



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter August 2007

*Finalized on 31 July 2007*

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](http://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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### **Do you want to contribute to a humane policy of respect of human rights of undocumented migrants?**

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

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**THANK YOU !**

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**Please note that there will be no edition of the PICUM newsletter in September 2006.  
The next edition of this newsletter will be in October 2007.**

### **1. Death at the Border**

- At least 50 people died on 19 July after a *pirogue* (rubber dinghy) capsized during a rescue operation, 90 miles off the Canary island of Tenerife. All the bodies were lost in the stormy sea. 49 undocumented migrants survived. This shipwreck is the worst catastrophe in connection with

migration to Spain in recent years.

<http://www.france24.com/france24Public/fr/nouvelles/europe/20070722-immigration-drame-canarie-arret-recherche-naufrages-clandestins.html>

- One body was found on 18 July and 11 people were reported missing after a shipwreck 187 miles south of the Italian island of Lampedusa in Libyan waters. A fishing boat was able to rescue 14 people. On the same day, another vessel capsized 40 miles south of the Italian island of Lampedusa. Three men and a child drowned, while 22 other passengers were saved.  
<http://www.repubblica.it/2007/07/sezioni/cronaca/peschereccio-allarme/peschereccio-allarme/peschereccio-allarme.html>
- The bodies of three young undocumented men were found on 14 July in a truck carrying melons in the north of Italy. A fourth man was brought to hospital in a life-threatening condition. The truck had departed from Greece and was heading for Germany. <http://www.meltingpot.org/articolo10847.html>
- The Italian coastguard reported on 18 June that it had recovered the bodies of eight migrants after their vessel had capsized off the coast of southern Sicily. It is not known whether there were more passengers on board. (Source: Migration News Sheet, July 2007, pp.28)
- 25 people may have drowned on 11 June, 47 miles off the Libyan coasts, three days after Malta, Libya and an Iranian cargo ship failed to come to their aid after the boat had sent out a distress call. <http://www.timesofmalta.com/core/article.php?id=264586>
- On its way to Sardinia, a boat sank on 5 June off the Algerian coast, near the Tunisian border. Eight bodies were found in the sea, but at least 20 others were still missing. Algerian coast guards said during 2006 they found a total of 42 bodies along the country's Mediterranean coastline. <http://africa.reuters.com/country/DZ/news/usnBAN539517.html>
- According to information given by the only survivor from a shipwreck near Malta, 28 migrants drowned when their vessel capsized on 18 May. The man was picked up by a Maltese fishing trawler, exhausted and suffering from hypothermia after having fought for 10 hours in stormy seas to stay afloat. Only a day after his rescue, he was put in detention by the Maltese authorities. The representative of the UNHCR in Malta, Neil Falzon, appealed to the government to release him and give him psychological support because he was obviously traumatized. (Source: Migration News Sheet, June 2007, pp.7)

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

### **UN**

- The UNHCR expressed its concern about the lack of a strong and uniform commitment by coastal states to allow for prompt disembarkation which has resulted in some shipmasters ignoring their obligations and longstanding maritime tradition to help people in distress. In recent weeks, several people seeking to reach Europe in small boats across the Mediterranean had been ignored and left stranded in the middle of the sea while in life threatening situations and clear distress. The UNHCR emphasizes that the need for assistance to people in distress at sea should remain the first priority. Source: UNHCR Briefing Notes, 1 June 2007
- During the 5<sup>th</sup> session of the UN Human Rights Council in June 2007, Jean Ziegler, Special Rapporteur on the Right to Food, required the members to elaborate a new international norm for the temporary non-refoulement for refugees of hunger. According to Mr. Ziegler, the UN Human

Rights Council should define the regions in which to apply "the necessity state". As an example he quoted the World Food Programme "that defines each year the regions in the world where it is not possible to assure food security".

