



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter September 2005

Finalized on 8 September 2005

This newsletter focuses on news items and policy developments concerning the basic social rights of undocumented migrants in Europe. It is currently available in Word format and on the PICUM website (www.picum.org) in the following languages: English, German, Dutch, Spanish, French, Italian and Portuguese. You are invited to distribute this newsletter widely.

Do you want to contribute to a humane policy of respect of human rights of undocumented migrants?

DONATE TO PICUM!

Your contribution means we can continue to fight the marginalisation and exploitation of undocumented migrants.

You are invited to donate to PICUM by transferring your singular or regular contribution to account number 001-3666785-67 (Fortisbank, Schepdaal (B), IBAN: BE93 001366678567). Please mention your name and address, and reference: "donation".

THANK YOU !

Index

- [1. Death at the Border](#)
 - [2. News from EU Member States + Switzerland + U.S.A.](#)
 - [3. European Policy Developments](#)
 - [4. Upcoming Events](#)
 - [5. Publications](#)
-

1. Death at the Border

- A man drowned on 6 August as authorities tried to help 126 undocumented immigrants escape from a sinking boat off the southern coast of Crete. (*Eleftherotypia / Apogevmatini / Ethnos/ Kathimerini, 8 August / Chora, 9 August*)
- Coast guards are searching for seven undocumented migrants off the coast of Lesbos, Greece, after two drowned when the boat they were sailing capsized. Officers said the accident occurred on 8 August as the migrants rushed to one side of the boat when a coast guard patrol approached their vessel. Coast guards managed to rescue 40 migrants from the sea. (*Eleftherotypia / Espresso, 25 August / Kathimerini, 26 August*)

- The Association of Development Initiatives (AIDE), a Malian NGO, announced the results of a study which estimated that more than 2,500 African migrants have already died in their attempts to reach Europe in the last five years. Carried out in partnership with an Italian advocacy group, the study found that Gao in northern Mali has become one of the principal points where migrants meet up before continuing their journey to Europe. Source: Migration News Sheet, August 2005
- At least 45 Africans drowned after armed smugglers forced them overboard during an illegal crossing to Yemen, officials said on 5 September. 50 people had managed to swim ashore after they were dumped in the Gulf of Aden. Two sailboats had been carrying about 360 Ethiopians and Somalis and the crew had forced them off, fearing capture by the Yemeni authorities. Somalis and Ethiopians often attempt the hazardous crossing to Yemen in hope of reaching the Gulf region or Europe. <http://edition.cnn.com/2005/WORLD/meast/09/05/yemen.somalia.reut/index.html>
- The Times of Malta reported on 5 August that about 130 immigrants are feared dead after their boat is believed to have sunk in stormy waters between Malta and Sicily. <http://www.timesofmalta.com/core/article.php?id=195387>
- On Saturday 13 August, it was made public that police had found the bodies of four men in a shipping container in Rotterdam. The police spokesman said that the men, who are thought to have entered the container in Casablanca, probably suffocated. <http://www.planet.nl/planet/show/id=62967/contentid=609340/sc=cb2916>
- 19 corpses of undocumented African migrants washed onto the shores near Tarfaya, Morocco on 5 August. Two survivors were found and said that the tragedy occurred when their boat started to sink while at sea. Local authorities said that the migrants were headed for the Canary Islands, Spain. Source: Association AFVIC, PFM
- On 29 August, two Sub-Saharan African immigrants who were attempting to cross the border between Melilla, Spain and Morocco, appeared dead. According to testimonies, the immigrants could have died once they had crossed the border fence, that is, inside Spanish territory, and after having been intercepted by the Guardia Civil (Border Police). These testimonies indicate that the immigrants were brutally hit by some of the Guardia Civil officers and, afterwards, one was already dead and the other agonizing, their bodies were thrown into Moroccan territory. Médicos Sin Fronteras (Doctors without Borders), which was able to see one of the corpses, found traces of violence, in particular the mark of a rubber bullet, such as those used by the Guardia Civil, in the victim's chest. Various organizations issued statements following the incident, including the APHDA (www.apdha.org) and AFVIC. <http://estrecho.indymedia.org/newswire/display/15291/index.php>
- 94 undocumented migrants from Ecuador drowned on 12 August when the ship they were traveling on (which was only intended for 15 passengers) sunk off the coast of Colombia. Nine survivors were rescued. The journey by ship was the first leg of a trip the undocumented migrants were taking to cross into the United States. <http://www.nytimes.com/2005/08/29/international/americas/29ecuador.html>
- 2005 aims to be the deadliest year on record for migrants entering irregularly into the United States, reports the Latin American Working Group. 358 have died this fiscal year so far (the fiscal year ends on Sept. 30). At least 116 people died in the month of July alone while crossing the Mexican-U.S. border, largely due to the heat wave that struck the border region during that time. The Latin American Working Group's website contains an article on the work of the No More

