation. The first concerns a woman who it was suspected would have to rely on public care sometime in the future, the second case concerns foreigners suspected of political activities.

The first case is the result of a collaboration between the Genk police and the Aliens Police concerning a woman and her three children. Gertrude arrived in Belgium in 1928 from Yugoslavia, but with Austrian nationality and accompanied by her two children. Two and four years later she gave birth to H. and W., respectively. In 1935, the municipal police of Genk complained to the Aliens Police that Gertrude and the father of her last two children, Georg, had not paid their rent and had multiple debts. At the end of the report, it is stated that 'It would be desirable if they were both expelled from the State'57. The Aliens Police then proposed her repatriation, but Gertrude was opposed to this:

Gertrude refuses to accept repatriation. However, it was desirable that she was forced to do so because at any moment, she may become a burden of public assistance, and the children are with her. She is inclined to incur debts and refuses to pay the house rent.58

By proposing to force the people to accept the repatriation, the municipal police saw the repatriation as something that did not need to be consented to. The Aliens Police agreed with the opinion of the Genk police, even though it learned that Georg was supporting the family, which would otherwise be the responsibility of a single woman. Instead of using this information as an argument for a residence permit, it is proposed that the repatriation be collective, i.e., Georg, Gertrude and her children, two of whom were born in Genk.

The Aliens Police then contacted the Austrian consulate to obtain the necessary documents for the repatriation of Gertrude and her children, which it declared had been requested by her. Informed of her repatriation, Gertrude declared to the consulate that she wished to remain in Belgium and asked to obtain a permit for this purpose. She added that she had never applied for repatriation. To justify her request, she explained that she did not know anyone and would not know where to stay in Austria. In Genk, however, she could earn a living and feed her children due to her work as a tailor. So the consulate asked the Aliens Police to re-examine Gertrude's file. The Aliens Police refused to allow Gertrude to stay in Belgium: 'She already has four illegitimate children'59 and she risked becoming dependent on public assistance. This deportation, disguised as a consenting repatriation, removed a foreign family that was self-supporting as a preventive measure. Finally, the whole family, including Georg, was deported in October 1935.

The economic situation was not the only reason for repatriation. The Aliens Police also used repatriation to remove individuals suspected of undertaking political activities. In these cases, repatriation, when it took place, was forced. To illustrate this point, two cases are very enlightening.

The first case is that of Mordeck60 and Rosa61, his cohabitee, who arrived in Belgium in the early 1920s. Mordeck was under surveillance: the page of his individual file bears a label 'See

Confidential File S.E. n$^{o}$ 11656'. S.E. is the initials of *Sûreté de l'État*, which, created in 1928, was the new section of the *Sûreté publique*, whose archives were destroyed shortly before the German armies invaded Belgium during the Second World War. This surveillance was political: according to political information dating from 1931, Mordeck's family name was found 'in a subscription book discovered on a communist activist. The individual himself was reported for holding suspicious meetings in his shop and for receiving communist newspapers from the USSR.'62

Two years later, Mordeck was arrested in Charleroi without means of subsistence. He declared that he did not know anyone in Belgium and that he had been expelled from France. The police in Charleroi did not establish whether Mordeck had lived in Belgium or had a family in Brussels, so they took him to the German border. Despite his removal order, Mordeck was found in Brussels again. The Aliens Police then wanted to deport him for making a false declaration and because he had been removed from the population registers and had therefore lost his resident status. Before his expulsion, the Jewish Central Charity obtained a deferral so that he could sell his furniture. Very quickly another adjournment was requested. This time the Aliens Police rejected the request, imprisoned Mordeck and proposed 'to repatriate this foreigner at the charge of the government.'63

This quotation leaves no doubt that the use of repatriation as a means of removal from the territory has nothing to do with the 1933 use of repatriation to remove foreigners who, excluded from unemployment, were without means of subsistence. Mordeck's lawyer later used the term 'forced repatriation' to refer to the actions of the Aliens Police. Furthermore, the Aliens Police asked the Polish consulate to 'negotiate'64 with Rosa for the repatriation of the entire family. After this decision he was forcibly repatriated. This did not prevent him from returning to Belgium and being imprisoned again for *rupture de ban*65. As a result of this *rupture de ban*, the police were able to issue a royal expulsion order. They expelled him three times and three times Mordeck returned to Belgium. Finally, without giving a reason, the Minister 'allows this foreigner to continue to reside in Belgium for a few months on a provisional basis and on condition that his conduct is not subject to any criticism and that he is not involved in politics'66.

