



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter November 2007

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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.

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1. Death at the Border

- The Coastguard of the Canary Islands reported on 7 September that a vessel carrying North African migrants had capsized off the island of Grand Canary and 10 bodies had been recovered from the sea. (Source: Migration News Sheet, October 2007)
- On 21 September Chulan Zhang Liu died after climbing out of a window trying to escape a police control on Boulevard de la Villette in Paris. This was the fifth incident of this kind within 2 months. The organization GISTI (Groupe d'information et de soutien des immigrés) has linked these events

to the tightening of immigration policies by the current French government and has called on the French Minister of Immigration to stop setting target quotas for the expulsion of immigrants. The petition has been signed, among others, by the mayor of Paris.

<http://www.gisti.org/spip.php?article999>

- The bodies of four irregular immigrants, including a child, have been recovered off the islands of Samos and Lesbos. A 30-year-old man and a five-year-old girl, both from Somalia, died, while seven others were rescued, after a wooden boat carrying them from Turkey sank off Samos early on 24 September amid gale-force winds. Two out of the seven survivors (three women, one man and three minors) said they came from Libya and five from Somalia. Also on 22 September, the bodies of two more migrants were recovered off Lesbos. (Source: *Kathimerini*, *Vradyni*, *Ethnos*, *Eleftherotypia*, 25 September)
- Following the US-Mexico border region wildfires, the Mexican consul in San Diego disclosed that 18 Mexicans suffered burns while trying to cross the California-Baja California border during the height of the fires. Additionally, 4 bodies, believed to be migrants, were found in the woods on 23 October 2007, near a remote Border Patrol checkpoint that was evacuated as wildfires swept toward federal agents. The Border Patrol said it has arrested more than 200 migrants since 21 October in the area torched by the Harris Fire.
<http://64.233.183.104/search?q=cache:4166PM7PGx4J:www.federalnewsradio.com/%3Fnid%3D80%26sid%3D1280044+Alberto+Lozano,+Mexican+consul+in+San+Diego&hl=nl&ct=clnk&cd=2&gl=be&client=firefox-a>
- On 20 October the bodies of two dozen people were reported to have washed ashore in southern Mexico after emergency officials received reports that a boat carrying Central American migrants had capsized in the Pacific. The bodies have not been identified and officials said the government was searching for more victims around the coastal town of San Francisco del Mar, 200 miles west of the border with Guatemala. http://www.nytimes.com/2007/10/20/world/americas/20briefs-migrants.html?_r=1&ex=1350532800&en=a9d9e1a1203a95e5&ei=5088&partner=rssnyt&emc=rss&oref=slogin
- According to a Press Review by *Fortress Europe*; 99 migrants died at the gates of Europe in September 2007. 43 drowned off Canary islands; 19 off Mayotte; 11 between Algeria and Spain; 13 on the way to Sicily and 10 off Greek islands. While sea arrivals have decreased (-75% in Spain and -7% in Italy), the victims have not: 500 people have already died this year in the Strait of Sicily, compared to 302 in the entire 2006. <http://fortresseurope.blogspot.com>
- On 22 October it was reported that 160 young migrants from the Kolda region (Senegal) and neighboring villages had been shipwrecked on the high seas off the Moroccan shores. Only 10 of the 160 were saved by Spanish fishermen, 150 were reported missing.
<http://www.seneweb.com/news/article/12796.php>
- It was reported on 26 October that Spanish fishermen had discovered at least six bodies and one survivor aboard a boat which had tried to reach Spain from Cape Verde. According to the survivor; another 50 people had gone missing. http://www.lesoleil.sn/article.php3?id_article=30055

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

General

- To mark World Mental Health Day on 10 October, Mental Health Europe issued a press release on titled "Mental Health in a Changing World: The Impact of Culture and Diversity". It highlights that ethnic minority groups living in Europe are more likely to be diagnosed with mental health problems; more likely to be admitted to hospital; more likely to experience a poor outcome from treatment; and more likely to disengage from mainstream mental health services leading to a deterioration in their mental health. As 'mental health' is rarely considered 'urgent' or 'immediately necessary' care, undocumented migrants in Europe can rarely access this type of treatment although they are among the highest effected groups. <http://www.socialplatform.org/News.asp?news=15130>
- It was reported on 16 October that eleven people had been condemned to imprisonment for clandestine emigration in El-Kala (El-Tarf), Algeria. Ten of them received sentences of three months, one of them was condemned to one year. <http://www.aps.dz>
- In the night of 25 October the Moroccan police carried out raids and arrested a number of Congolese migrants in the quarter of Takadoum in Rabat. It was reported that during the raids many migrants were subject to torture and at least one was beaten so badly that he had to be taken to hospital. <http://www.educationsansfrontieres.org/spip.php?article9351>