Deaths Campaign, which aims to provide humanitarian assistance to migrants in the deserts of Arizona. <http://www.lawg.org/countries/mexico/frontlines.htm>

2. News from EU Member States + Switzerland + U.S.A.

General

- The UN Special Rapporteur on the sale of children, child prostitution and child pornography and the UN Special Rapporteur on trafficking in persons are looking for information for their report on the demand for services deriving from sexual exploitation. Contact: Jan Hessbruegge, Special Procedures Branch; jhessbruegge@ohchr.org
- The European Sociologist Association held a conference in Poland from 9-12 September, entitled "Rethinking Inequalities". During that conference, a paper was presented by Prof. F. Streiffeler from Humboldt University (Berlin) on "Illegal Polish Seasonal Workers in German Agriculture". It is based on the results of 60 narrative interviews with Polish people who formerly worked in German agriculture. Among the findings are that they received only half of the income that legal workers would receive, and that they were working much longer per day than legal workers. The research also revealed that essential aspects of payment and working conditions often depend on personal relations between the employer and the seasonal workers. Contact: friedhelm.streiffer@rz.hu-berlin.de Conference: <http://www.7thesaconference.umk.pl/>
- The Order of the Ministers of the Sick held a three-day seminar for young religious people on justice and peace issues prior to World Youth Day 2005. Participants came from Austria, Colombia, France, India, Italy, Philippines, Poland and Romania. On 14 August, Fr. Paul Lansu gave a speech entitled "Justice and Peace and Healthcare: Challenges, Problems and Solutions", which also addressed the problems of undocumented migrants' access to health care. The speech is available in English in <http://storage.paxchristi.net/PB16E05.pdf> and Italian in <http://storage.paxchristi.net/PB16I05.pdf>

France

- The European Federation of National Organisations working with the Homeless (FEANTSA) issued a press release on the tragic death of migrants in Paris due to the recent fires. The press release states that inadequate housing is symptomatic of the underlying problem of housing affordability that is growing across Europe. People who cannot access affordable housing, amongst them are many undocumented migrants, increasingly have no other option than to live in housing that is unfit for habitation. For further information on the housing situation of undocumented migrants in six countries in the EU, please visit: www.picum.org

The French government introduced a new law on 29 July requiring all immigrants needing medical care to provide evidence of their legal entry into the country before receiving treatment. Around 400,000 undocumented migrants are estimated to be affected by the law and besides creating a crisis for undocumented migrants, the new ruling also presents a problem for doctors placing a heavy ethical burden upon medical personnel, as they first have to check the identity papers of the patient before treating them. Source: Terraviva Europe

- GISTI has launched a call to gather support against the new law on health care and undocumented migrants. Only six days after the call (entitled "Sans-papiers: non à l'exclusion des soins") was

launched, 53 NGOs, trade unions and political parties had already signed on. For more info and to sign on: <http://www.gisti.org/doc/actions/2005/ame/non.html>

