



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter October 2009

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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 PDF 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.**

Index

- 01 | [Death at the Border](#)
 - 02 | [News from the UN + EU Member States + Switzerland + USA](#)
 - 03 | [European Policy Developments](#)
 - 04 | [Health Care](#)
 - 05 | [Labour and Working Conditions](#)
 - 06 | [Undocumented Children](#)
 - 07 | [Events](#)
 - 08 | [Publications](#)
 - 09 | [PICUM News](#)
 - 10 | [Miscellaneous](#)
-

| 1 | [Death at the Border](#)

One migrant died before two boats carrying a total of 15 passengers reached Spain's Canary Islands on 31 August 2009. The first migrant boat arrived in Cueva del Trigo (Tenerife) in the morning, while the second was intercepted off Puerto del Carmen at night.

Source:

http://www.elpais.com/articulo/espana/Llegan/pateras/Canarias/inmigrante/muerto/elpepuesp/20090831/elpepunac_4/Tes.

Eight African migrants died and dozens of others were missing after an inflatable dinghy carrying a total of at least 42 mostly Nigerian and Senegalese migrants capsized off the Spanish-owned islet of Perejil, close to the Moroccan coast, on 19 September. Spanish and Moroccan rescue teams said that a pregnant woman had been among the eight bodies they had recovered and that they had little hope that any of the missing migrants would be found alive, as most of them did not know how to swim. Seven of the 11 survivors appeared before prosecutors in Tangiers on 20 September, while the four others, who were found in poor condition, were receiving treatment in hospital.

Source: <http://www.google.com/hostednews/afp/article/ALeqM5j-NjfDj9S7iUdZZyUcK4G9JSgXAAQ>.

According to a report released by the American Civil Liberties Union and Mexico's National Human Rights Commission on 30 September, the number of migrants who have died while trying to cross the US-Mexican border in 2009 is the highest since 2006. The groups allege that consistently high numbers

of border deaths (estimated at between 350 and 500 a year) are a predictable but largely unrecognised result of border security policies, and argue that rising fatality rates signal an escalating humanitarian crisis. They recommend that both countries prioritise reducing border deaths in bilateral talks, shift border patrol resources to search and rescue, and allow humanitarian groups to do relief work in border areas. The groups also urge that both countries set up a joint missing persons system run by a non-governmental organisation, standardise data collection on deaths and invite international involvement. It is estimated that deaths have occurred at a rate of one every 24 hours in the 15 years since the United States began beefing up patrols along the 2,000-mile border.

Source: <http://www.washingtonpost.com/wp-dyn/content/article/2009/09/29/AR2009092903212.html>.

| 2 | News from the UN + EU Member States + Switzerland + USA

UN

Speaking at the opening of the 12th regular session of the UN Human Rights Council on 14 September 2009, Navanethem Pillay, the United Nations High Commissioner for Human Rights, said that the realisation of human rights in the context of migration was a thematic priority she had identified for her Office. Referring to the cases of migrants who had died or been stranded off the coasts of Libya, Malta and Italy in August 2009 (cf. PICUM Newsletter August/September 2009), she deplored that states were turning away migrant boats on the open sea, in violation of international law and without proper checks of whether their passengers were fleeing persecution, and that ships had passed by migrant boats in distress and ignored their pleas for help. Pillay called for an end to the practice of mandatory detention of irregular migrants, their criminalisation and ill-treatment in the context of border control, and urged states to give effect to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, whose low level of acceptance she found to be "deeply disturbing". Source: <http://www.reliefweb.int/rw/rwb.nsf/db900SID/JBRN-7VVG TG?OpenDocument>.

The UN Human Rights Council in Geneva held a special panel session on "human rights of migrants in detention centres" on 17 September. The session brought together delegates from the 47 countries represented in the Council, UN experts, and NGOs such as Migrants Rights International (MRI), the World Organisation against Torture, the International Commission of Jurists (ICJ) and Médecins Sans Frontières. The High Commissioner for Human Rights, Navanethem Pillay, the President-Rapporteur of the Working Group on Arbitrary Detention, El Hadji Malick Sow, and the Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante, all described a trend where irregular migration is increasingly criminalised, and agreed that detention of irregular migrants should be a last resort and should never be routine or mandatory. Their argument that prolonged administrative detention could amount to inhuman or degrading treatment was also echoed by country representatives from Latin America and by NGOs, who condemned the 18-month time limit on detention for deportation set out in the EU Returns Directive as excessive, disproportionate and unacceptable. NGOs also read a statement (available at http://idc.rfbf.com.au/wp-content/uploads/2009/09/hrcjoint-statement_final16sep09.pdf) endorsed by more than 140 organisations, which called on states to consider and implement legislation and policies that ensure that international human rights standards are maintained and upheld. Sources: <http://www.irr.org.uk/2009/september/ha000013.html>, <http://www.un.org/webcast/unhrc/archive.asp?go=090917> and <http://idc.rfbf.com.au/wp-content/uploads/2009/09/hrc-meeting-notes-25sep.doc>.

Austria

Human rights activists have called for an overhaul of the detention system for migrants and asylum seekers in Austria after an Indian migrant was found dead in his cell at a detention centre in Vienna on 13 September, four weeks into a hunger strike. They have voiced serious doubts over the medical care the man received while in detention, and claim that the case has highlighted grave shortcomings in the way the Austrian authorities treat migrants and how the detention system breaches human rights. Under Austrian law, asylum seekers and migrants can be kept in preventive detention for as long as 10 months when there are fears that they could disappear underground while their asylum or deportation arrangements are being processed. Rights groups report that children and individuals with special needs are among those who are detained for lengthy periods, and detainees' access to legal services and proper medical care is restricted. The Austrian Interior Ministry has said that 1,223 of the 3,923 people who were in preventive detention between 1 January and 31 August 2009 went on hunger strikes, and activists have warned that the problems with preventive detention were likely to get worse in 2010, when Interior Minister Maria Fekter plans to introduce new legislation. The new legislation would allow for a broader use of preventive detention for migrants and asylum seekers facing deportation, and contains a provision to detain them at the start of the process to have them deported home or to a third country. Migrants and asylum seekers would also have to undergo x-rays to determine their age, and new detention facilities would be built to accommodate more detainees. In response to these developments, migrants' rights activists are planning to hold a demonstration outside the Interior Ministry in Vienna on 20 October. Sources: <http://www.ipsnews.net/news.asp?idnews=48661>, <http://no-racism.net/article/3094> and http://www.asyl-in-not.org/php/das_buendnis_waechst,17595,21418.html.

Belgium

Belgium's three-month regularisation programme for undocumented migrants and asylum seekers has begun. (Cf. PICUM Newsletter July 2009.) Since 15 September, migrants have been able to apply for papers that will allow them to regularly stay and work in Belgium if they fall into any of the following five categories: 1) asylum seekers who have waited for a decision on their asylum application for an unreasonably long time (a minimum of three or four years for families with children who attend school, or four or five years for singles and other families, depending on several factors); 2) individuals who require urgent humanitarian assistance; 3) families whose children attend school, who have waited for a decision on their asylum application for at least a year, and who have been living in Belgium for at least five years without interruption; 4) undocumented migrants who have lived in Belgium for at least five years without interruption and have either held a residence permit or have attempted to obtain one before 18 March 2008; 5) migrants who can demonstrate that they are well integrated locally, have lived in Belgium without interruption since at least 31 March 2007, and have an offer of employment. Please visit http://www.dofi.fgov.be/fr/VADEMECUM_f.pdf for more information.

Czech Republic

Several Czech NGOs working in the field of migration have launched a project called "Regularisation as One of the Tools for the Fight against Irregular Migration", which aims to chart the lives of undocumented migrants in the Czech Republic and to propose possible solutions to their situation. The project seeks to integrate socially excluded individuals in society and the labour market, and includes awareness raising campaigns and counselling and lobbying activities. The NGOs' initiative comes at a time when the Czech government has stepped up its efforts to convince as many undocumented migrants as possible to leave the country voluntarily. The latest initiative by the Ministry of Interior, a project called "Voluntary Returns for Illegal Immigrants", will be implemented between 15 September

and 15 December 2009 and provides undocumented migrants with free assistance and transportation to return to their home countries if they have not been convicted of any crime in the Czech Republic, are not subject to any criminal investigation, and have not been ordered deported. It is estimated that up to 300,000 undocumented migrants live in the Czech Republic.