France

- In November 2006 FEANTSA lodged a collective complaint against France for non compliance with Article 31 of the revised European Social Charter, which is devoted to the right to housing. After declaring the complaint admissible, the European Committee of Social Rights of the Council of Europe decided to organize a hearing. FEANTSA and its French members gathered evidence of their allegations and concerns. They reviewed in detail the state of play in France in terms of international obligations, internal legislation, existing public policies and facts from both official and independent sources. For more details, contact Silke Paasche, Tel: +32 (0)2 534 05 23, E-mail: silke.paasche@feantsa.org.
- A new immigration bill introducing possible DNA tests for foreigners who want to join relatives in France was adopted by parliament on the 24 October. The bill was passed in both the country's National Assembly and in the Senate. Supporters say it will speed up the process for genuine applicants and cite similar laws in other European nations. Critics have attacked the law as racist and questioned the use of genetics as a basis for being allowed into France. <http://news.bbc.co.uk/2/hi/europe/7059186.stm>
- On the 20 October thousands of people assembled and protested against Immigration Minister Hortefeux's legislative plans. Among others, they protested against DNA tests for immigrants and against targets set for the expulsion of immigrants and the crackdowns going along with them. They also opposed a new change to the immigration law which permits the regularization of immigrants who promise to work in sectors of the economy which are "under tension" and need employees. According to the organizers, around 4,000 people rallied in Paris. Around the country, people also protested in Marseille, Bordeaux, Toulouse, Strasbourg, Nantes, Rennes, Dijon; Lille, Nancy, Angers and Poitiers. <http://www.lemonde.fr/web/article/0,1-0@2-3224,36-969450@51-959910,0.html> and <http://www.millebords.org/spip.php?article6953>

Spain

- Various Moroccan and Spanish NGOs including Red Chabaka del Norte de Marruecos, Asociación Pateras de la Vida, Asociación Marroquí de Derechos Humanos (AMDH), Consejo de Migrantes Subsaharianos en Marruecos, Asociación Pro Derechos Humanos de Andalucía (APDHA) e Intersindical Canaria, gathered on 6 October on the Moroccan side of the fences at Ceuta. They protested for the respect of the human rights and the freedom of movement, as declared in Article 13 of the Universal Declaration of Human Rights.
http://www.apdha.org/index.php?option=com_content&task=view&id=410&Itemid=63
- Vineyard owners in the region of Castilla-La Mancha openly declared their intention to employ migrants without work permits to pick grapes. The majority of such workers are Romanians and Bulgarians who are not entitled to work without receiving the necessary authorization from the Ministry of Employment, whose head Jesús Caldera has warned that labour inspectors would be “inflexible” when carrying out checks on contracts. In Ciudad Real alone, at least 30,000 workers were required to pick grapes. Given that the Spanish labour force consists between 5,000 and 10,000 workers, owners needed an extra 20,000 to 25,000 foreigners. The vineyard owners are in a powerful economic position: they produce 18,000 hectoliters of wine on which some 70,000 families depend. Source: Migration News Sheet, October 2007

Greece

- Members of Amnesty International handed the General Secretary of the Minister of Interior 56,863 signatures against discrimination in Greece. The signatures were collected during summer by the Dutch Branch of Amnesty International, since Greece was at the centre of this year’s campaign under the title “Make noise against discriminations in Greece”. The human rights agency accuses Greece on account of unacceptable detention conditions for migrants and refugees, racist attacks and forced evictions against Roma people and increased police violence against foreigners. (Source: *Vima, Kathimerini, Chrimatistirio, 23 October*)
- While the numbers of irregular arrivals by sea in Italy and Spain are decreasing, the number of migrants and asylum seekers arriving in Greece by boat from Turkey has increased this year. On 5 October, following a regular visit to Samos, UNHCR expressed strong concerns regarding conditions at the holding centre there, with increased overcrowding and a lowering standard of hygiene representing serious health hazards. UNHCR called for the immediate closure of this centre. <http://www.unhcr.org/news/NEWS/47060794d.html>
- On 29 October PRO ASYL and the Greek Group of Lawyers for the Rights of Refugees and Migrants issued an extensive report on the situation of refugees at the EU external border in the Aegean. The findings reveal serious human rights violations as the Greek coast guard systematically maltreats newly arrived refugees. In one reported case on the Chios Island, maltreatment included serious beating, mock execution, electric shocks, and pushing a migrant’s head into a bucket full of water. In contravention of international law, the police detain all refugees and migrants on their arrival on the islands, including minors, and the detainees are left without any information about their rights and without legal counsel.
http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Englisch/GR_Doku_291007_Web.pdf

UK

- According to reports on 24 September, the UK government has decided to opt out of proposed EU laws on employer sanctions for hiring irregular workers. The UK had until the end of September to

decide whether to commit to the proposed law, in the hope of effecting changes during the negotiations stage, or to opt out. The government appeared divided over the issue, with the Department for Business, Enterprise and Regulatory Reform urging an opt-out to avoid damaging employers but the Foreign Office concerned about the potential diplomatic ramifications of the UK not signing up to an important European measure.

http://www.ft.com/cms/s/0/13b009cc-6a32-11dc-a571-0000779fd2ac.html?nclick_check=1