<http://www.swissinfo.org/fre/swissinfo.html?siteSect=126&sid=7927882&cKey=1181851613000>

## France

- Four trade unions (CGT, CFDT, SNUTEF-FSU and SUD-Travail) organising labour inspectors announced on 20 July that they would launch an appeal at the State Council (Conseil d'Etat) against the plans of the Minister of Immigration, Brice Hortefeux, who wants to use labour inspection for the detection of undocumented workers. Source: The Associated Press - 20/07/07
- Undocumented workers at the Buffalo Grill fast food chain in Paris occupied the restaurant in the town of Viry-Chatillon on 2 July after being fired and reported to the authorities. The migrants, mostly of African origin, many with years of employment at the chain, face expulsion from France to their countries of origin. <http://libcom.org/news/paris-migrant-workers-occupy-buffalo-grill-02072007>
- On 4 June, the head of the newly created Ministry of Immigration, Integration, National Identity and Co-Development, Brice Hortefeux, reiterated the goal set by the President Nicolas Sarkozy to expel a total of 25,000 foreigners this year, a thousand more than the target set for 2006. Mr. Hortefeux also set a target of apprehending 125,000 foreigners for illegal entry or unauthorised stay. (Source: Migration News Sheet July 2007, p. 10)

## Spain

- A Nigerian undocumented migrant died on 9 July during a deportation from Spain. Osamuyia Aikpitanhi apparently died gagged on the floor of an airliner. In the past years several people have been killed during deportations by restraining measures constricting breathing in different European states. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-125>
- The Spanish government is encouraging businesses to recruit temporary workers from Africa in an effort to discourage irregular migration. A delegation of Spanish employers visited Senegal on 22 June to recruit labour for construction work and the summer harvest. The initiative has the backing of the Senegalese government, which sees the opening of legal channels for migration as a dignified alternative to the plight of thousands of Africans who risk their lives every year attempting the perilous crossing to Europe. <http://www.ft.com/cms/s/f064d244-205e-11dc-9eb1-000b5df10621.html>
- The NGO Médecins du Monde carried out a study of the health situation of 900 undocumented migrants who arrived on the Canary Islands in 2006. Among these people, around 30 had to have at least one limb amputated. The injuries are caused essentially by the desire to reduce the costs of the journey. In an effort to get as many migrants in one boat as possible, the space on board the vessel that is set aside for food and water, as well as reserve fuel, is reduced dramatically, to the point that the migrants run out of supplies after a few days at sea for a journey lasting at least nine days. (Source: Migration News Sheet, July 2007, pp.13)

## Italy

- The Council of Europe's Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) published its report on 5 July on the ad hoc visit to Italy in June

2006, together with the Italian authorities' response. In the documents there is also a reference to the detention centers for migrants. <http://www.cpt.coe.int/documents/ita/2007-07-05-eng.htm>

## Greece

- A delegation of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs that visited the detention centre for irregular migrants and asylum seekers on the Greek island of Samos has found that the living conditions there are extremely poor. "This situation dishonours our country", said Greek MEP Stavros Lambrinidis, who asked for the immediate closure of the centre. The visit was conducted in the framework of a series of visits by MEPs to migrant detention centres around Europe. (*Eleftherotypia*, 20 June / *Akropoli*, 17 June)
- Hundreds of immigrants took to the streets of downtown Athens on 31 May, calling for fairer treatment by the government and a chance for their children to become citizens. Marchers carried banners and signs demanding refugee protection for asylum-seekers, residence permits for all immigrants, long-term resident status for all immigrants who have been residing in Greece for at least five years and citizenship for all immigrant children born in Greece. (*Athens News*, 8 June / *AFP*, 31 May)

## UK

- The UK government's position on the directive that has been adopted by the European Commission providing for sanctions against employers of "illegally staying third-country nationals" can be viewed here: <http://www.statewatch.org/news/2007/jul/uk-eu-em-employer-sanctions.pdf>