Sources: <http://www.migrationonline.cz/themes/regularisation>, <http://www.migrationonline.cz/about-us/projects>, <http://www.migrationonline.cz/e-library/?x=2197614> and <http://www.mvcr.cz/soubor/dokumenty-pdncvnp-informacni-letak-anglicky.aspx>.

France

French police have continued their campaign to clear various migrant camps in Paris and the north of France. One of the first camps to be raided in September was in a field in Angres, near Calais, where about 80 undocumented migrants from Vietnam were arrested on 8 September 2009.

Source: http://www.lavoixdunord.fr/Locales/Lens/actualite/Secteur_Lens/2009/09/09/article_angres-le-camp-de-vietnamiens-clandestin.shtml.

Following an announcement by French Immigration Minister Eric Besson in mid-September, police have also cleared the “Calais Jungle”. Many of the up to 1,000 mostly Afghani and Pakistani migrants who had inhabited the camp due to a lack of available shelters and other housing opportunities had already left by the time police arrived in the morning of 22 September 2009. However, about 300 others remained, and 141 adults and 135 minors were arrested while migrants’ rights activists joined them in scuffles with about 500 riot police officers. Human rights organisations have strongly protested the clearing of the camp, which was bulldozed, and expressed their dismay at the prospect that Afghan migrants could be deported to Afghanistan or returned to Greece, where most of them had originally entered the European Union. The UNHCR, for example, stressed that the closing of the camp neither addressed the phenomenon of mixed and irregular migration nor solved the problems of the affected individuals, many of whom might be in need of protection. It believed that the situation in Calais underlined the need for a common European asylum system not only on paper but also in practice, and called on the French authorities to allow the migrants access to a full and fair asylum procedure and to take special measures for unaccompanied children. While it was reported on 29 September that at least 124 of the migrants who had been arrested had been freed, and that several administrative tribunals had annulled deportation orders as they considered that the migrants’ right to seek asylum had been violated, Besson nonetheless announced that the police would continue to clear camps in an effort to curb irregular migration. Sources: <http://www.lefigaro.fr/actualite-france/2009/09/18/01016-20090918ARTFIG00013-la-jungle-de-calais-en-partie-desertee-.php>, http://www.lemonde.fr/societe/article/2009/09/22/debut-de-l-evacuation-de-la-jungle-de-calais_1243358_3224.html#ens_id=1230610, <http://www.unhcr.org/4ab8a65a9.html>, <http://www.nytimes.com/2009/09/23/world/europe/23france.html>, <http://www.cimade.org/communiqués/1845-Evacuation-de-la-jungle-de-Calais> and <http://www.lefigaro.fr/actualite-france/2009/09/29/01016-20090929ARTFIG00570-jungle-de-calais-la-plupart-des-migrants-ont-ete-relaches-.php>.

One day after the destruction of the Calais “jungle” (see above), in the early morning hours of 23 September 2009, police removed about 100 migrants from their camp outside the Paris Labour Stock Exchange. The migrants, most of whom were Malian, had camped on the pavement in Boulevard du Temple since being expelled from the Labour Stock Exchange on 24 June 2009. They had split from the Coordination des Sans-Papiers 75 (CSP 75), whose members had voted on 12 July to abandon their 14-month struggle to force the unions to back their demands for the right to live and work in France, and who had left the street after the government had promised to examine 300 of their 1,174 applications for

residence rights within two months. (See PICUM Newsletters July and August/September 2009.)
Source: <http://www.mediapart.fr/journal/france/230909/paris-evacuation-en-silence-des-sans-papiers-du-boulevard-du-temple>.

France and Brazil have signed an administrative agreement and have committed themselves to strengthening their cooperation in the fight against irregular migration. The official announcement of the agreement, which was signed on 7 September, during French president Nicolas Sarkozy's visit to Brazil, stated that it constituted the first agreement on issues related to migration that France had signed with a major emerging country. It added that France would soon open negotiations with Russia and would engage in a dialogue on migration with India, China and Vietnam.

Sources: <http://www.lefigaro.fr/flash-actu/2009/09/08/01011-20090908FILWWW00408-accord-migratoire-francebresil-signe.php> and <http://www.immigration.gouv.fr/IMG/pdf/CP-AccordmigratoireBresil070909.pdf>.

A court in Foix, in the Ariège department in the French Pyrenees, acquitted a woman on 8 September who had been prosecuted for aiding a sick undocumented Afghan minor. Claudine Louis had met the 17-year-old in Paris, where he had been occupying a square with a group of refugees, and decided to help him and to allow him to live with her after she heard that his father had been killed by the Taliban. With the backing of associations who support undocumented migrants, she had made multiple attempts to obtain regularisation for the minor, and on 2 April 2009 took him to the local Prefecture to leave him in the care of the state. The authorities responded by first charging her with "abandoning" the minor and then prosecuted her for assisting an undocumented migrant, which is against the law in France. In its ruling, the court invoked the doctrine of necessity ("l'état de nécessité") and judged that the circumstances of the case had made otherwise unlawful behaviour lawful by necessity.

Source: <http://www.educationsansfrontieres.org/article22261.html>.

The Coordination des Sans-Papiers 75 ("Coordination of Undocumented Migrants 75") inaugurated an unofficial "Ministry for the Regularisation of all Undocumented Migrants" ("Ministère de la Régularisation de Tous les Sans-Papiers") in Paris on 26 September. The Ministry is symbolically located on the former site of a branch of public health insurance provider "Caisse Primaire Assurance Maladie"; undocumented migrants have occupied the building since July 2009. As suggested by its name, the Ministry's goal is to achieve the regularisation of all undocumented migrants in France. Source: http://www.alterinfo.net/Inauguration-du-Ministere-de-la-Regularisation-de-Tous-les-Sans-Papiers_a37068.html.

Greece

The Council of Europe's European Commission against Racism and Intolerance (ECRI) has urged the Greek government to revise legislation affecting thousands of undocumented migrants and to improve the conditions at detention centres. The "ECRI Report on Greece (fourth monitoring cycle)" published on 15 September 2009 argues that the lack of a formal structure to assist irregular migrants in areas such as accommodation and access to social services leaves them vulnerable to working in the non-regularised sector and to trafficking and crime. It therefore recommends the creation of a long-term strategy for addressing the issue of irregular immigration – with the necessary human and financial resources and training for personnel – to ensure full respect of human rights standards. ECRI urges the Greek authorities to pay special attention to the situation of unaccompanied minors by addressing the legal and structural problems concerning their situation, and also recommends that the UNHCR and NGOs be given unfettered access to detention centres for migrants. Sources: UNHCR Greece Press Review, 12-18 September 2009 (sources cited: Eleftherotypia, 15 September / Avgi, Niki 16 September)

and <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.

Hundreds of migrants demonstrated against "inhuman conditions" in a detention camp in Mytilene, the capital of the Greek island of Lesbos, during the week of 21 September 2009. Detained minors went on a hunger strike, set fire to mattresses and attacked guards in a protest that human rights organisations believed constituted a "gross indictment" of the Greek government's failure to care for migrant and refugee children. Greece has witnessed a series of revolts in detention centres following the announcement in July of legislation which dramatically extended the amount of time that undocumented migrants can be detained. The centre-right government moreover stepped up raids and arrests of migrants ahead of the elections of 4 October and also considered detaining undocumented migrants in disused military facilities. Source: <http://www.guardian.co.uk/world/2009/sep/27/greek-islands-immigration-tensions-soar>.

Ireland

The Immigrant Council of Ireland (ICI) has held a two-day training programme for legal practitioners from the Legal Aid Board (LAB), which will be the statutory agency entrusted with delivering legal aid to victims of human trafficking in Ireland. The training on 10-11 September included presentations by representatives of the European Commission in Brussels and the An Garda Síochána (the Irish police force), as well as a discussion of the ICI's 2009 report on "Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland" and of case studies from the past and ongoing legal work of the ICI law centre. The ICI is currently in the process of setting up a legal practitioners' committee for the purpose of exchanging experience and expertise in relation to various areas of law and policy affecting victims of trafficking in Ireland, including the immigration process, international protection, criminal law, compensation and other matters. For more information, please visit www.immigrantcouncil.ie.