- During the party conference season in the UK there were clues from both sides that immigration could be a 'gloves-off' issue in the forthcoming general election campaign, as 'British first' and tough control talk dominated many of the meetings. The Liberal Democrats came up with a proposal for the regularization of undocumented migrants, which considerably watered down the position advocated by the Strangers into Citizens (SiC). SiC called for residence permits to be issued to undocumented migrants who can demonstrate four years employment in the UK; the Liberal Democrats extended this to ten. <http://www.migrantsrights.org.uk/enews/october.htm>
- "Brazilians in London: A Report for the *Strangers into Citizens* Campaign", was recently published by the University of London. This study emerged in the context of the *Strangers into Citizens* campaign and the death of Jean Charles de Menezes on July 2005 at the hands of police officers at an Underground station in south London when he was mistaken for a suicide bomber. Menezes was an undocumented migrant whose student visa had expired. The report focuses on Brazilian migrants living in the UK, providing a socio-economic profile of the community through a survey taken in 2006 of over 400 Brazilians. It reports that about half of the Brazilians who answered the questionnaire were undocumented, yet, virtually all of those who participated in the study agreed with the idea of an amnesty for irregular migrants in the UK. <http://www.geog.qmul.ac.uk/globalcities/reports/docs/brazilians.pdf>
- The UK government is currently considering charging undocumented migrants and failed asylum seekers for NHS primary health care. A number of civil society organizations are concerned that such charges could prevent vulnerable people, including pregnant women and children, from accessing vital treatment. Medact, the global health charity, has criticized government plans to introduce identity checks for primary health care services and impose fees. The proposals for immigration checks in GP practices were discussed in September's Migrants' Rights News (link), and are contained in the Home Office strategy paper, *Enforcing the Rules*, published in March 2007. <http://www.irr.org.uk/2007/october/ha000013.html>, http://www.medact.org/ref_entitlement_page.php
- An important part of the Government's immigration policy has suffered a serious blow after a leading airline announced it would no longer carry failed asylum-seekers who were being forcibly removed from the United Kingdom. XL Airways, which has a fleet of 24 aircraft, said it was opposed to the policy because it had "sympathy for all dispossessed people in the world". The decision was announced soon after public attention was drawn to several claims by failed asylum seekers of having suffered physical and racial abuse during the removal process at the hands of private security guards. <http://news.independent.co.uk/uk/legal/article3038391.ece>

Ireland

- The MRCI – Migrant Rights Center Ireland is launching a campaign calling on the Department of Justice, Equality and Law Reform to provide a temporary 6-month residency stamp called a Bridging Visa for non-EU/EEA nationals who have entered Ireland lawfully but have become undocumented for reasons beyond their control. There is currently no official mechanism for such

undocumented individuals to get back into the system.

http://www.mrci.ie/policy_work/IrregMigrant_UndocuMigrant.htm

Belgium

- Médecins Sans Frontières (Doctors without Borders, MSF) has published its findings on the human cost of detention. Between 2006 and 2007, MSF has completed 206 consultations and met 167 people (including 66 families) in detention centers. The report states that almost all detainees had psychosomatic problems due to the stress and uncertainty associated with detention yet the centre makes no provision for mental health care. A policy note sent by the United Nations High Commission for Refugees (UNHCR) to the political parties in May 2007, clearly stated that detention was never advisable, especially where vulnerable individuals such as children, unaccompanied minors or persons requiring medical or psychological care were concerned. The full text of the report is available in French and Dutch at <http://www.azg.be/nl/pdf/detentie.pdf> (Dutch) <http://www.msf.be/fr/pdf/detention.pdf> (French). Hard copies or English summaries can also be ordered from: +32.2.513.25.79.
- On 11 October the umbrella organization Asylum and Migration Forum (FAM) released comments on the new immigration law proposal by the future government coalition. It stated that criteria for regularization should be clearly laid down in law to enhance transparency and fairness of regularization policies. Furthermore, the blue-card authorizing immigration in certain sectors of the economy suffering from labor shortages is criticized for neglecting vulnerable groups, and thus violating the rights of migrants. FAM criticizes the legal proposal for not addressing the issue of medical care for detained migrants, the ending of violent expulsions and the limitation of periods of detention, and not abolishing the detention of families in line with fundamental rights of children. FAM also condemned the proposal of the government to make family reunion dependent on the financial situation of migrants. For further details on FAM's comments see: <http://www.cire.irisnet.be/ressources/presse/reaction-fam-orange-bleue.pdf>
- The Legal helpdesk of the refugee team "de8" will be closed from 29 of October until January 2008 due to the absence of legal worker Sarah Kerremans. Legal questions can be asked at the Flemish Alien Centre (Vlaams minderheden centrum), <http://www.vmc.be/> More information on <http://www.de8.be>

The Netherlands

- On 26 September a Rotterdam court ruled that children of undocumented parents who themselves stay in the country legitimately do not only have the right to social security, but also to complete compensation for rent, electricity and water. (Source: LOS newsletter 4-20)
- In her dissertation *Digital Borders and Real Rights*, Evelien Brouwer doubts the quality and accuracy of the SIS (Schengen Information System). SIS, meant as a system to track criminals and suspects in practice is shown to be an instrument for immigration restriction. Criteria for registration are not transparent and consequently, people who are held on the border can rarely defend themselves. More info: http://www.ru.nl/actueel/persberichten/item_686420/law/rechtspositie_van/

Malta

- Katrine Camilleri, a lawyer working for the Jesuit Refugee Service in Malta was awarded the 2007 Nansen Refugee Award for her exceptional work with those held in administrative detention in Malta. The majority of individuals landing in Malta leave from the shores of Libya; the journey can

take between three and six days and involves considerable risks. Death through drowning or dehydration is common. During 2006, JRS and Camilleri faced a series of attacks; nine vehicles belonging to the Jesuits were burned in two separate attacks, and in April 2007, arsonists set fire to both Camilleri's car and her front door. The incident, she said, had not altered her desire to help those risking their lives to reach safety. Dr Camillieri called on governments to seek realistic and humane alternatives to detention and to take measures to counter discrimination.