## Ireland

- The Department of Justice, Equality and Law Reform has recently published the Immigration, Residence and Protection Bill. The bill was published just before the general election was announced and therefore fell with the dissolution of the government. It may be reintroduced with the establishment of the new government, and if so is likely to be brought before both houses of the Oireachtas in autumn 2007. <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2007/3707/document1.htm>
- In April 2007 Ireland signed the Council of Europe Convention on Action against Trafficking in Human Beings, but has yet to ratify it. According to the Department of Justice, Ireland's signing of the Convention should result in more formalized structures being put in place to safeguard the human rights of victims, as putting the legislative framework in place to prosecute the organized criminal gangs involved. <http://www.justice.ie/en/JELR/Pages/PR07000510>
- Three-quarters of Irish people believe that migrant workers from outside the EU should be able to have their families with them when they work in Ireland, two polls have found. The polls, which sampled over 2,000 people in 2006 and 2007, found that the majority believed that the partners of migrant workers from outside the EU should also be allowed to work. The polls were commissioned by the Immigrant Council of Ireland (ICI) and the Forum on Migration and Communications. <http://www.ireland.com/newspaper/ireland/2007/0716/1184196531499.html>

## Belgium

- Some Flemish mayors have announced that they will not sign any deportation orders. In a press release the Forum Asile et Migrations (FAM) voices its approval of these decisions and assesses

them as signs for the urgent necessity of a regularization campaign.

<http://www.cire.irisnet.be/ressources/presse/2007-07-19.html>

- In recent months the residence law in Belgium underwent several modifications. Article 9ter is new, which registers the right to stay of undocumented migrants who are seriously ill. If the applicant can present a copy of his/her passport or identity card, a medical certificate and other information or evidence concerning the illness, s/he may be eligible for temporary stay of three months, which may be extended. If the application has been approved, s/he will be authorized for a stay of one year. After five years this can be converted into a definite stay if one still satisfies to the criteria at the annual renewal. [www.medimmigrant.be](http://www.medimmigrant.be)
- “Une soirée pour les sans-papiers” (An Evening for Undocumented Migrants) was held on 22 June in the Ambassade Universelle (Universal Embassy) in Brussels. The event began with a debate on the topic: “What is the future of undocumented migrants in Belgium?” with Mathieu Bietlot (Bruxelles-Laique) and Aziz Albishari (CBAI). [www.universal-embassy.be](http://www.universal-embassy.be)

## Netherlands

- On 12 June the Dutch parliament agreed on an amnesty for some 30,000 undocumented migrants, reversing the previous government's policies. Residence permits will be given to rejected asylum-seekers who applied for asylum before 2001. Anyone convicted of war crimes or sentenced to more than a month in jail is excluded from the new measure. It was first proposed by parliament after last November's elections, which led to the centre-left Labour party entering the governing coalition at the expense of the Liberal VVD party. Source: ENAR Weekly Mail 98 15 June 2007. <http://news.bbc.co.uk/2/hi/europe/6746225.stm>
- Temporary admission of migrants wanting to study or work in The Netherlands can reduce the problem of unwanted undocumented migration, says the recently appointed Secretary of State Albayrak in a speech at the Refugee Council. Ms. Albayrak wants to explore the possibility of circular migration in the coming years. For this, she has to find a way to guarantee the temporariness of migration. In spring 2008 she will start with an experiment and one of the conditions will be that The Netherlands itself will benefit from the arrangement. (Source: Volkskrant, 20/6/07 “Albayrak: tijdelijke toelating vermindert migratieprobleem”)
- The Dutch cabinet has opposed the European directive (COM (2007) 249 final) for dealing with employers employing undocumented workers. The increase in administrative expenses and decrease of influence of national criminal law are the major reasons for the criticism. (Source: LOS newsletter 4-14, parlementaire nieuwsbrief 6/7/07)