Italy

Human Rights Watch has released a new report titled "Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers". The report examines the treatment of migrants, asylum seekers and refugees in Libya through the eyes of those who have managed to leave and are now in Italy and Malta. It also documents Italy's practice of interdicting boats full of migrants on the high seas and pushing them back to Libya without the required screening. The report urges the Libyan government to improve the deplorable conditions of detention in the country, and calls on the Italian government, the European Union and Frontex to ensure access to asylum, including for those interdicted on the high seas, and to refrain from returning non-Libyans to Libya until its treatment of migrants, asylum seekers and refugees fully meets international standards. Source: <http://www.hrw.org/en/news/2009/09/17/italylibya-migrants-describe-forced-returns-abuse>.

The Tuscan Region's Councillor for Social Affairs ("l'assessore regionale toscano alle politiche sociali"), Gianni Salvadori, said on 11 September that Tuscany would fight "tooth and nail" to defend its regional immigration law ("la legge regionale della Toscana n.29/2009"), which grants all immigrants, regardless of their status, free access to health care and other forms of socio-sanitary assistance, and which is currently being challenged by the Council of Ministers. (See PICUM Newsletter August/September 2009.) Salvadori said he was confident that the Constitutional Court would affirm the law's constitutionality.

Source: http://www.asca.it/regioni-IMMIGRATI_REGIONE_TOSCANA_DIFENDEREMO_NOSTRA_LEGGE_CON_UNGHIE-424319-.html.

Hundreds of organisations from across the country participated in a variety of events in about 60 Italian cities to mark “Clandestino Day” (“Day of the Undocumented Migrant”; please visit <http://clandestino.carta.org> for more information) on 25 September 2009. The goal of Clandestino Day, which had been declared by the weekly paper Carta, was to inform citizens, establish links between communities and migrants, and to counteract the “racist climate” created by the new immigration legislation implemented since summer 2009, which has made irregular entry and stay a crime in Italy (see PICUM Newsletters June and July 2009). Meanwhile, the Italian Interior Minister, Roberto Maroni, has emphasised that he considers it unacceptable for judges to claim that the new law is incomprehensible and to interpret it in an inconsistent way. He said that the law was so clear that even a child could understand it and that it would be a “crime” for judges not to apply it.

Sources: http://www.stranieriinitalia.it/attualita-il_25_settembre_sara_il_clandestino_day_9252.html and http://www.ilgiornale.it/interni/clandestini_maroni_reato_non_applicare_legge/politica-lega_nord-viminale-magistrati-maroni-sicurezza-immigrazione-reato_clandestinita/26-09-2009/articolo-id=385659-page=0.

The Minister of Interior has issued an instruction regarding a measure in Italy’s new immigration legislation (see PICUM Newsletters June and July 2009) which requires non-nationals to present a residence permit to access any of the services administered by the civil registry. The instruction provides for undocumented women to be issued with a six-month temporary residence permit when registering the birth of a child. Source: Migration News Sheet, September 2009, p. 5.

Netherlands

An undocumented Turkish migrant died in police custody in Houten on 1 September 2009 after being apprehended for a public order offence and being found to have no papers. Rights groups have protested at the local police headquarters in Utrecht, demanding more information about the circumstances of the man’s death.

Sources: <http://www.ravagedigitaal.org/index.htm?2009nieuws/september/08/nws.php~mainFrame>, <http://www.rtvutrecht.nl/nieuws/216702>, <http://www.rtvutrecht.nl/nieuws/216300> and <http://indymedia.nl/nl/2009/09/61448.shtml>.

Spain

The Spanish government introduced draft legislation on 17 September 2009 that would amend the Law on the Rights and Freedoms of Aliens in Spain and Their Integration (“Ley de los Derechos y Libertades de los Extranjeros en España y su Integración”) to adapt to the needs of the labour market and to curb irregular migration to Spain. (See PICUM Newsletter July 2009.) The draft law, which is being discussed in the parliament, would increase from 40 to 60 days the maximum detention period for migrants who have tried to enter Spain irregularly, and would impose new restrictions on family reunifications. Migrants would only be allowed to have their parents join them in Spain if the latter are at least 65 years of age or if there are humanitarian concerns. The law would strengthen deportation mechanisms and establish a register of foreigners who enter and exit the country, and while the current draft no longer criminalises all assistance to undocumented migrants, as originally intended by the government, it still allows for the prosecution of individuals who sponsor foreigners to enter the country and continue to support them after the expiry of their visa. Humanitarian assistance to migrants would not be punishable

under the new law, however, and undocumented victims of gender-based violence would be able to apply for residence permits if they denounce their abusers. Migrants' rights advocates have condemned the increasing criminalisation of migration, and more than 500 organisations supported a statement issued by Cáritas, Comisión Española de Ayuda al Refugiado (CEAR; Spanish Commission for Refugee Aid) and Red Acoge on 28 September, which strongly criticised the proposed legislation for violating undocumented migrants' fundamental rights.

Sources: <http://www.univision.com/contentroot/wirefeeds/inmi/8041133.shtml>, http://www.fr-online.de/in_und_ausland/politik/aktuell/1954726_Auslaenderrecht-Neue-Haerte-in-Spanien.html and <http://www.caritas.es/home/noticias/index.php?MjE=&MTEyMg==>.

Sweden

A 28-year-old undocumented migrant from Eritrea has won 1.2 million Swedish crowns (approximately 116,700 euros) with a lottery scratch card. Tesfaldet Tesloy, who has lived in Sweden for six years, is among the hundreds of failed asylum seekers the Swedish authorities have tried to deport, but who cannot be expelled to their home countries. Tesloy's lottery win was deemed entirely legal by the Swedish National Lottery, and he appeared on television on 5 September 2009 to collect his winnings. Source: <http://in.reuters.com/article/entertainmentNews/idINIndia-42241620090905>.

USA

Thirteen activists declined plea bargains on 2 September and will face trial in US District Court on 10 November 2009 for leaving plastic water bottles for migrants crossing the Buenos Aires National Wildlife Refuge on the US-Mexican border in Arizona. The 13 were arrested in July, a month after the conviction of activist Walt Staton on the same charges (cf. PICUM Newsletters July and August/September 2009), and have since then met with US Interior Secretary Ken Salazar and with local officials to discuss the situation. The refuge's manager said that the possibility of issuing permits to humanitarian organisations to put out water "in an environmentally friendly way" was being explored, but activists have insisted that they already remove bags of trash whenever they visit the refuge and that they should not be accused of littering when providing humanitarian assistance to migrants. In September 2009, the US Border Patrol's Tucson Sector reported that migrant deaths in the Arizona desert had increased by 20 percent and that 191 bodies had been found in the desert between 1 October 2008 and 31 August 2009. Sources: <http://www.gvnews.com/articles/2009/09/05/news/66water.txt> and <http://www.laht.com/article.asp?ArticleId=344589&CategoryId=12395>.

US Immigration and Customs Enforcement (ICE) has agreed to improve conditions at a short-term processing centre in the basement of a Los Angeles federal building after settling a lawsuit filed in April 2009 by the American Civil Liberties Union (ACLU) of Southern California, the National Immigration Law Center and the Paul Hastings law firm. The lawsuit had described the crowded and unsanitary conditions in the basement area known as B-18, where immigrants were held for weeks without access to drinking water, clean clothes or items such as sanitary napkins, and where detainees were not allowed to brush their teeth for up to two weeks and toilets would regularly overflow. Under the settlement announced on 16 September, detainees cannot be held for more than 12 consecutive hours, with limited exceptions (such as waiting for court appearances), and lawyers for the detainees will be allowed to visit the facility and be provided with daily lists of people being held there. The ACLU stressed that the conditions at the centre were not unique and expressed its hope that the settlement would become a model for federal detention facilities nationwide. Source: <http://www.latimes.com/news/local/la-me-immig-jail17-2009sep17,0,4825535.story>.