<http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=470138b02>

Cyprus

- On 11 September, eight asylum seekers had threatened to throw themselves off the roof of Nicosia's Central Prisons to protest the illegality of their detention. After the event, one of them contacted the Cyprus Mail and said they had only come down off the roof after the minister promised to come back to them within 15 days with a solution to their problem. The migrants said that the minister's silence after the promised 15-day deadline made them "feel that nobody cares about us and our families". Their letter stressed that they were not criminals, simply people facing severe problems in their countries of origin. <http://www.migreurop.org/article1212.html>

Switzerland

- On 6 October, Coordination Asile launched a petition concerning the reception of foreigners by the communes. Among others, the petition requests the opening of communal assistance services to migrants, and invites the communes to declare themselves respectful of the rights of migrants. The petition follows the resistance of numerous municipalities to the referral of asylum seekers or undocumented migrants to their territory. <http://www.lecourrier.ch/index.php?name=NewsPaper&file=article&sid=437579>

USA

- "For a safe America, adopt an immigrant," says a coalition that recently initiated a program where American citizens can symbolically adopt an undocumented migrant in the United States. More than 12 thousand undocumented children and adults in the United States have already been "adopted." The objective of the program, initiated at the national level in November 2006, is to promote an immigration reform which offers legal status and safety to undocumented immigrants, stated Osvaldo Cabrera, director of the Latino America International Coalition which started the movement. http://news.newamericamedia.org/news/view_article.html?article_id=0a3dd2e18994f86a132af95131fa0dc7
- The New York State Senate has voted to oppose Governor Eliot Spitzer's 21 September decision to allow undocumented immigrants to obtain a driver's licenses. Spitzer noted the high number of accidents caused by uninsured drivers and described the new policy as a public safety measure which would make licenses and insurance available regardless of immigration status. <http://www.democracynow.org/article.pl?sid=07/10/26/1452242>

3. European Policy Developments

General

- European countries score only halfway on integration policies, shows the Migrant Integration Policy Index (MIPEX). MIPEX measured integration policies in 25 EU Member States and 3 non-EU

countries. Using over 100 policy indicators and addressing six policy areas the index creates a picture of migrants' opportunities to participate in European societies. The study found that overall, the EU-25's policies on integration score only halfway to best practice. The worst policies are to be found in the areas of access to nationality and political participation while the highest are found in the areas of long-term residence, anti-discrimination (especially in Western Europe), family reunion and labour market. http://www.ecre.org/topics/intro_to_topics and www.integrationindex.eu

- The European Court of Human Rights has asked the UK Government to put a stay on removal of refused asylum seekers from Sri Lanka, pending the hearing by the Court of several communicated cases relating to forced returns by EU countries to Sri Lanka of refused ethnic Tamils'. The Court stated; 'Having regard to the current security situation in Sri Lanka, *Rule 39 has been applied on each occasion an interim measure has been requested by an ethnic Tamil'. Consequently, if the Home Office tries to remove any ethnic Tamil who has been refused asylum and all legal avenues exhausted, the individual can apply to the European Court of Human Rights to have the removal suspended. <http://www.ncadc.org.uk/newszine87/Tamils'.html>

European Commission

- A group of legal experts has advised the European Commission against giving police and other law enforcement authorities' access to Eurodac. The Standing Committee of Experts on International Immigration, Refugee and Criminal law, known as the Meijers Committee, expressed deep concern that European policies in the field of Freedom, Security, and Justice might be based on the general presumption that migrants should be treated as suspected terrorists. The Standing Committee warned that extending access to law enforcement authorities would endanger those in need of protection, lead to further stigmatization and discrimination of an already vulnerable group. http://www.ecre.org/topics/intro_to_topics
- The Commission will adopt two proposals on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment. The first responds to the demand for highly qualified third-country workers by EU companies, by encouraging job and geographical mobility linked job vacancies. The second will propose a single application procedure for a permit allowing third country nationals to reside and work in an EU Member State and provide a common set of rights for them to legally reside there. It aims at securing the legal status of already admitted third-country workers in respect of a number of socio-economic rights and at introducing procedural simplifications for the applicants, and it does not propose common rules for the admission of third-country workers. The so-called 'blue cards' are designed to attract highly-skilled workers to the EU, based on their qualifications and them having a work contract with a salary above minimum wage levels in the relevant EU state. http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm and http://ec.europa.eu/commission_barroso/frattini/index_en.htm
- Markos Kyprianou, the Commissioner responsible for Health, held a speech about "Improving the health of migrants in Europe" during the Portuguese Presidency's Conference on 'Health and Migration' held in Lisbon 27 September 2007. Commissioner Kyprianou affirmed that health and migration are closely interlinked and that EU should pay more attention to the health aspects of migration for three key reasons. Firstly, because of the EU is founded on principles of solidarity, democracy, non-discrimination and respect for human rights: health is a human right and everyone coming to the EU should benefit from a high level of health protection. Secondly, because the health of the population is critical to the economic performance: migrants form an important part of EU population, and they require policies tailored to their specific needs. Thirdly, while migrants tend to have a better level of health than the citizens in their country of origin, they are generally more

vulnerable and exposed to diseases in the host country and possibly carry new diseases. Addressing migrants' health needs is a key aspect of the wider issue of addressing equity in health, which will be a fundamental principle underpinning actions in the new EU Health Strategy. In the new EU Health Strategy – to be launched later this year – Commissioner Kyprianou intend to propose an expansion of European global activities on Public Health. One aspect of this is improved information about the health of migrants.