- Ms. Fanta Diaby, the Guinean woman who was detained in the Bobigny detention center with her three young children (see PICUM Newsletter, August 2005), was released on 12 August, after spending 22 days in uncertainty and anguish. The Education Without Borders Network mobilized support for the family, who will not be deported to Guinea after all. www.educationsansfrontieres.org. Following the decision to release the family from detention, the organization CIMADE issued a statement in which it condemns the fact that children are placed in detention centers in France. www.cimade.org

Spain

- The authorities dealing with unaccompanied foreign children arriving in Spain have been overwhelmed by the arrival of an increasing number of under-aged irregular Moroccan migrants by sea. Last year 312 unaccompanied children arrived, a figure which has already been exceeded in the first six months of this year, as 365 have arrived. Source: Migration News Sheet August 2005
- Undocumented migrant workers are being offered the chance for a Spanish work permit if they report their employer for breaking the rules. The Spanish government announced this week that anyone who has been in Spain for more than two years, and has worked for an employer breaking the rules, could legalize their situation. Authorities estimate that up to 120,000 immigrants could be eligible for work papers this way. http://www.expatica.com/source/site_article.asp?subchannel_id=81&story_id=22638

Italy

- The Court of Cassation ruled that Italian authorities could expel large groups of foreigners for identical reasons so long as each case had been given individual consideration. The decision overturned a ruling by a Milan tribunal, which found the group deportation of 15 Roma migrants not holding residency permits to be in violation of the European Convention on Human Rights. Protocol 4, Article 4 of the convention prohibits the "collective expulsion of aliens". But the Supreme Court said this did not apply in Italy, where there were sufficient safeguards in place to ensure that deportation requests were examined on an individual basis, even if the final decision was the same for a number of people. http://ansa.it/main/notizie/awnplus/english/news/2005-08-08_972663.html

Greece

The Interior Ministry said that immigrants living in Greece without a residence permit since before December 31, 2004 can soon apply for a permit. Migrants will need to visit their local municipal offices between October 1 and the end of the year, producing evidence that they entered Greece before 2005. Among the evidence that will be accepted is the date on which they were given a tax registration number (AFM), proof of contributions to a public insurance fund or the date on which their application for political asylum was rejected. (*Eleftherotypia*, *Naftemporiki*, *Adesmeftos Typos Mitsi*, *Kathimerini*, *Avriani*, *Expres*, *Imerisia*, *Logos*, *Elefteros*, *Avgi*, 2 September / *Traffic*, 3 September / *Vima*, 4 September)

- A delegation, including the MP Thanassis Leventis, the Prefect of Samos and members of an NGO, visited the detention centre of Samos, where 95 migrants are currently held for having entered the country illegally. Many of the detainees are minors (15-16 years old). The living conditions at the

centre are very bad: migrants are literally squeezed in very small rooms, there are not enough beds, there is not enough light, and hygiene is almost non-existent.

- “No Border Action” issued a statement denouncing the inhuman living conditions of the irregular migrants held in the Venna detention centre, near Komotini. Members of the organization were allowed to talk with only three out of the 17 persons currently held in the center, which used to be a warehouse. (*Eleftherotypia*, 30 August)
- Interior Minister Prokopis Pavlopoulos intervened to stop the deportation of a Pakistani woman who had been living in Greece without a residence permit for the past 25 years. Azia Avana Mohammed, who suffers from cancer, was to be deported with her daughter, but after the matter was raised during a debate on the immigration bill in Parliament, the minister said that she would be allowed to remain in the country on humanitarian grounds. (*Kathimerini*, *Eleftherotypia*, *Avgi*, *Eleftheros Typos*, *Logos*, *Adesmeftos Rizou*, *Nea*, 4 August)

UK

- A conference was held on 25 June 2005 on the right to health of detained asylum seekers and migrants, organised by Doctors for Human Rights. Doctors discussed their unacceptable role as gatekeepers to health care. <http://www.irr.org.uk/2005/august/ak000003.html>
- The Home Office has released a paper entitled “Selective Admission: Making Migration Work for Britain,” which proposes a simplification of hiring migrants to work in the UK. http://www.homeoffice.gov.uk/docs4/Making_Migration_Work.pdf
- The Family ILR Exercise, announced by the Home Secretary on 24 October 2003, allows certain asylum-seeking families who have been in the UK for four or more years to stay. To qualify, the main applicant of the family unit must have applied for asylum before 2 October 2000 and must have had at least one dependant aged under 18 (other than a spouse) in the UK on 2 October 2000 or 24 October 2003. There were 53,615 main applicants identified for consideration as at 30 June 2005.