The story of Helena, a student, also indicates that the Aliens Police used repatriation against foreigners who were otherwise protected from removal.67 Helena arrived in Belgium in 1927 to join her mother. In 1930, she was expelled by royal decree on political grounds. As was the case with Mordeck, the *Sûreté de l'État* also opened a file on Helena. Despite her expulsion, Helena returned to Belgium in 1935. She was arrested and imprisoned. She asked to join her fiancé in France, but the Aliens Police wanted to send her back to Poland. According to the Aliens Police, there was no agreement with France to deport Poles. She refused to sign the document attesting to her consent to repatriation. She even went on a hunger strike to protest her imprisonment and repatriation. She was forcibly repatriated, accompanied by gendarmes to the border. The form she should have signed to be repatriated is in her file. It proves that the repatriation was done without consent and for reasons other than exclusion from unemployment benefits.

The cases described above demonstrate the misuse of repatriation. Repatriation was in fact a tool for removing categories of foreigners who were disruptive on political grounds. Moreover, they show that foreigners who did not consent to repatriation sometimes developed strategies to avoid removal from the territory. However, their strategies were not always successful, and repatriation was sometimes forced.

## 5. Conclusion

To the question of whether the welfare state has had an impact on migration policies, the research of Alexander Afonso and Elsa Mescoli and Jean-Michel Lafleur has already given us some interesting insights. According to A. Afonso's hypothesis, which he develops in his research project *The border of equality*, 'the creation and expansion of systems of redistribution create a political demand for closure in the form of either (external) immigration control or (internal) eligibility restrictions'.68 His main question is how welfare states shaped immigration policies and migrants' access to welfare benefits during the period from 1870 to 1945. His hypothesis is appealing, especially since the period covered by my study follows the decade of major social rights acquisitions, such as the permanent introduction of unemployment benefits, the 48-hour week and universal male suffrage. Although repatriation as a new removal measure was planned by the Aliens Police, it seems that it was the economic crisis that set in motion the process of internal and external exclusion. According to Afonso, therefore, welfare states have influenced migration policies, so his question is rather how this has happened.

Regarding the contemporary period, J. M. Lafleur and E. Mescoli analysed the impact of Directive 2004/38 on European foreigners residing in Belgium. According to them, this directive became an instrument for limiting mobility and created new categories of undesirable foreigners. In their paper, they show how European foreigners living in Belgium were denied residence permits if they become an 'unreasonable burden on public finances'69. While the freedom of movement was intended to allow all Europeans to move freely to address the labour shortage at the European level and between countries, some foreigners were sanctioned and restricted in their right of movement because they were poor.

For the Belgian case, as this article has shown, to the question 'Has the consolidation of the welfare state affected deportation policy in Belgium?', the answer is no. Indeed, throughout the 1920s, many social rights were acquired and nothing, apart from the depression that hit Belgium in 1931, justified a new deportation policy. It was not the implementation of unemployment benefits that provoked a policy of expulsion, but rather the fact that, faced with the crisis, the social rights that had been acquired for all (notably thanks to the Washington Convention signed by Belgium in 1930) were no longer valid, the coffers being empty, and the political representatives wanting to save their electorate. Moreover, workers had been taken more into account by the political parties since 1919 when universal male suffrage was adopted. Therefore, in the light of expulsion practices in Belgium, Afonso's hypothesis does not stand up. While it is true that the first immigration restrictions appeared in the 1920s (the tightening of naturalisation laws and the introduction of visas to enter the country), many of them were adopted in the early 1930s during the economic crisis. For example, the introduction of new conditions for entry such as being in possession of a work permit, a medical certificate and a certificate of moral standing, the exclusion of foreigners from unemployment and the introduction of repatriation to remove residents without means of subsistence.70 As the first section of this article has shown, Rosenberg's thesis that social rights are not acquired in a linear way and do not only respond to a nationalistic logic is confirmed by the Belgian case. While there was an improvement in social rights at the end of the war, in 1932, women and foreigners lost some of these gains.

Thus, as I have shown, it is not social rights that were at the origin of a more restrictive immigration policy. However, the argument about the impact of the welfare state on immigration policy would be incomplete without considering the discourse constructed on certain categories of foreigners.

Thus, the Belgian case validates J. M. Lafleur and E. Mescoli's thesis that the use of welfare state provisions by poor migrants leads to their depiction as a group that is underserving. Indeed, for the Aliens Police, repatriation is presented in 1933 as a measure of removal for foreigners who would become a burden on public assistance. Therefore, the character of undesirability is based on the economic situation of the foreigner. As stated in J. M. Lafleur and E. Mescoli's paper, if a foreigner did not apply for public assistance, he or she could reside in the territory. The difference between the two cases is that the European Directive 2004/38 justified the expulsion of foreigners who were an unreasonable burden on public finances, whereas repatriation in the thirties could not, theoretically, take place without the consent of the foreigner.