<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/569&format=HTML&aged=0&language=EN&guiLanguage=en>

European Parliament

- On 12 September, the European Parliament's Civil Liberties Committee adopted more than 200 binding amendments to a European Commission proposal laying down common rules on the temporary custody and removal of undocumented migrants, among them the following: increasing the Commission's proposed fixed maximum period of detention pending expulsion from six months to eighteen months. The Committee insisted that unaccompanied minors "*should not be removed or detained*" and that families consisting of at least one minor child should "*only be detained as a measure of last resort*". Regarding return and removal, the Committee adopted several amendments aimed at establishing minimum safeguards for the conduct of forced removal and to prevent group expulsions. Furthermore, the Committee called for the appointment of a "European Parliament Ombudsman for Return" who will have the power to conduct unannounced inspections of detention or removal centers, collect information on joint expulsions and ask Member States for clarifications. (Source: Migration News Sheet, October 2007)
- Fundamental human rights are not respected in Belgian closed detention centres, said MEP Martine Roure (PES, France) head of a delegation of MEPs who visited the centres in the middle of October. The delegation went to the transit centre INAD at Brussels Airport and to the two detention centres of Melsbroek (127) and Steenokkerzeel (127 bis). The visit was an initiative of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE). More detention centres in EU Member States will be visited by LIBE in order to prepare a study on detention conditions in the EU. Head of the delegation MEP Martine Roure, spoke on the one hand about the good will from the side of the personnel but on the other hand of serious problems concerning the infrastructure of the centre. This results in some violations of fundamental rights: it is not always clear why people are detained and often the detainees are presented with documents only in Dutch. The delegation ascertained the presence in the centres of children and EU citizens, from Poland and Bulgaria. Next visits to detention centres planned by LIBE: United Kingdom, 21-23 November; The Netherlands, 19 December; Poland and Denmark, beginning 2008.
http://www.ecre.org/topics/intro_to_topics and
<http://www.guengl.org/showPage.jsp?ID=5196&AREA=1342&HIGH=1>
- European Parliament's LIBE Committee organized a hearing on the situation of fundamental rights in the EU (2004-2007) and on the draft Multi-Annual Framework of the Fundamental Rights Agency. There are currently two reports being prepared in the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament: Mr. Giusto Catania is preparing a report on the situation of fundamental rights in the European Union 2004-2007 and Mr. Michael Cashman is preparing an opinion on the draft Multi-annual Framework (MAF) of the Fundamental Rights Agency. The two rapporteurs held a meeting in Brussels on 18 October devoted exclusively to consultation with NGOs. The rapporteurs listened to NGO's views and ideas rather than presenting their own opinions. <http://www.socialplatform.org/News.asp?DocID=15007>

Council of the European Union

- The General Affairs and External Relations Council (GAERC) of the European Union has agreed to reinforce the policy of engagement with Libya just a few months after Tripoli freed six foreign medical workers accused of spreading the AIDS-virus to children. According to the Council the objective of this policy of engagement will be to set EU-Libya relations into an appropriate, coherent long-term framework that will take into account the interests of both Libya and the EU Member States. Furthermore, the EU and Libya should soon open discussions on an EU-Libya framework agreement which will include areas of mutual interest, such as human rights and migration. To this effect the Council has invited the Commission to present draft negotiating directives according to the fundamental principles inspiring the foreign policy of the European Union.
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/96535.pdf

Council of Europe

- Parliamentarians from the Council of Europe expressed serious human rights concerns on proposals to create transit and processing centres outside the EU. These are centres where persons are processed after having arrived in a country, or been intercepted on their way to a country, been returned to a country through which they have transited or finally, been sent to a country where processing takes place. The centres are meant to be a response to the mixed flows of immigrants and asylum seekers.
http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=3213

4. Undocumented children

- In September, the Commission published the synthesis of the 2007 reports by the independent experts on social inclusion on tackling child poverty and promoting the social inclusion of children in the EU.
<http://www.peer-review-social-inclusion.net/policy-assessment-activities/reports/first-semester-2007/synthesis-report-2007-1/>
- In August, the Commissioner for Human Rights of the Council of Europe issued a statement on the need to protect migrant children in Europe. Migrant children are one of the most vulnerable groups in Europe today, he said. Some of them have fled persecution or war; others have run away from poverty and destitution. There are also those who are victims of trafficking. At particular risk, are those who are separated from their families and have no - or only temporary - residence permits. Many of these children suffer exploitation and abuse. Their situation is a major challenge to the humanitarian principles the Council advocates.
http://www.coe.int/t/commissioner/viewpoints/070806_EN.asp
- On 11 October the Scottish Government was planning to press Westminster for an end to the detention of families with children at Dungavel. Fiona Hyslop, the education secretary, pushed for alternatives to family detention, currently being piloted in England, to be used in Scotland. While in opposition, she called for an end to children and families being "locked up" before being deported and stated that treatment should be fair and humane, especially when children were involved. As well as reducing the number of children going into such centres, the scheme is also aimed at increasing the number of families choosing to return home voluntarily. There are about 1,400 asylum-seeking families in Scotland, with most of them Glasgow-based.
<http://news.scotsman.com/index.cfm?id=1622612007>
- Several young undocumented migrants between the age of 16 and 24 wrote about their daily lives, their anxieties, their suffering but also about their positive feelings for France and their hopes to live

there. Their testimonies were presented on 29 and 30 of September at an event staged by Rachida Brakni in Arcueil, south of Paris. <http://a-tes-souhails.blogspot.com/>