Belgium

- A large number of teachers, activists, children and politicians participated in a march for the rights of undocumented children on 31 August in Brussels. The demonstrators wanted to mark the beginning of the school year by going to the Minister of Education and urging him to take a stand against the deportation of children enrolled in school and against the detention of undocumented minors. http://www.democratischeschool.org/breve.php3?id_breve=51
- The Organization for Undocumented Workers, O.R.C.A., has launched its website. It is not yet fully operational, but in the future it will include all necessary information about the protection of undocumented workers in Belgium. www.orcasite.be.
- A coalition of organisations and artists from the city of Antwerp have engaged in a project on undocumented residents in Antwerp. www.illegalbeauty.be

Netherlands

The court of The Hague decided on 3 August that the detention of a family with four children aged between 6 and 13 in a detention center in Rotterdam was unlawful. The court urged that the family be removed to a more open setting. Defence for Children International is very pleased with this decision, and hopes that it will be a precedent for future decisions, since many more children are held in detention in the Netherlands. <http://www.defenceforchildren.nl>

- The Dutch section of Defence for Children International published an article (in Dutch) about the fact that, according to the Convention on the Rights of the Child, children should first be considered as children, and not as “illegal”.
http://www.defenceforchildren.nl/ariadne/loader.php/dci/nieuws/rechten_illegale_kids/
- Searchweb Foundation is about to start a regular newsletter entitled 'Domestics Autonomy' which will be on, about, and for domestic workers in Amsterdam. The core aim of this initiative is to find ways to support the thousands of domestic workers in the city, surviving while facing hardship due to living at the margins of the economy and society. If you have relevant information for the newsletter, please contact: searchweb@xs4all.nl Website: www.prijsvandeuitsluiting.nl
- A coalition of Dutch organisations carried out research on the exploitation of trafficked children in the Netherlands. They found that between 2003 and 2005, about 203 children were exploited in domestic work, in the catering industry and for criminal activities. For more information contact: info@ecpat.nl

Sweden

- Five years ago Sweden was estimated to have about 250 undocumented children. Today the number is estimated to about 3,500. Sweden had earlier been criticized by the UN for breaking the UN Convention on the Rights of the Child, and this week the organization Save the Children criticized Sweden's treatment of undocumented children, especially because many undocumented children do not receive the education that they are entitled to.
<http://www.gd.se/Article.jsp?article=61542>
- Undocumented children are no longer allowed to attend school in Sweden. This is a decision made by the officials of the child and youth departments in Malmö's municipal districts. The decision thereby ignores the UN Convention on the Rights of the Child, which states that all children are entitled to education. The decision is not a law but an administrative decision, which means in practice that undocumented children will no longer be able to attend school. A school that breaches the decision cannot however be taken to court. <http://www.farr.se/asylnytt/index.html>

A new law proposal regarding healthcare for asylum seekers and others (including failed asylum seekers) has been put forward and will be decided on by the government later during the year. It severely limits healthcare for undocumented migrants. For example: adults will only be offered to pay for emergency care at full cost. The proposal basically suggests what is already in place through agreements and policies. However, the four voluntary networks in Sweden who provide medical services for undocumented migrants strongly oppose the proposal, meaning that adding such restrictions into legislation will have a huge negative impact over time on access to healthcare for undocumented migrants. Instead, the four networks are calling for access to full and subsidized

healthcare under the same conditions as for Swedish citizens. (Source: Médecins Sans Frontières, Sweden)