## Germany

- The Berlin/ Brandenburg Alliance Against Camps has published a report on a detention centre in Berlin entitled *Aspects of contempt for humanity in Europe - Motardstraße deportation centre: Systematic exclusion and deprivation of rights*. [http://www.chipkartenini.squat.net/Archiv/aktionen/berichte/Motardstra%df%20-%20Materialien/Motardstrasse\\_EN.pdf](http://www.chipkartenini.squat.net/Archiv/aktionen/berichte/Motardstra%df%20-%20Materialien/Motardstrasse_EN.pdf) (1.1mb)
- The Federal Ministry of the Interior has published a study into the social and legal situation of undocumented migrants in Germany as well as into policy alternatives, entitled *Illegal aufhältige Migranten in Deutschland - Datenlage, Rechtslage, Handlungsoptionen (Illegally staying migrants in Germany – Data, Legal provisions and Alternatives of Action)*. The study deals with

undocumented migrants' access to work, health care and schooling as well as with legal provisions such as the "duty to denounce" that obliges public institutions to inform the Foreigners Office if they gain knowledge of someone's lack of a residence status, and about the criminalisation of assistance to undocumented migrants. [www.emhosting.de/kunden/fluechtlingsrat-nrw.de/system/upload/download\\_1232.pdf](http://www.emhosting.de/kunden/fluechtlingsrat-nrw.de/system/upload/download_1232.pdf)

## **Austria**

- Following an official human rights assessment visit to Austria, Council of Europe Human Rights Commissioner Thomas Hammarberg held a press conference in Vienna claiming that the Austrian government would need to improve the treatment of asylum seekers and migrants. [www.coe.int/t/commissioner/Activities/news2007/070529Austria\\_en.asp](http://www.coe.int/t/commissioner/Activities/news2007/070529Austria_en.asp)

## **Sweden**

- The Ombudsman against Ethnic Discrimination (Diskrimineringsombudsman - DO) has begun an investigation into the housing market as the number of complaints continues to increase. Over the past five years the DO has received a total of 314 reports of landlords discriminating against people with non-Swedish ethnic backgrounds. According to the DO, groups most likely to be discriminated against are Africans, Roma, Muslims and people from Middle Eastern countries. None of the cases reported to the DO have resulted in a single court decision. The ombudsman's office has however instigated proceedings on five occasions, most recently in the case of a Roma woman evicted from her apartment in Sundsvall. <http://www.thelocal.se/7825/20070708/>

## **Denmark**

- Since 2001 the attempted suicides among asylum seekers in Denmark have tripled. Today, there are more than six times as many suicide attempts at Danish asylum centres than among the Danish population in general. In 2001, 67 asylum seekers attempted suicide, equivalent to 0.6% of the 10,797 total. In 2006 there were 41 suicide attempts, equivalent to 1.7% of the 2,415 total number of asylum seekers living at the centres. In the same period, the average stay for an asylum seeker at Danish centres almost quadrupled from 313 days to 1,195 days. [http://www.ecre.org/files/ECRAN\\_Weekly\\_Update\\_Special\\_19th1.pdf](http://www.ecre.org/files/ECRAN_Weekly_Update_Special_19th1.pdf)

## **Finland**

- On 8 June, the Finish Minister for Migration and European Affairs, Astrid Thors, said that her government would not support the European Commission proposal for a directive providing for sanctions against "employers of illegally staying third country nationals". Ms. Thors criticised the proposal for being "heavy" and considered its legal basis to be opaque. She also pointed to its weakness in that it targets only migrant workers who are in the country illegally and not illegal work as a whole. (Source: Migration News Sheet July 2007, p. 10)

## **Czech Republic**

- In a plan prepared by the Interior Ministry, migrants who have used smugglers to gain access to the Czech Republic may be granted resident permits if they cooperate with police investigations and reveal the name of the smugglers. The plan is aimed at decreasing irregular migration to the country. [http://www.ceskenoviny.cz/news/index\\_view.php?id=254317](http://www.ceskenoviny.cz/news/index_view.php?id=254317)

## **Malta**

- The Maltese government declares that it could not play the role of policeman of the Mediterranean, after the deaths during the past weeks of several African migrants drowned in the sea while trying to rejoin Europe. After being criticized by the Commissioner on Human Rights of the Council of Europe on its behavior during this event, the Maltese government replied on 3 June to have accomplished its rescue duty and to be sensitive to the position of all people in distress. [http://tempsreel.nouvelobs.com/actualites/international/europe/20070604.OBS0153/malte\\_se\\_refuse\\_a\\_etele\\_gendarme\\_de\\_la\\_mediterranee.html](http://tempsreel.nouvelobs.com/actualites/international/europe/20070604.OBS0153/malte_se_refuse_a_etele_gendarme_de_la_mediterranee.html)