5. Upcoming Events

- “Decent Work is a Global Right! The case of young migrant workers”, a seminar hosted by SOLIDAR, together with the Johannes Mihkelson Centre took place on 4 October 2007 in Tartu, Estonia. The aim of the seminar was to compare common challenges for young people in finding decent jobs and to discuss the need for cooperation between trade unions in source and destination countries. It was followed by an informal reception and projection of the movie “The Art of Selling.” For more information, contact Barbara Caracciolo, Solidar: barbara@solidar.org or Jana Morozov, Johannes Mihkelson Centre: ahl@ahl.ee
- A “National Day of Mobilization” was organized in France on 20 October by United against a Disposable Immigration (UCIJ), Network for Education without Borders (RESF) and Collective of ‘sans-papiers’ of the island of France (CSP). The objective was to display solidarity towards foreigners facing resistance with respect to their fundamental rights and human dignity. Various street demonstrations, gatherings, debates, concerts and meetings took place throughout the country. <http://www.gisti.org/spip.php?article1002>
- “What Communication Takes Place Within and With the Houses of Migrants?” The Social Service for the Assistance of Immigrants (SSAE Service Sociale d’Aide au Emigrants) organized a meeting in Paris on 24 October to draw up a diagnosis on the state of communication between migrant’s places of residence and the environment in which they are grounded (i.e. public districts, services, trade associations). The purpose was to make recommendations on ways to reduce the isolation of migrant homes and thereby reduce the tension within communities. For further information contact: secretariat@ssae.fr
- On 3 November the Medical Care Service for Refugees Bochum, Germany, celebrated its 10 year anniversary. There will be a public reception at 5pm in the Bochum Museum, Kortumstr 147. For more information see <http://www.mfh-bochum.de> and <http://www.gerechtigkeit-heilt.de>
- On 4 November the migrants’ rights association Abraço organized an event to give legal and practical advice concerning the current immigration law in Belgium. The event was held in Portuguese and was free of charge. It took place at Place Flagey 7, 1050 Ixelles. For more information contact info@abraco-asbl.be
- The International Alliance of Inhabitants, in collaboration with ANECR, REALPE and Plataforma para una Vivienda Digna (Platform for Suitable Living) held a meeting titled “European States General for Housing Rights”, at the European Parliament in Brussels, Belgium on 5-6 November. The goal of the initiative is to share country experiences concerning housing and habitat and to find ways to acknowledge the right to housing in Europe. For more information contact info@habitants.org or lalezard@elunet.org.
- The Litigation Research and Study Center (CERC) of the University of South Toulon Var is organizing a conference on 8-9 November 2007, focused on the evolution of the rights of foreigners. “The foreigner between the law and judges” colloquium will take place in Toulon, France. The rights of foreigners are at the heart of disputes and contradictions that pass through France’s legal system and France’s conception of human rights. Legal practitioners, field players and academics will discuss, among other things, the role of the European Court of Human Rights in

upholding the rule of law with regards to the Rights of Foreigners when faced with the many infringing national security laws. <http://monsite.wanadoo.fr/colloquiecerc/page3.html>

- Caritas International, Belgium is organizing a Symposium on "Migration and Development", to be held on 23 November 2007 in Brussels on the occasion of Caritas Belgium's 75 years of existence. The colloquium is a follow-up to five workshops, organized throughout the year on the same theme. It will highlight Caritas' analysis of the topic as well as the Belgian and European perspective. For more information or to register: <http://www.caritas-int.be/index.php?id=606&L=5>
- "Asian Migrants: Are these migrants like any other?" a seminar organized by Project "Long March" will be held on 3 December 2007 in Paris, France. The aim of the seminar will be to broaden participants' knowledge regarding Asian migrants in France and to propose ways of improving their situation. The number of Asian migrants, particularly Chinese have been increasing in France. Who are these migrants? Where do they come from? What means do they use to migrate? What kind of protection is made available to them? These questions and others will be analyzed at the meeting. For more information or to register: http://www.agencezzb.com/img_LM/SEMINAIRE161007.pdf
- The National Network for Immigrant and Refugee Rights (NNIR) is planning a "National Conference on Immigrant and Refugee Rights" on 18-20 January 2008 in Houston, Texas. The focus of the conference is to bring community leaders together to strategize on directions and priorities for a migrant rights movement based on justice and dignity. For more information email: conference08@nnir.org and to register: <http://www.acteva.com/booking.cfm?bevalD=144208&CFID=7228742&CFTOKEN=29269093>
- Radio 1812/2007 invites you to Tune in on International Migrants Day! Last year, December 18, the international advocacy and resource centre on the human rights of migrant workers launched Radio 1812, a global radio event where community stations, commercial radios and national and international broadcasters in over twenty countries stretching from Australia to Peru produced and broadcasted on one day more than 50 programmes in the most various languages, from Chinese and Thai to Spanish and Kazak. This year, supported by UNESCO and l'Organisation Internationale de la Francophonie, amongst others, Radio1812 is back hoping to bring together more radios, more migrants and more concerned citizens to take part in the celebrations on 18th December 2007. radio1812@december18.net

6. Publications

- A major PICUM publication *Access to Health Care for Undocumented Migrants in Europe* will be released on 20 November. The result of a two-year research project, this report identifies the legal and practical barriers encountered by undocumented migrants when trying to access health care within eleven EU Member states. The situation in terms of law and practice is provided through the country profiles; each providing an overview of the most common problems and obstacles preventing a realization of the right to health. Good policies and practices within each of the eleven countries are highlighted and ten practical recommendations are provided to help policy-makers better address the problems arising from a lack of or an insufficient access to health care for undocumented migrants in the EU. Order forms available now at: <http://www.picum.org>
- *International Migration Law: Developing Paradigms and Key Challenges* by Cholewinski, Perruchoud and Macdonald. The book analyzes critical emerging issues, such as the challenges posed by migration to state sovereignty and the protection of human rights as a result of the increasing tensions between anti-terrorism or security legislation and immigration measures; the

impact of the use of biometrics technology to identify and better monitor international movements of persons; and enhanced cooperation on the European Union external border. The human rights of vulnerable groups of migrants, such as migrant workers, women, victims of trafficking, and stateless persons, are also examined.