Denmark

- Almost 100 employers have received fines within the last three months for hiring irregular workers mainly coming from Poland. This number is almost double the amount in comparison to the first quarter of the year. Vice police chief Hans Viggo Jensen says that the police have tightened the control of employers hiring irregular workers and that they have become better in unveiling the employment of undocumented workers. Source: www.pol.dk
- After waging three boycotts, the Polish construction company Omeka is now ready to sign a contract ensuring that Polish construction workers in the future will work under the same wage terms as Danish construction workers. Source: www.pol.dk

Ireland

- The Immigration Council of Ireland has recently launched a publication on the Irish Government's proposal for a new Immigration and Residence Bill which the Government has stated they are hoping to publish in the autumn. The publication sets out a call for the regularisation of undocumented migrants and access to services for undocumented migrants. Furthermore, it provides an analysis of the proposal and encourages other groups to make submissions to the Government in relation to their views on what immigration legislation in Ireland should contain. Source: Immigration Council of Ireland.

Malta

- A sharp rise in the number of asylum seekers reaching Malta this summer from North Africa is creating an unprecedented crisis for the government. A total of 1,030 irregular immigrants from 33 different countries are being held in eight detention centres.
- Foreign Affairs Minister Michael Frendo is to write to the Director General of the United Nations High Commissioner for Refugees to request help for Malta in the repatriation of undocumented migrants. Dr. Frendo said that Malta will not let go of the issue of illegal immigration until the international community responds and addresses the problem frontally. <http://www.timesofmalta.com/core/article.php?id=195602>
- The Maltese and German governments are to submit a joint proposal to the European Union for the funding of joint special flights to repatriate illegal immigrants to their country of origin. It will be submitted to the EU at the beginning of next month under an EU action program for administrative cooperation in the fields of asylum, visas, immigration and external borders known as the Argo program. The spokesman explained that the aim of the proposal is to start, as soon as possible, joint flights funded by the EU - taking off from German airports and flying via Malta - on which undocumented migrants would be flown back to their own countries. <http://www.timesofmalta.com/core/article.php?id=197280>
- The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has published a report on the visit carried out to Malta in January 2004. In its report, the CPT examined in depth the treatment of persons deprived of their liberty under the immigration legislation. The Committee made a certain number of recommendations

concerning the fundamental safeguards to be offered to such persons and their conditions of detention. It also requested detailed information on several enquiries carried out into allegations of ill-treatment made by immigration detainees vis-à-vis law enforcement agencies.

<http://www.cpt.coe.int/documents/mlt/2005-08-25-eng.htm>

USA

- The devastation caused by Hurricane Katrina has impacted many of the non-citizens who are trapped in the area. Undocumented migrants and guest workers worry that they will jeopardize their legal status if they try to leave the area. Some guest workers from Jamaica worry that Hurricane Katrina may have suddenly made them undocumented migrants, because their guest worker visas require them to work at specific places (e.g. casinos) that no longer exist because they have been destroyed.

<http://www.nytimes.com/2005/09/06/national/nationalspecial/06immig.html?ex=1126670400&en=35fa881a13683cb7&ei=5070&emc=eta1>

3. European Policy Developments

- The European Commission recently published a draft directive on common standards on return. The Directive aims to harmonise procedures to return undocumented migrants. Commissioner Frattini pointed out that only one out of every three decisions to return a person was actually carried out, so this directive is meant to improve the effectiveness of policies. Besides that, it is also meant to do away with the differences amongst European countries, since a country with a less successful expulsion policy might attract more migrants, according to the Commission.

To name only a few of the problematic points of the draft directive:

- any return decision should be accompanied by a ban on returning to the EU for a maximum period of five years, which would be valid not only for the country which made the decision, but also for the whole of the EU.
- There will be a "voluntary departure" time scale of no more than four weeks, unless there is reason to believe that the person concerned could abscond during that time, in which case alternative measures may be taken, including detention.
- people should have the right to make an appeal against the expulsion decision, but this appeal should not automatically suspend the decision
- the draft directive includes the possibility to postpone or cancel the removal order, but does not provide for a legal status in case that happens.