A new report by the Migration Policy Institute (MPI) explores whether US Immigration and Customs Enforcement (ICE) is capable of meeting its legal and case management responsibilities in light of its use of information systems that may not be collecting all the data necessary to meet legal, detention management and humanitarian standards. The report seeks to provide a roadmap for how to meet the data needs that are essential for the success of new ICE detention initiative, which aims to transform the existing criminal incarceration model into a civil detention system (cf. PICUM Newsletter August/September 2009). MPI also highlights that as many of 58 percent of ICE detainees do not have criminal records, even though mandatory detention laws largely apply to criminal aliens, and that the ICE includes persons in its criminal alien nomenclature who have only committed immigration-related offences. The report is available at <http://www.migrationpolicy.org/pubs/detentionreportSept1009.pdf>.

| 3 | European Policy Developments

General

In his presentation to the European Parliament's Committee on Civil Liberties (LIBE) on 2 September 2009, the Swedish Minister of Migration and Asylum Policy, Tobias Billström, spoke about the Swedish EU Presidency's work on the Stockholm Programme and the common asylum system, and also addressed the situation in the Mediterranean and issues related to both regular and irregular migration. Billström said that there was agreement that the EU member states must work together to "vigorously tackle" irregular migration to the EU, but stressed that the risks for vulnerable groups, such as unaccompanied minors, should be minimised. He therefore argued that the Stockholm Programme should contain guidance on what the EU needed to do to keep a better check on irregular immigration, while at the same time maintaining a "balance" and ensuring that security measures were not taken at the expense of regular migrants or asylum seekers.

Source:

http://www.se2009.eu/en/meetings_news/2009/9/3/presentation_to_the_committee_on_civil_liberties_lib_e_by_minister_of_migration_and_asylum_policy_tobias_billstrom.

Council of Europe

In a speech titled "Europe must respect the rights of migrants", delivered in Strasbourg on the occasion of the 70th anniversary of the French NGO Cimade on 26 September 2009, Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, deplored the unfortunate trend across Europe "to repel, at any cost, irregular migrant flows, thus putting human lives at serious risk". Hammarberg argued that the methods employed to control the movement of people often violated international law principles, and stressed that migration policy should be determined by full and effective respect of the human rights and dignity of migrants. He believed that every inhabitant of a country should feel confident using public services, regardless of his or her status, and that criminalisation of attempts to enter a country or to stay there irregularly was a disproportionate measure exceeding a state's legitimate interest in controlling its borders. Hammarberg emphasised that the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families expressly stipulates that individuals who are detained for immigration violations should be held separately from people who have committed crimes, and expressed his grave concern about the provisions of the EU "Returns Directive" adopted in 2008, which allow EU member states to detain irregular migrants for a maximum period of 18 months. He concluded by saying that states should seriously consider regularising irregular migrants, as this would also reinforce the host countries' social cohesion. The full text of the speech is available at

<https://wcd.coe.int/ViewDoc.jsp?id=1506653&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>.

European Commission

Before being reappointed as the President of the European Commission by the European Parliament on 16 September, José Manuel Durão Barroso told liberal deputies on 9 September that, if re-elected, he intended to create the post of a commissioner responsible for fundamental rights and civil liberties. This new commissioner would take over part of the large portfolio of the current Commissioner for Justice, Freedom and Security to ensure that adequate attention is also given to issues such as immigration and the rights of migrants in the EU member states. Another new commissioner would be responsible for interior security. Source: <http://euobserver.com/9/28643>.

The European Commission presented a proposal on 10 September 2009 to give Europol police officers access to EURODAC, the European database holding the fingerprints of asylum seekers and persons who entered the EU irregularly. The Commission's proposal followed a request by EU member states to permit their law enforcement authorities and Europol to access the EURODAC database and use it in investigations into terrorism and other serious crimes, including trafficking in human beings and drugs. EURODAC has been used since 2003 to help determine where in the EU asylum seekers first made an application for international protection, and the Commission has stressed that the measures would include guarantees to ensure that personal data is protected and that the right to asylum is safeguarded. Sources: ECRE Weekly Bulletin, 11 September 2009, available at http://www.ecre.org/files/ECRE_Weekly_Update_11_September_2009.pdf, and <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1295&format=HTML&aged=0&language=FR&guiLanguage=fr>.

The European Commission presented a strategy on 11 September 2009 to stimulate sustainable growth in the Mediterranean Sea basin and to counter various maritime challenges, among which it included pollution and environmental degradation, but also security issues and irregular migration from Africa. The Commission reported that its Integrated Maritime Policy, launched in 2007, had already led to the development of a number of tools for integrated maritime governance, and that six coastal EU member states had already joined a pilot project to enhance cooperation and information exchange among national authorities responsible for monitoring and surveillance at sea, which would contribute to more coherent maritime surveillance throughout the Mediterranean.

Sources:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1305&format=HTML&aged=0&language=EN&guiLanguage=en> and <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/387&format=HTML&aged=0&language=EN&guiLanguage=en>.

Council of the European Union

The French delegation in the Council of the European Union sent a note to other member states on 11 September, discussing possible ways to address migration issues in the Mediterranean region. Titled "Migration situation in the Mediterranean: establishing a partnership with migrants' countries of origin and of transit, enhancing Member States' joint maritime operations and finding innovative solutions for access to asylum procedures", the note stresses the importance of the Mediterranean as "one of the most visible gateways to Europe and the scene of repeated tragedies", and argues that a solution to the issues facing EU member states can only be found at the European level. It therefore proposes to

resolve the “Mediterranean migration crisis” through the coordination of partnerships with third countries based on reciprocal requirements, operational support and tighter checks at the external maritime borders, and through innovative solutions to the handling of asylum applications outside the EU’s borders that ensure that migrants have access to the guarantees provided by the right to asylum. The delegation also argues that Frontex’s financial resources should be increased to allow it to intercept migrants as close as possible to third-country and European coasts with support from high-sea surveillance, and that this should be combined with a comprehensive return policy where Frontex systematically charters “return” flights from the Mediterranean member states. Human rights organisations have condemned the French government’s proposals and have called on the European governments to respect international human rights treaties and the rights of refugees in their immigration policies. Source: <http://www.statewatch.org/news/2009/sep/eu-france-med-13205-09.pdf> and <http://www.lefigaro.fr/flash-actu/2009/09/20/01011-20090920FILWWW00088-migrants-amnesty-accuse-la-france.php>.

Discussions at the Justice and Home Affairs (JHA) Council meeting in Brussels on 21 September 2009 involved issues such as the joint EU Resettlement Programme, asylum, unaccompanied minors, the role and development of Frontex operations, and irregular migration. The 27 EU member states’ justice and home affairs ministers reviewed a Commission report on the follow-up to the European Council conclusions of 18/19 June 2009, in which European leaders had agreed to help member states on the EU’s southern maritime border to prevent and combat irregular immigration in an efficient manner. They discussed possible Frontex partnerships with third countries of transit and of origin based on reciprocal requirements and operational support, tighter checks at the external maritime borders, systematic involvement of Frontex in joint return flights, and the establishment of regional specialised Frontex offices, and also requested that the European Commission present an action plan on unaccompanied minors by 2010. Sources: ECRE Weekly Bulletin, 25 September 2009, available at [http://www.ecre.org/files/ECRE Weekly Update 25 September 2009.pdf](http://www.ecre.org/files/ECRE%20Weekly%20Update%2025%20September%202009.pdf), http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/110272.pdf and <http://register.consilium.europa.eu/pdf/en/09/st11/st11225.en09.pdf>.

| 4 | Health Care

Médecins du Monde’s European Observatory and HUMA (Health for Undocumented Migrants and Asylum seekers) network have released two complementary reports on health care for undocumented migrants and asylum seekers in Europe. The European Observatory’s second report on “Access to Healthcare for Undocumented Migrants” presents findings from interviews with more than 1,200 undocumented migrants in 11 European countries and describes the obstacles they face in accessing health care, while the report by the organisation’s HUMA network, titled “Access to health care for undocumented migrants and asylum seekers in 10 EU countries: Law and practice”, is a comparative inventory of legislations on access to health care for undocumented migrants and asylum seekers. The reports are available at <http://www.mdmuk.org.uk/resources/news.asp?yy=2009&mm=9&id=1506> and <http://www.huma-network.org/content/view/full/501>.