It is interesting to focus on this difference, because it allows us to realise the gap between what is put in writing and what happens in practice. As J. M. Lafleur and E. Mescoli point out, although the law justifies the expulsion of foreigners applying for public assistance, 'the threat, however, is never enforced'.71 In the 1930s, the opposite was true: while repatriation could only take place with the consent of the foreigner, we have identified several cases where it was enforced. There is therefore a direct correlation between economic crisis, changes in practices of deportation of foreigners and the creation of categories of undesirable foreigners. Indeed, the economic crisis justified the creation of the category of foreigners excluded from unemployment benefits, who the government wished to remove, and who had their repatriation arranged by the Aliens Police. All of this was achieved by creating a new group of undesirables: resident foreigners who were seen and described as a burden by the government.

The analysis of the individual files has shown that some repatriations were forced, but also that they were not only intended for people excluded from unemployment or without means of subsistence. As the Aliens Police had been given a budget for the repatriation of foreigners, it seems that they used repatriation as a new tool to remove undesirable but resident foreigners, such as those suspected of political activities. The life trajectories of foreigners also testify to the many strategies mobilised by foreigners: the medical certificate, external support (Red Cross, charity organisations, well-known political figures, lawyers, etc.); the request for a period of time to organise the liquidation of property and housing; the request for a visa to the consulate before, etc. All these strategies enabled the foreigner who is the subject of a removal order to save time, and sometimes to find the lawyer who managed to make the minister change his mind.

In terms of the practices of Aliens Police officers, it appears that the introduction of repatriation to remove resident foreigners gave them more discretionary power. But if the foreigner always returned or did not comply with the bureaucracy, the Aliens Police were left with no recourse. As this extract from the Aliens Police found in Rosa's file testifies: 'Rosa is the most resistant foreigner we have ever met. If she is invited to leave, she answers "no" and adds that she will come back, if she is given a *feuille de route*, she refuses to accept it, if she is summoned, she does not bother to answer, but instead rushes to her protectors.'72 A few months later, the Aliens Police admitted defeat: 'I fear that we will never obtain the removal of Rosa, who has two children to support. Under these conditions, I propose to extend her permit for six months at a time, provided that she applies.'73

It seems that if foreigners were imprisoned to be repatriated (Mordeck and Helena), I have never yet found in the archives a case of children being locked up. It seems that the police did not force the repatriation or deportation of children if the parent objected to leaving the territory.

Repatriation, as we have seen, is not only a question of nationality, but also, above all, a tool to remove the poor. The thesis of J. M. Lafleur and E. Mescoli that the restriction on the 'mobility of the poor' is a phenomenon that transcended specific national groups is also valid during the thirties for foreigners falling under the care of public assistance. Let us not forget that if the poor have always been considered as a potentially dangerous group for the established order, this is even more the case when they came from Eastern countries, and the ambient anti-communism justifies many discretionary practices within the Aliens Police.

## 6. Archive inventory

### AGR, PE, 2e vsmt, DG nos

1130 : Dossier relatif aux expulsions, 1925-1931

1134 : Dossier relatif à la jurisprudence administrative en vertu de laquelle des arrêtés royaux d'expulsion sont pris à l'égard d'étrangers non résidants 1898-1951

1135 : Dossier relatif aux étrangers expulsés par arrêté royal 1905-1934

1138 : Dossier relatif à la notification des arrêtés d'expulsion 1917-1952

1140 : Dossier relatif à la création d'une liste des expulsés et des renvoyés 1921-1939

1153 : Dossier relatif à la soumission au Conseil des ministres d'un arrêté d'expulsion 1931-1939

1160 : Dossier relatif à l'expulsion de chômeurs étrangers 1933-1935

1161 : Dossier relatif à l'expulsion de chômeurs étrangers 1934-1939

1185-1211 : Dossiers relatifs à l'expulsion et rapatriement par nationalité 1847-1962

### AGR, PE, DI nos

| | | |
|---|---|---|
| 1 639 948 | 1 639 809 | 1642 520 |
| 1 639 945 | 1 639 812 | 1 411 825 |
| 1 639 950 | 1 639 844 | 1 248 575 |
| 1 639 953 | 1 639 850 | 1 538 394 |
| 1 639 959 | 1 639 866 | 1 554 259 |
| 1 639 922 | 1 639 872 | 1 538 345 |
| 1 639 939 | 1 639 879 | 1 444 498 |
| 1 639 940 | 1 639 881 | 1 498 372 |
| 1 639 919 | 1 639 894 | 1 472 284 |
| 1 639 792 | 1 639 909 | |
| 1 639 804 | 1 641 037 | |