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/1079&format=HTML&aged=0&language=en&guiLanguage=en>

A coalition of 13 NGOs, including PICUM, expressed serious concern about this draft directive. The coalition suggests a set of nine principles to ensure respect for human rights. <http://www.ccc-kek.org/English/CommonprinciplesonremovalE.pdf>

- The Interior Ministers of the five largest European countries (Germany, Spain, France, Italy and Britain) announced at the beginning of June that they would be organising joint charter flights to increase the number of deportations from their countries. The plan is to effectively set up a discrete charter airline, already dubbed "Migrant Air", that will cut the cost of deportations and reduce the need to send those being deported back home on commercial airlines.

<http://www.guardian.co.uk/immigration/story/0,15729,1522256,00.html>

- Shortly after this communication was made, Britain and France organized a deportation to Kabul on a joint charter flight. Many organisations protested against this.
<http://www.statewatch.org/news/2005/jul/16joint-expulsions.htm>

4. Upcoming Events

- On 15 December 2005, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families will hold a day of general discussion in Geneva on "Protecting the rights of all migrant workers as a tool to enhance development".
<http://www.ohchr.org/english/bodies/cmw/mwdiscussion.htm>
- An experts meeting will be held by the International Labour Organisation (ILO) on 31 October - 2 November 2005 in Geneva. The aim is to review the draft of the "Multilateral Framework on Labour Migration" prior to its submission to the ILO Governing Body in March 2006.
<http://www.ilo.org/public/english/protection/migrant/new/>
- The Council of Europe's Directorate General of Social Cohesion will hold a conference on reconciling labour flexibility and social cohesion in Strasbourg, 17-18 November.
<http://www.coe.int/socialcohesion/forum2005>
- "Building social policies on Fundamental rights" is the theme of a European conference that will be held in Brussels, 11-12 October 2005. <http://www.socialplatform.org/code/EN/abou.asp?Page=692>
- The 9th Seminar on Dignity and Health, organised by SMES-EUROPA, will take place in Berlin from 6-8 October 2005. Considerable attention will be paid to the issue of undocumented migrants' access to health care. www.smes-europa.org
- The Catholic organisation DOMFORUM, based in Cologne, will hold a conference on health care and education for undocumented children on 14 September 2005. <http://www.domforum.de/>
- The European Sex Workers Conference on "Human rights, Labour and Migration" will take place in Brussels from 15-17 October. www.sexworkeurope.org

5. Publications

The Migration Information Source has dedicated an entire issue of its online newsletter to "The Unauthorized." Various articles examine policy options and data relevant to the debate on undocumented migrants in the United States and in Europe. <http://www.migrationinformation.org/>

Europe: interdit d'aider. This article (in French) is an interview with PICUM Coordinator Nele Verbruggen on the theme of penalization of individuals and organizations that provide assistance to undocumented migrants in Europe. The original article was published in the Belgian MO Magazine in Dutch.

http://cybersolidaires.typepad.com/francophonie/2005/06/europe_interdit.html

Immigration et travail en Europe: Les politiques migratoires au service des besoins économiques, is a compilation of the proceedings of a study day held by the French organization GISTI on immigration and work in Europe. The study day was held on 21 March 2005.

<http://www.gisti.org/publications/commandes/index.html>

Deserving of Decent Work: The Complications of Organizing Irregular Workers Without Legal Rights, by Nicole Silverman, Centre on Migration, Policy and Society, University of Oxford, 2005.
<http://www.compas.ox.ac.uk/publications/wp-05-21.shtml>

Immigrants At The Margins: Law, Race, And Exclusion In Southern Europe, by Kitty Calavita, Cambridge University Press, April 2005.

Dan moeten ze hun mond maar open doen (“Well then, they just have to speak up”) is the title of a report by BLINN (Bonded Labour in the Netherlands) about trafficked women in detention centers. More info: www.blinn.nl

To subscribe to the PICUM newsletter, please send an email to administration@picum.org with “Subscribe-English” in the subject heading. To unsubscribe, please put “Unsubscribe-English” in the subject heading.