The debate about health care for undocumented migrants in the United States (cf. PICUM Newsletter August/September 2009) has continued to intensify. Joe Wilson, a Republican Representative from South Carolina, caused outrage when he breached protocol and shouted “You lie!” when, during a speech to lawmakers in a joint session of Congress at the US Capitol on 9 September, President Barack Obama stated that Democratic health proposals would not cover undocumented immigrants. While Wilson later apologised for his “lack of civility”, the Obama administration has stepped up its efforts to

prove that the federal subsidies outlined in the proposed reform legislation, which would be the main avenue to expanding health insurance coverage, would not cover undocumented immigrants. Members of the Senate Finance Committee later discussed the possibility of introducing additional identification and enforcement requirements into the bill to prevent undocumented immigrants from receiving federal benefits, even though studies have shown that additional verification systems cost more than they save, as immigrant rights organisations have pointed out.

Sources: <http://www.nytimes.com/2009/09/10/us/politics/10wilson.html>,
<http://www.washingtonpost.com/wp-dyn/content/article/2009/09/10/AR2009091004276.html?hpid=topnews>,
<http://blogs.abcnews.com/politicalpunch/2009/09/white-house-says-illegal-immigrants-will-be-explicitly-barred-from-using-health-insurance-exchange.html> and
<http://www.latimes.com/news/nationworld/nation/healthcare/la-na-health-immigrants12-2009sep12,0,3465175.story>.

In the meantime, more than 20 Democrats in the US House of Representatives have begun to campaign for migrants' right to access health care. The Representatives argue that any health care bill should extend to all immigrants and that undocumented immigrants should be allowed some access if they can afford to pay for private health insurance plans. Religious leaders have also weighed in on the issue and – calling access to health care a moral and spiritual imperative – have called on their congregations to urge congressional leaders to include undocumented immigrants in any health care reform plan. More than 100 parishioners of the La Placita church in Los Angeles launched a phone bank in late September to convey to elected officials their support for an all-inclusive health care plan, for instance, and the US Conference of Catholic Bishops has stressed that the Roman Catholic Church considers health care a basic human right (a position articulated in a 1963 papal encyclical by Pope John XXIII) from which nobody may be excluded.

Sources: <http://washingtontimes.com/news/2009/sep/28/liberals-seek-health-care-access-for-illegals> and <http://www.latimes.com/news/local/la-me-immig-health20-2009sep20,0,15012.story>.

Within the context of the debate about health care access for undocumented immigrants (see above), US media have also highlighted the case of the outpatient dialysis clinic of Grady Memorial Hospital in Atlanta, Georgia, which had accepted all patients regardless of immigration status or ability to pay. On 25 September, a state court turned down a class action suit brought on behalf of undocumented patients to prevent the taxpayer-supported outpatient dialysis clinic from closing due to financial troubles. While the hospital said it would assist its patients in seeking care in their home countries or in other US states, and that it would pay for up to three months of dialysis at private clinics for the 51 patients who will be dislocated, the undocumented immigrants have said that the decision to close the clinic amounted to a death sentence. Their lawyers planned to re-file their case in court, as the judge had ruled that the original class-action complaint had been improperly filed. However, the court had also stated that, even if the case had been properly filed, it would have been unlikely to succeed.

Sources:

<http://www.nytimes.com/2009/09/24/health/policy/24grady.html?scp=3&sq=dialysis%20illegal%20immigrants&st=cse>, <http://www.nytimes.com/2009/09/26/health/policy/26grady.html> and
http://online.wsj.com/article/SB125379759000037539.html?mod=googlenews_wsj.

A new report by Human Rights Watch, Deutsche AIDS-Hilfe, the European AIDS Treatment Group, and the African HIV Policy Network, entitled “Returned to Risk: Deportation of HIV-Positive Migrants”, describes cases in South Korea, Saudi Arabia, the United Arab Emirates, South Africa and the United States where HIV-positive migrants were deported. The organisations stress the need to develop policies guaranteeing uninterrupted treatment for this population, and call on national governments and

donors to ensure that HIV-positive migrants have access to life-saving antiretroviral therapy when detained and that deported migrants are able to maintain access to treatment and care. To read the report, please visit <http://www.hrw.org/en/node/85610>.

A seminar on health, gender and migration (“SauDar - Saúde, Género e Imigração”) in Coimbra, Portugal, on 19 October discussed the problems that migrant women face in accessing health care and examined causes and possible solutions. The “SauDar” project aims to improve migrant populations’ and women’s access to health services. For more information, please visit <http://www.acidi.gov.pt/modules.php?name=News&file=article&sid=2996>.

| 5 | Labour and Working Conditions

Police arrested two farmers on the Spanish island of Gran Canaria on 3 September 2009 who had exploited undocumented Indonesian workers as “modern-day slaves” on their farms. Two of the migrants had reported the farmers to the police, who then raided the farms and found a total of nine undocumented workers, some of whom had already spent several years working in “inhumane conditions”.

Source: <http://www.comprendes.de/nachrichten/nachrichten-einzelansicht/datum/2009/09/04/sklavenhalter-auf-gran-canaria-verhaftet>.

Irish migrants’ rights organisations have welcomed the introduction on 14 September 2009 of a long-awaited scheme to regularise migrant workers who have become undocumented for reasons beyond their control. The scheme announced by the Minister for Justice, Equality and Law Reform grants migrant workers from outside the European Economic Area the opportunity to apply for a four-month temporary residence permission if they have fallen out of the work permit system in Ireland and become undocumented through workplace exploitation, deception, or unexpected redundancy. The permit will give migrants the chance to find a job or, if they are already employed, to obtain a work permit from the Department of Enterprise Trade and Employment. It is expected that the scheme will be open for applications from 1 October to the end of 2009, and the Migrant Rights Centre Ireland (MRCI) estimates that the “Bridging Visa” could benefit several thousand undocumented workers. Sources: http://www.mrci.ie/news_events/documents/14.09.09AnnouncementofBridgingVisa-MRCICTU_000.doc and <http://www.irishtimes.com/newspaper/breaking/2009/0914/breaking69.htm>.

The main objective of Caritas Europa’s 6th Migration Forum in Poland on 17-19 September was to review and update the network’s advocacy strategy for protecting the rights of migrant workers in Europe. The forum discussed the main aspects and challenges related to labour migration, and focused on the situation of domestic workers; on labour migration in the agricultural, construction and services sectors; on the social cost of migration; and on the impact of national and EU policies on the rights of migrants. Source: <http://www.caritas-europa.org/code/EN/enla.asp?Page=977>.

US clothing maker American Apparel will fire about 1,800 of its immigrant employees – who represent more than a quarter of its workforce – after a federal investigation turned up irregularities in the identity documents the workers presented when they were hired. The firings have been described as a showcase for the Obama administration’s efforts to reduce irregular immigration by forcing employers to dismiss unauthorised workers rather than by using workplace raids, but have been criticised by migrant advocates, who insist that the government should focus on exploitative employers rather than penalising workers. The company’s workers said that American Apparel provided health and life insurance and paid taxes for its employees, and the majority of workers losing their jobs were reported to be women,

most of whom were supporting families. The federal Immigration and Customs Enforcement agency (ICE) has been auditing employment records at 654 companies across the United States since July 2009. Source: <http://www.nytimes.com/2009/09/30/us/30factory.html>.

An undocumented migrant from Serbia has been awarded 25,500 euros in back wages in a settlement reached in the labour court of Celle, in the German state of Lower Saxony. The migrant said that his employer had required him to work 13 to 14 hours per day, six days a week, and had withheld part of his salary for seven years. He also reported that the employer had refused to help him receive medical assistance after a serious work accident in which he had drilled a hole through his hand. In June 2008, the migrant had approached "Migration und Arbeit" ("Migration and Work"), a centre established by the German trade union ver.di to provide assistance to undocumented migrants, who had sued the employer on the migrant's behalf after he had returned to Serbia.

Source: <http://www.taz.de/1/archiv/print-archiv/printressorts/digi-artikel/?ressort=na&dig=2009%2F09%2F30%2Fa01116&cHash=3f9cac972c>.

The new Helpdesk of the Multinational Enterprise Programme of the International Labour Office provides guidance on international labour standards to company managers and workers. Drawing on the ILO Declaration of Fundamental Principles and Rights at Work, the ILO MNE Declaration and a range of other declarations, conclusions, guidelines, tools and instruments for guidance, the Helpdesk answers questions relating to international labour standards and addresses how these instruments might guide company operations. Questions can be submitted by sending an email to assistance@ilo.org. The service is free of charge.