- *Collateral Damage: The impact of anti-trafficking measures on human rights around the world*, published by The Global Alliance Against Traffic in Women (GAATW). The book explores the 'collateral damage' that anti-trafficking measures have had on trafficked persons as well as on those at risk of being trafficked in eight countries across five continents. The conclusions point to loopholes in the global anti-trafficking framework and call for urgent improvements to ensure that trafficked persons do not become 'victims of anti-trafficking'. Recommendations are directed at all levels of governance and civil society.
http://www.gaatw.net/index.php?option=com_content&task=view&id=107&Itemid=73
- The Mediterranean Institute of Gender Studies (MIGS) in collaboration with Intercollege is coordinating a transnational project entitled "Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation". The aim of the project is to stimulate transnational cooperation amongst a wide range of local, regional and EU level actors in order to develop recommendations for an integration model responding to the specific needs of female migrant domestic workers. A leaflet of the project has been published.
<http://www.medinstgenderstudies.org/wp/wp-content/uploads/inti-results-leaflet-english.pdf>
- A report on the international conference "Protection for Domestic Workers", which was held on 8-10 November 2006, in Amsterdam, Netherlands, has been published by IRENE. Part one and two of the report *Respect and Rights: Protection for Domestic Household Workers!* was written by Celia Mather. The aim of the conference was to assess how domestic household workers organize themselves around the world, what actions they take to improve their situation, and who supports them to do so. Participants came up with several suggestions for action, which are elaborated on in the report. English, French and Spanish versions are available at: http://www.irene-network.nl/workers_is/domestic.htm
- European Migration Network (EMN) produced its *Annual Policy Report 2006*, which provides an overall insight into the most significant political and legislative (including EU) developments, as well as public debates, in the area of migration and asylum in the 11 participating Member States during 2006. The aim of the synthesis report was to summarize and compare findings from individual states, in order to provide a useful overview for policy- and decision-makers. For more information contact Stephen Davies at: Stephen.Davies@ec.europa.eu
- A report released by researchers examines the quality of life, challenges and working conditions of agricultural workers in the Hudson Valley, New York. In particular, the report examines the situations of the relatively recent Latin American-born workforce. The study, called "The Hudson Valley Farm worker Report: Understanding the Needs and Aspirations of a Voiceless Population," was led by Margaret Gray, an assistant professor of political science at Adelphi. In the Hudson Valley, 99 percent of the farm workers are foreign born; a vast majority of farm workers (92 percent) are neither legal residents nor citizens; 71 percent are undocumented; and 21 percent are guest workers. The majority of workers are not fully aware of the medical, legal, and educational services available specifically for farm workers. The goals of the project are to analyze farm workers' vulnerability to exploitation and to educate policymakers about farm workers' working conditions and well-being. <http://events.adelphi.edu/news/2007/20071023.php> & <http://events.adelphi.edu/news/farmworkers/>

- *The Myth of Invasion: Irregular Migration from West Africa to the Maghreb and the European Union*, by Hein de Haas, was published by the International Migration Institute (IMI) in October 2007. The report seeks to dispel inconsistencies in the media and dominant policy discourse regarding regular and irregular West African migration to Europe. It argues that trans-Saharan migration of West Africans to North Africa is not as new, as big and Europe-focused as is commonly suggested. It also asserts that the growing discrepancy between restrictive migration policies and the demand for cheap labor in Libya and Europe explains why increasing border control has led to migration, increasing “irregularity” and reliance on smuggling as well as an increase in the risks, costs and suffering of migrants involved.
<http://www.imi.ox.ac.uk/pdfs/Irregular%20migration%20from%20West%20Africa%20-%20Hein%20de%20Haas.pdf>
- ENAR produced 26 country-specific Shadow Reports in 2006. They analyze the many faces of racism and discrimination in Europe at both the legislative and local level over a period of 12 months. The reports are a compilation of grassroots data collected by a large network of NGOs. A EU wide Shadow Report is forthcoming.
http://www.enar-eu.org/en/publication/shadow_reports/index.shtml
- UNESCO recently published *The Migrant Workers Convention in Europe: Obstacles to the Ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families: EU/EEA Perspectives*, by Euan MacDonald and Ryszard Cholewinski. This report analyzes the reasons behind the non-ratification of the International treaty. It presents the findings of detailed, UNESCO-commissioned reports into the status of the Convention in seven countries and addresses issues such as general awareness of the Convention, political or parliamentary action with regards to it, and the main obstacles to its ratification. Finally, it offers recommendations for future action to increase support for the ratification of the Convention. http://portal.unesco.org/shs/en/ev.php-URL_ID=11273&URL_DO=DO_TOPIC&URL_SECTION=201.html

7. PICUM News

PICUM staff, board members, and members have spoken and participated in the following events in recent months:

- Expert Meeting on Undocumented Migrants, 24 September 2007, Utrecht, the Netherlands. Pharos organized an expert meeting for policy officers in the field of health care, social services and justice and staff of relevant NGO's. Hiske van der Bergh, a PICUM volunteer, gave a presentation on “The Different Policy Choices Concerning Illegality in Spain and the Netherlands”.
- Health and Migrations in the European Union - Better Health for All in an Inclusive Society, 27 September 2007, Lisbon, Portugal. At this event organized by the Portuguese presidency of the EU, PICUM board member George Joseph (Caritas Sweden) made a presentation on “Entitlement, Accessibility and Quality of Health Care”.
- NGO Round-Table on Regularisation programmes for irregular migrants, 1 October 2007, Strasbourg, France. Organized by CIMADE (Service oecuménique d'entraide) in co-operation with the Platform for International Cooperation on Undocumented Migrants (PICUM) and the Independent Non-Governmental Organisations with Participatory Status with the Council of Europe. PICUM Chair Don Flynn gave a presentation on “The European dimension of regularisation programmes and networking to promote the rights of undocumented migrants”. PICUM members Camila Rodriguez (JRS Portugal), Dominique van Huystee, (Stichting Los, Netherlands) and Udo

Moerschen (Fluechtlingstrat im Kreis Viersen e.V., Germany) also made presentations on regularization campaigns in their home countries.

- Human Dimension Implementation Meeting, 1 October 2007, Warsaw, Poland, organized by the OSCE. PICUM Chair Don Flynn made an intervention regarding human rights protections for exploited / trafficked persons and states obligations to protect individuals against labour trafficking.
- Immigrant Rights and International Human Rights Conference, 12 October 2007, Georgetown University Centre, Washington DC. A presentation by PICUM Chair Don Flynn addressing “Human Rights Strategies for Advancing Immigrants’ Rights” was delivered at this conference and his article on the topic will be included in a forthcoming journal the Law Centre are preparing on the topic.
- Sixth European Round Table on Poverty and Social Exclusion; Minimum Social Standards: a Strategy for Protection and Empowerment, 16-17 October 2007, the Azores, Portugal, organized by the Portuguese Presidency. Reyes Castillo, a board member of PICUM, was invited to participate in a workshop on the prevention and eradication of poverty and social exclusion, and how it relates to issues affecting undocumented migrants.
- “Immigration: Make the Exploiter Pay - Sanctions against employers of ‘illegally’ Residing Third Country Nationals”, 17-18 October 2007, Brussels, organized by the Socialist Group in the European Parliament. PICUM member Sabine Craenen (ORCA) attended this hearing on behalf of PICUM. The joint comments of PICUM, Solidar and the European Trade Union Confederation (ETUC) on the European Commission’s paper were handed out to all participants and are also available at <http://www.picum.org>.
- Impressions d’exile (Impressions of Exile), 18 October 2007, Namur, Belgium, organized by the C.A.I (Centre régional pour l’intégration des personnes étrangères ou d’origine étrangère) of Namur. PICUM Board Member Johan Wets delivered a presentation on “Immigration: The approaches of Europe”.
- “Migration: the human rights perspective - Seminar for members of parliamentary committees working on human rights and other committees addressing migration issues”, 25 October 2007, Geneva, organized by Inter-Parliamentary Union (IPU) in collaboration with the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). PICUM board member Reyes Castillo gave a presentation on “Irregular Migration: Control options and regularisation”.
- “The Internal & External Dilemmas of a Common EU Immigration Policy”, 29 October 2007, Brussels, organized by CEPS (Centre for European Policy Studies). PICUM member Sabine Craenen (ORCA), made a presentation addressing the position of PICUM on the European Commission proposal for a directive on employers sanctions in respect of irregularly staying third country nationals.

8. Miscellaneous

- The United Nations High Commissioner for Refugees (UNHCR) and the European Council on Refugees and Exiles (ECRE) signed a memorandum of understanding on the week of 28 September 2007. They agreed to cooperate to promote better treatment of refugees and asylum

seekers in Europe and to enhance initiatives in the fields of advocacy, monitoring and capacity-building.

<http://www.un.org/apps/news/story.asp?NewsID=24060&Cr=refuge&Cr1=&Kw1=UNHCR&Kw2=ECRE&Kw3=>

- In October 2007, the NGOs *Medimmigrant*, *Oriëntatiepunt Gezondheidszorg* and *Ondersteuningspunt Medische Zorg* published information about the access to health care of immigrants without residence permit or in other precarious situations.
<http://www.medimmigrant.be/Lettre%20d%20information%20medicale%20etrangers%20nr%206%20FR.pdf>
- The Organization for Undocumented Workers (OR.C.A. Organisatie voor Clandestiene Arbeidsmigranten) has recently updated its website, to allow for different languages. The website now includes the “Guide to Rights of Undocumented Workers” in English, Dutch, French and Spanish. <http://www.orcasite.be>
- “Migration: Reflections on Art and History,” a one-day conference held on 5 October at Istanbul’s Bilgi University, and “Round Voyage,” an art installation by Greek artist Kalliopi Lemos which was presented at the university’s campus, manifest the growing tendency of contemporary art to examine the phenomenon of migration. In his installation Kalliopi Lemos used the actual boats in which immigrants traveled from the shores of Turkey to Greece. Both events were organized by the Hellenic Migration Policy Institute (IMEPO) in cooperation with Istanbul’s Bilgi University Center for Migration Research (CMR), the first migration research center in Turkey. The exhibition will be on display at Santralistanbul, a former power station building in the northern Turkish city, until March 2008. (*Kathimerini*, 17 October / *Eleftherotypia*, 12 October)

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