### Notes

1 Philip Van Isacker (1884–1951) was a Belgian politician who served in various governments in

the 1930s. He did a doctorate in history and another in law before entering politics at a municipal and national level. In 1938, he left politics and became head of the Kredietbank (KB). During the Second World War, he fled to the French Pyrenees with many KB titles. In 1945, he was arrested for trading with the occupying forces but was soon released. As a young man, he was involved in movements for the Dutchisation of the University of Ghent, but during the First World War, he joined the Catholic Flemish 'loyal' to Belgium. He also participated in starting up the newspaper De Standaard. H. DE LANNOY, *Van Isaker, Philip*, in *Nieuwe Encyclopedie van de Vlaamse Beweging,* https://nevb.be/wiki/Van_Isacker,_Philip.

2 This research was supported by the nccr – on the move funded by the Swiss National Science Foundation grant 51NF40-182897. All translations of quotes are by the author.

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26 *Le Drapeau Rouge*, 09.09.1933 found in AGR, PE, 2e vsmt, Dossier général (DG) n° 1160.

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29 Circular to the Unemployment Funds, 07.08.1933; F. Caestecker, *Alien policy... op. cit.*, p. 168.

30 *Ibid*., p. 179-181.

31 AR du 31.05.1933, *op. cit*.

32 Circular of the *Sûreté Publique*, 18.04.1850 and 21.01.1852.

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34 H. BEKAERT, *L'expulsion des étrangers et le délit de rupture des bans*, Louvain, L. Rega, 1934, p. 32-37.

35 *Ibid*., p. 57.

36 On repatriation : AGR, PE, 2e vsmt, DG, nos 1185-1211.

37 Robert de Foy is a notorious anti-communist. As a magistrate, he was promoted to administrator of the Sûreté publique in the 1930s. He is known to have been in contact with police delegates in Nazi Germany and to have provided them with lists of Belgian and foreign suspects who were arrested during the German invasion of Belgium in May 1940. He also played a role in the application of the anti-Jewish ordinances dictated by the Germans. Although he had collaborated, he was able to resume his duties after serving his sentence. N. WOUTERS, *de Foy Robert*, in *Belgium WWII,* https://www.belgiumwwii.be/belgique-en-guerre/personnalites/de-foy-robert.html.

38 AGR, PE, 2 Vsmt, DG n° 1160, 25.07.1933.

39 AGR, PE, 2e Vsmt, DG no 1160, 11.09.1933, R. de Foy.

40 *Id.*

41 AGR, PE, 2e Vsmt, DG no 1160, 1933.

42 AGR, PE, 2e Vsmt, DG no 1160, PV CM, 6.11.1933.

43 « Comme il serait impossible, d'un point de vue international, d'expulser les chômeurs polonais, une pression douce serait exercée. » Underlined in the text. *Idem.*

44 AGR, PE, 2e Vsmt, DG no 1160, CM, 03.1934.

45 AGR, PE, 2e Vsmt, DG no 1160, 11.09.1933.

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49 *Id.*

50 *Id.*

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53 AGR, PE, DI no 1 639 919.

54 AGR, PE, DI no 1 411 825, 15.03.1932.

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58 AGR, PE, DI no 1 538 345, Genk Police letter to PE, 18.07.1935.

59 AGR, PE, DI no 1 538 345, 18.07.1935.

60 AGR, PE, DI no 1 248 575.

61 AGR, PE, DI no 1 444 498.

62 AGR, PE, DI no 1 248 575, 18.02.1935.

63 AGR, PE, DI n°1 248 575, 20.04.1935.

64 AGR, PE, DI n° 1 444 498, 15.06.1935.

65 Rupture de ban occurs when a banned person enters the national territory illegally.

66 AGR, PE, DI n° 1 248 575, 27.05.1937.

67 AGR, PE, DI n°1 498 372.

68 A. Afonso, *op. cit.*

69 J J.-M. Lafleur, E. Mescoli, *op. cit*, p. 488.

70 Kalm and Lindvall have analysed the correlation between welfare state and immigration policy during 1880-1920 in Europe. They arrive at the conclusion that Belgium and Italy did not adopt more restrictive immigration policies and more generous social policies concurrently before 1920. For them the immigration policy changed in the 1920s. S. Kalm, J. Lindvall, *op. cit.*, p. 465.

71 J.-M. Lafleur, E. Mescoli, *op. cit.,* p. 488.

72 AGR, PE, DI n° 1 444 498, 12.02.1937.

73 AGR, PE, DI n° 1 444 498, 20.04.1937.