Source: <http://www.world-psi.org/Template.cfm?Section=Home&CONTENTFILEID=26170&TEMPLATE=/ContentManagement/ContentDisplay.cfm>.

| 6 | Undocumented Children

Ministers in the UK were facing accusations that hundreds of children were being held unnecessarily in immigration detention centres, as official figures published at the end of August showed that 470 minors were being detained with their families. The figures showed that most of these minors were under five, and that many were from troubled countries such as Zimbabwe, Sudan, Sri Lanka and the Democratic Republic of Congo. While the Home Office did not provide information on the average length of detention for children, it said that almost a third of children in detention on 30 June 2009 had been held for longer than 28 days, which means that in each case the immigration minister had to sign an authorisation for their continued detention. Members of parliament and children's rights groups reacted to the publication of the figures by calling for an end to the "national scandal" that has allowed for children to be locked up unnecessarily and by arguing that the UK Border Agency often targeted families to increase its removal rates. Sources: <http://www.guardian.co.uk/uk/2009/aug/30/ministers-under-fire-immigrant-children>.

Greek newspapers have reported that approximately 250,000 children who were either born in Greece to migrant or refugee parents or arrived in the country at a very young age continue to be refused recognition as Greek citizens. Unless they immediately find employment or enrol in university courses, they automatically become undocumented upon reaching adulthood. Source: UNHCR Greece Press Review, 12-18 September 2009 (sources cited: Kathimerini, 17 September / Nea athinaiki, Akropoli, 18 September).

French civil society organisations, trade unions and opposition parties have strongly protested government plans to do away with the office of the Ombudsperson for Children (“Défenseur des enfants”) and merge it with the Ombudsperson of the Republic (“le médiateur de la République”) and the National Commission for Security Ethics (“la Commission nationale de déontologie de la sécurité”) to create an Ombudsperson for Human Rights (“Défenseur des droits”). The current Ombudsperson for Children, Dominique Versini, stressed that the decision, which was announced on 16 September, would significantly reduce the protection of children, which would become only one among many issues to be addressed by the new Ombudsperson for Human Rights. In August 2009, Versini had forcefully rejected the argument of Eric Besson, the French Minister of Immigration, that it was necessary to detain migrant children with their parents in order to preserve family unity, and argued that children who have not committed any offence should not be deprived of their freedom. (See PICUM Newsletter August/September 2009.) Besson has since then stressed that the current policy would remain unchanged. Sources: <http://www.lefigaro.fr/actualite-france/2009/09/16/01016-20090916ARTFIG00616-protestations-apres-la-suppression-du-defenseur-des-enfants-.php>, http://www.lexpress.fr/actualites/1/retention-la-defenseure-des-enfants-preconise-l-assignation-a-residence_780390.html and <http://www.lepoint.fr/actualites-societe/2009-09-03/immigration-clandestine-besson-refuse-de-ceder-sur-les-enfants-de-sans-papiers/920/0/373787>.

The European Union Agency for Fundamental Rights (FRA) has published a report on “Child Trafficking in the EU - Challenges, perspectives and good practices”. The report finds that a substantial number of children fall victim to trafficking for sexual exploitation or other purposes every year, but that a clear definition of child trafficking is lacking in both the EU legal framework and at member state level, and that there are generally very few final convictions in child trafficking cases. It argues that the goal of regulating immigration should not be allowed to overshadow the best interests of victims of child trafficking, and calls for better legislation to combat child trafficking and improved protection and care for victims. The report is available at http://fra.europa.eu/fraWebsite/attachments/Pub_Child_Trafficking_09_en.pdf.

More than 100 activists gathered outside the cathedral of Notre-Dame in Paris, France, on 20 September 2009 to protest against the detention and deportation of undocumented children. The protest was organised by the Réseau éducation sans frontières (RESF; “Education without Borders Network”), which said that an increasing number of children had been detained in France in the summer of 2009, and that it had obtained the archdiocese’s permission to hold demonstrations outside Notre-Dame every Sunday afternoon from now on. Source: <http://www.lefigaro.fr/flash-actu/2009/09/20/01011-20090920FILWWW00145-resf-manifeste-devant-notre-dame.php>.

Dorothea Henzler, the Minister of Education of the German federal state of Hesse, announced on 30 September that undocumented children would soon be able to attend school without having to fear that their families will be deported. Henzler said that the state would modify an existing regulation to allow children and teenagers to enrol in schools without having to provide proof that they regularly reside in Hesse. The minister added that this would also assure that school principals could enrol students without fear of being criminally prosecuted for failing to denounce undocumented migrants in accordance with paragraph 87 of the national residence law, which stipulates that public servants must inform the foreigners’ office if they learn that an individual is undocumented. A study by the German Ministry of Interior in February 2007 found that only the federal states of Bavaria and North Rhine-Westphalia required all children to attend school, but North Rhine-Westphalia and Hamburg have prohibited school administrators from requiring students to provide proof of residence or identification documents since March 2008 and June 2009, respectively. Source: <http://www.spiegel.de/schulspiegel/wissen/0,1518,652817,00.html>.

UNICEF has published a report on the legal and social situation of foreign children in Spain. The report urges the Spanish government to consider foreign minors first and foremost as children, rather than as foreigners, and calls for better and more effective coordination between the autonomous communities and institutions providing assistance, for the automatic granting of residence permits to minors, and for amendments to Spanish legislation to better protect the rights of foreign children. “Ni ilegales ni invisibles: niños extranjeros en España” is available online at http://www.unicef.es/contenidos/1002/informe_infancia_inmigrante_UNICEF_CGAE_2009.pdf.

Sources: <http://www.unicef.es/contenidos/1002/index.htm?idtemplate=1> and <http://www.elmundo.es/elmundo/2009/09/22/solidaridad/1253630431.html>.

Save the Children, the UNHCR, the Separated Children in Europe Programme, Human Rights Watch and UNICEF have issued "General Recommendations for EU Action in Relation to Unaccompanied and Separated Children of Third Country Origin" and on the role of the Stockholm Programme in addressing the protection gap for unaccompanied and separated children in the EU. Issued on 15 September 2009, the recommendations call for rights-based EU action on the situation of unaccompanied and separated children of third country origin to be recognised as a policy priority for the EU in the Stockholm Programme, and for a coherent approach towards children's rights and needs across EU asylum, migration and trafficking policies.

Source:

http://www.savethechildren.net/alliance/europegroup/europubs/General_Recommendations_on_Unaccompanied_and_Separated_Children_in_EU_policy_September_15_2009.pdf.

| 7 | Events

The Vienna Migration Group (VMG) of the International Organization for Migration (IOM) will hold a panel discussion titled “The EU Anti-Trafficking Day – A Comprehensive Multidisciplinary Approach towards Trafficking in Human Beings: Active cooperation among countries of origin, transit and destination” at the Diplomatic Academy of Vienna on 16 October 2009. The panel discussion is part of “Gemeinsam gegen Menschenhandel” (“Together against Trafficking”), an event organised by the Austrian Task Force on Human Trafficking on the occasion of EU Anti-Trafficking Day (18 October). For more information, please visit <http://vmg.iomvienna.at/index.php?module=DMail&func=register&eid=1054>.

Migrants Rights International (MRI) and a broad coalition of local and international migrant associations, trade unions, human rights organisations, faith-based/religious groups, other NGOs and activists will organise a migrant-led parallel event at the Global Forum on Migration and Development (GFMD) in Athens, Greece, on 1-5 November. For more information on “2009 People's Global Action on Migration, Development and Human Rights (PGA): The Global Economic Crisis and Its Impact on Migrants”, please visit www.mfasia.org/peoplesglobalaction.

The EC-UN Joint Migration and Development Initiative (JMDI) will organise a “Migration and Development Virtual Fair” in parallel with the Global Forum on Migration and Development (GFMD) Civil Society Days in Athens, Greece, on 2-3 November 2009. The Virtual Fair will bring together thousands of “virtual” visitors to network, visit virtual exhibitions and post questions online to key participants in Athens. It will also showcase innovative civil society-led migration and development initiatives globally. For more information, please visit <http://www.migration4development.org>.

La Strada International will hold its 4th NGO platform meeting in Berlin, Germany, on 9-10 November. The meeting will discuss how NGOs cope with current realities in the anti-trafficking field and how to best serve the interests of trafficked persons within the system. For more information, please email Borislav Gerasimov at bq@lastradainternational.org.

The Centre for Parliamentary Studies will host an international symposium on "New Approaches towards Human Trafficking in the EU: Raising Awareness and Developing Integrated Action" in Brussels on 18 November 2009. The symposium will bring together local, regional and national stakeholders to gather comparative knowledge on human trafficking, discuss the latest challenges and share examples of cross-border best practices. The event is the first in a series of international conferences aimed at raising awareness of the "hidden" crime of human trafficking. For more information, please visit <http://publicpolicyexchange.co.uk/events/9K18-PPE.php>.

| 8 | Publications

The organisation Migreurop has published "Atlas des migrants en Europe: Géographie critique des politiques migratoires" ("Atlas of Migrants in Europe: A Critical Geography of Migration Politics"), a book which examines the evolution of European migration policies and their consequences, and addresses issues such as visa policies, immigration and border controls, detention and deportation, and the situation of undocumented migrants in Europe. The Atlas is available in bookstores in France and can be ordered online from the publisher. For more information, please visit <http://www.migreurop.org/article1478.html>.

MediaTrust has published "Reporting Human Rights: A Practical Guide for Journalists", which provides information about the British Human Rights Act of 1998 and aims to serve as a reference resource for journalists reporting on human rights. The guide is available at <http://www.mediatrust.org/about-us/docs/Reporting%20Human%20Rights.pdf>.

The French NGO Gisti has issued a report examining strategies for the defence of foreign nationals' rights in national and European courts. For more information about "Défendre la cause des étrangers en justice", please visit http://www.gisti.org/publication_pres.php?id_article=1587.

A new book titled "Douce France: rafles, rétentions, expulsions" ("Sweet France: Raids, Detentions, Deportations"), edited by Olivier Le Cour Grandmaison and published by Seuil and Réseau Éducation Sans Frontières (RESF; the "Education without Borders Network"), explores French migration policies from a multidisciplinary perspective. For more information, please visit <http://www.reseau-terra.eu/article914.html>.

A special issue of the Flemish-Belgian/Dutch Tijdschrift voor Geestelijk Leven (TGL; "Journal of Spiritual Life"), entitled "Thuis in een vreemd land: Migratie in een geglobaliseerde wereld" ("At Home in a Foreign Land: Migration in a Globalised World"), discusses the provision of assistance to undocumented migrants from a Christian perspective. Please visit <http://www.licap.be/tgl/mdetail/29121/339/thuis-in-een-vreemd-land> for more information.

PICUM is conducting research on the effects of policy-makers' decisions on institutional developments within migrant communities and on how migrant communities manage the risks and challenges of being an undocumented migrant. Newsletter readers are invited to send any input or comments on these issues to communication@picum.org.

External Representation

In recent months, PICUM staff, board and members spoke and participated in the following events:

First meeting of the EU Stakeholders Expert Group on the 2010 European Year for Combating Poverty and Social Exclusion, 3 March 2009, Brussels, Belgium, organised by the European Commission. PICUM Director Michele LeVoy participated in this meeting on the state of play and planned activities concerning the 2010 European Year.

Meeting of the Mainstreaming Group on Discrimination, European Anti-Poverty Network (EAPN), 20 March 2009, Brussels, Belgium. PICUM Director Michele LeVoy made a presentation about PICUM's priorities in 2009 and avenues for potential collaboration with national members of the EAPN network focusing on social inclusion and anti-poverty mechanisms.

International Dialogue on Migration, Intersessional Workshop on "Effective Respect for the Human Rights of Migrants: A Shared Responsibility", 25 - 26 March 2009, Geneva, Switzerland, organised by the International Organization for Migration (IOM). PICUM Director Michele LeVoy made a presentation in the panel entitled "Fighting Discrimination and Promoting Integration: Human Rights Challenges for Migrants and Societies" at this event, which was attended primarily by governmental representatives and missions in Geneva.

First meeting of the European Integration Forum, 20-21 April 2009, Brussels, Belgium, organised by the European Commission, DG Justice, Freedom and Security, and the European Economic and Social Committee (EESC). PICUM Director Michele LeVoy attended this meeting and raised issues concerning the lack of inclusion of undocumented migrants in the official integration policy of the EU.

Durban Review Conference, OHCHR Side Event on "Discrimination, migration and economic, social and cultural rights", organised by the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO) and the International Organization for Migration (IOM), 24 April 2009, Geneva, Switzerland. PICUM Director Michele LeVoy was the only civil society representative on a distinguished panel which included the chair of the UN's Committee on Migrant Workers, the UN Special Rapporteur on the Human Rights of Migrants, and the head of the ILO's Migration Program.

Irregular Migration and Informal Economy: Lessons from Southern and Central Eastern European Countries, workshop organised by ELIAMEP, the Hellenic Foundation for European and Foreign Policy, and PICUM, 27 April 2009, Athens, Greece. This workshop, organised within the framework of the CLANDESTINO project, presented the main findings of various pieces of recent research on the relationship between irregular migration and informal economy with a particular focus on Southern and Central Eastern EU countries. PICUM Chair Don Flynn was a panellist in the final roundtable, which focused on the informal labour market. On 28 April 2009, a workshop was held with all of the national experts who wrote the various country reports for the Clandestino project. PICUM

Chair Don Flynn, Project Officer Martina Fava and Director Michele LeVoy represented the organisation at the two workshops, as well as at the meeting with the other partners of the Clandestino project, which took place in Athens on 29 April 2009.

European Union Agency for Fundamental Rights (FRA) Second Meeting of the Fundamental Rights Platform, 5-6 May 2009, Vienna, Austria. PICUM Director Michele LeVoy attended this meeting at which participants gave feedback on the FRA's 2010 Work Program and discussed other issues of relevance to the FRA's work.

The 5th Annual World Health Care Congress Europe 2009, Leadership Forum on "Addressing Patient Population Disparities: Managing Diversity to Optimize Care", 13 May 2009, Brussels, Belgium. PICUM Director Michele LeVoy made a presentation on access to health care for undocumented migrants in Europe at this conference, which was attended primarily by government officials, hospital directors, IT innovators, decision makers from private and public insurance funds, pharmaceutical and medical device companies, and health care industry suppliers.

Final Meeting of the 'MIGHEALTHNET' Project, Brussels, 15 April 2009. PICUM Programme Officer Eve Geddie attended the closing meeting of the Mighealthnet Project of which PICUM has been a collaborative partner since 2007. Supported by the EC's Directorate-General Health and Consumer Protection (DG SANCO), the project established an information network on good practice in health care for migrants and minorities in Europe. For more information visit: http://mighealth.net/index.php/Main_Page.

Nowhereland Project Interim partner meeting, 21-22 April 2009, Vienna, Austria. PICUM Programme Officer Eve Geddie attended this working meeting to finalise the practice and people questionnaire.

Humanity in Action (HiA) Training Seminar on Campaigning for Minority Rights in Europe, Brussels, 24 April 2009. PICUM Programme Officer Eve Geddie represented PICUM at the closing keynote address of this seminar alongside 35 of HiA's Senior Fellows and keynote speaker Mr Morten Kjaerum, Director of the EU Agency for Fundamental Rights (FRA).

Roundtable Discussion on Migrant Women, Brussels, Belgium, 13 May 2009, organised by GERME (Groupe d'Etudes sur l'Ethnicité, le Racisme, les Migrations et l'Exclusion), ULB. As part of a research consortium on migration and integration of migrant women in Belgium, GERME will carry out research on Latin American women in Belgium. Martina Fava, PICUM Project Officer, contributed to the roundtable by discussing some of the preliminary findings of PICUM's three-year strategy on protecting undocumented women.

Second Symposium on Migration, Diversity and Human Rights (II Jornadas sobre Migraciones, Diversidad y Derechos Humanos), 9 May 2009, Valencia, Spain, organised by the CeiMigra Foundation School of Intercultural Citizenship (Escuela de Ciudadanía Intercultural de la Fundación CeiMigra), an entity of the Autonomous Community of Valencia. PICUM board member Reyes Castillo contributed to the roundtable on "Social participation, human rights and immigration" with an analysis of social movements and PICUM's experience in defending undocumented migrants' rights.

8th European Meeting of People Experiencing Poverty, 15-16 May 2009, Brussels, Belgium, supported by the European Commission and Czech Presidency of the EU and organised jointly with the European Anti-Poverty Network (EAPN). PICUM Director Michele LeVoy attended this meeting, which

sought to listen to people experiencing poverty, and to establish a dialogue with policy- and decision-makers in the field of fight against poverty and social exclusion at the European and national levels.

Expert Meeting to Discuss the Upcoming FRA Research on the Situation of Irregular Immigrants in the EU, 20 May 2009, Vienna, Austria, organised by the Fundamental Rights Agency (FRA). PICUM Director Michele LeVoy attended this meeting, which aimed to discuss categories of non-removable persons to be covered by the research, research deliverables and methodology of the upcoming FRA research on this issue.

3rd Nowhereland project meeting, Malmö, Sweden, 27 May 2009. PICUM Director Michele LeVoy and PICUM Programme Officer Eve Geddie participated in this meeting to discuss PICUM's work package and present the template PICUM would use in its interviews with NGOs.

Buiten de lijntjes? Mensen zonder wettig verblijf in het algemeen welzijnswerk ("Outside the lines? Undocumented migrants within social work"), organised by the Steunpunt Algemeen Welzijnswerk and the Vlaams Minderheden Centrum, 29 May 2009, Brussels, Belgium. PICUM Director Michele LeVoy made a presentation at this seminar which brought together social workers and local authorities from Brussels and Flanders, Belgium.

COST Meeting - The role of NGOs and CSOs in health care for migrants and ethnic minorities, Lisbon, Portugal, 3-4 June 2009. PICUM Programme Officer Eve Geddie gave a presentation on the role of civil society organisations in guaranteeing undocumented migrants' right to health care in Europe.

Side Event to the UN Human Rights Council on "Migrant Children: Unprotected and Neglected in Migration Policies?", organised by Migrant Forum in Asia (MFA), Migrants Rights International (MRI), National Network for Immigrant and Refugee Rights (NNIRR) and PICUM, 4 June 2009, Geneva, Switzerland. PICUM Director Michele LeVoy presented PICUM's research on undocumented children on a panel which included UN Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante.

European Forum "The Distinctive Contribution of the Arts to Intercultural Dialogue. A View from and on the Arts", organised by the Platform for Intercultural Europe, 8 June 2009, Brussels, Belgium. PICUM member Joanne Evans-Boiten of the Scots International Church made a presentation about the project *Status: A Stage for People Without Papers*, a play produced by the Mamre project and the Rotterdams Wijktheater. Through the play, undocumented people were given the opportunity to share their experiences with other uprooted and interested people. (See also PICUM Newsletter April 2009 for more information about the play.)

Fighting Poverty, Creating Opportunities: European Foundation Center (EFC) 20th Annual General Assembly and Conference, 14-16 May 2009, Rome, Italy. PICUM board member Pede Saija was one of the keynote speakers at a **special plenary session entitled "Migration and poverty: Where are foundations when you need them?"** The conference was addressed by the Italian President on the same day that legislation concerning undocumented migrants was considered by the Italian Parliament. This led to the conference approving, by acclamation, a statement in which they proclaimed their support for a human rights approach to the issue of immigration (see <http://www.efc.be/agenda/event.asp?EventID=6617>).

Protéger les plus vulnérables : les mineurs sans-papiers, (Protect the most vulnerable: undocumented children), 6 May 2009, Paris, France, roundtable discussion organised by the Colégio de España (College of Spain). PICUM Project Officer Martina Fava presented the organisation's

research and findings on undocumented children in Europe. Other keynote speakers included a representative of the Spanish Defensor del Pueblo (Ombudsman) for immigrants and for children.

L'accès aux soins de santé des sans-papiers : un droit respecté et appliqué en Belgique ? (Access to health care for undocumented migrants: a right which is respected and applied in Belgium?), conference organised by Siréas and Médecins du Monde, Brussels, 23 June 2009. PICUM member Veerle Evenepoel of Medimmigrant made a presentation on the entitlements and obstacles faced by undocumented migrants in gaining access to the mainstream health care system in Belgium, as well as the situation in other EU member states.

European Program on Integration and Migration (EPIM) Workshop on Advocacy on Immigration and Integration Issues, 10-11 June 2009, London, UK. PICUM Director Michele LeVoy made a presentation on "Strategies to promote the social inclusion of undocumented migrants: PICUM's advocacy within the EU Social Inclusion – Social Protection Process" at this workshop, which was organised by the Network of European Foundations (NEF) EPIM project to bring together grantees.

Hearing on Fundamental Rights and Immigration, European Economic and Social Committee, 16 June 2009, Brussels, Belgium. PICUM Director Michele LeVoy was invited to make a contribution on undocumented migrants' human rights in order to contribute to the opinion elaborating process of the EESC on its own initiative opinion on *Respect for fundamental rights in European policies and legislation*.

"Ze komen, blijven en blijven komen" op zoek naar een duurzaam migratiebeleid een oplossing voor illegaliteit? ("They come, stay, and keep coming": In search of a sustainable migration policy as a solution to illegality?), conference organised by the Rotterdams Ongedocumenteerden Steunpunt (Stichting ROS), 17 June 2009, Rotterdam, Netherlands. PICUM member Rian Ederveen of Stichting LOS made a presentation about the rights of undocumented migrants in Europe, in areas including health care, education, admission rights, regularisation, etc.

"Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in the Western Balkans", Skopje, the former Yugoslav Republic of Macedonia, 22-26 June 2009, organised by the International Labor Organization (ILO), International Organization for Migration (IOM) and the European Commission. PICUM board member Edel McGinley gave a **two-hour training session entitled "Best practices and policies to address irregular employment of foreigners in the EU"** at this labour migration training, which was addressed to a group of approximately 30 policy makers, social partners and practitioners included in the implementation of the Macedonian National Labor Migration Policy.

The Debate: Is climate change an opportunity or a threat for Swedes? EuroParlTV programme, 8 July 2009. PICUM Director Michele LeVoy was one of three panellists on EuroParlTV who addressed the upcoming priorities of the Swedish presidency, including immigration as foreseen in the upcoming Stockholm Programme. The debate was chaired by Jim Gibbons and the two other panellists were Swedish MEPs Gunnar Hokmark, Group of the European People's Party, and Christian Engström, Group of the Greens.

The Open Society Institute (OSI) Migration Strategy Development Meeting, "Determining Principles & Areas of Engagement for the Network, 2010-2015", 14-16 July 2009, New York, USA. PICUM Director Michele LeVoy was one of five external experts invited by OSI to provide input to the discussions amongst its network members about their current level of engagement in the area of

migration and identification of areas for further involvement. Michele made a presentation in the session entitled "Promoting Access to Justice for Migrants: Protecting the full range of human rights—political, economic, and social rights—of migrants before, during, and after the migration process."

| 10 | Miscellaneous

During a three-day visit to Prague in late September 2009, Pope Benedict XVI said that all migrants should be welcomed "without limits". He deplored governments' restrictive immigration policies and stressed that all human beings, regardless of race or culture, should be welcomed and respected. The Catholic Church has been very critical of the Italian government's new immigration legislation (see PICUM Newsletters June and July 2009) and deplored the indifference and "attitude of rejection" of "so-called civilised societies" towards migrants after the reported deaths of 75 Eritreans attempting to reach Italy by boat in August 2009 (see PICUM Newsletter August/September 2009).

Sources: <http://www.repubblica.it/2009/07/sezioni/esteri/benedetto-xvi-36/praga/praga.html>, <http://www.repubblica.it/2009/08/sezioni/cronaca/immigrati-10/vaticano-calderoli/vaticano-calderoli.html?ref=search> and <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SNAA-7V845Q?OpenDocument>.

Following the UN Human Rights Council session on "human rights of migrants in detention centres" (see above; section on UN), the International Detention Coalition (IDC) is conducting research and seeking input on issues related to children in detention and alternatives to detention. Please contact research@idcoalition.org for more information.

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THANK YOU!