## Switzerland

- The communal council of Gland, a municipality in the Swiss canton of Vaud, has passed a resolution to support undocumented migrants that live in the town. The council voted in favour of a resolution that suggested that undocumented migrants may have to access to services and the minimal rights that are foreseen in the constitution. The executive is going to follow the council's request after checking every single case individually. (Source: 24 HEURES 29 Jun 2007)
- The Swiss Red Cross has published a book entitled *Sans-Papiers in der Schweiz: unsichtbar – unverzichtbar* (Undocumented migrants in Switzerland: invisible – indispensable). The publication deals with issues such as basic human rights, social security and access to health care. <http://www.srk.ch/info/publications/publikation-de.php?bereich=mig&kat=27&id=300>

## USA

- On 28 June the Senate did not pass President Bush's plan to legalize millions of undocumented immigrants, likely postponing major action on immigration until after the 2008 elections. The bill's supporters fell 14 votes short of the 60 needed to limit debate and clear the way for final passage of the legislation. Senators in both parties said the issue is so volatile that Congress is highly unlikely to revisit it this fall or next year, when the presidential election will increasingly dominate American politics. <http://www.msnbc.msn.com/id/19475868/>
- Arizona's new law imposes sanctions – the stiffest in the US – for hiring undocumented workers. The new law "takes the most aggressive action in the country against employers who knowingly or intentionally hire undocumented workers," says Gov. Janet Napolitano (D), who signed the measure into law on 2 July. She said she decided to sign the bill because "Congress has failed miserably." Napolitano has asked the state legislature to return in a special session this fall to address some of what she called "flaws" of the new measure, including the lack of protection for critical infrastructure. <http://www.csmonitor.com/2007/0705/p01s04-uspo.html>

## **3. European Policy Developments**

### General

- The European Union (EU) is gearing up to provide technical assistance to the government of Ghana to combat inward and outward irregular immigration, Mr. Andreas Von Mettenheim, Deputy Director General of Legal Affairs at the European Commission said. He made the announcement during a press briefing at the end of a two-day working visit by a 12-member European Commission delegation to the country to familiarize themselves with what the government was doing to combat irregular immigration and how the EU could provide technical assistance to that effect. <http://allafrica.com/stories/200706181220.html>

### European Commission

- The Spokesman for the EU Commissioner for Justice and Home Affairs, Frisco Roscam Abbing, called on EU member states to pull together to prevent inhumane treatment and loss of life of individuals attempting to enter the EU irregularly. The EU is to investigate the case in which 27 people were left clinging to a tuna net for days after being shipwrecked and other boats refused to take them on board (see *PICUM Newsletter June 2007*). Reports that migrants have been left abandoned at sea, despite having been seen by EU vessels, and that vessels bearing migrants are refused entry to EU ports, will also be investigated.  
<http://www.iht.com/articles/2007/05/29/news/immig.php>. Both Malta and the European Commission want EU-wide guidelines over who is responsible for saving people at sea and on whose land they should be disembarked. Frattini urged EU states to help Malta and Spain by sending boats and helicopters for joint patrols, saying little of the nearly 50 helicopters and planes and more than 100 boats promised to Frontex were actually made available.  
<http://www.alertnet.org/thenews/newsdesk/L11834548.htm>
- The European Commission has launched a new programme to co-operate with third countries in the areas of migration and asylum with a budget of €380 million for 2007-2013. The programme will seek to support third countries in their efforts to ensure better management of migratory flows in all its dimensions. The focus will be countries along the Southern and Eastern migratory routes towards the European Union, although other migratory routes as well as South-South migrations will also be covered. The programme covers: fostering the links between migration and development; promoting well-managed labour migration; fighting irregular immigration and facilitating the readmission of undocumented migrants; protecting migrants against exploitation and exclusion; and promoting asylum and international protection. Source: [http://www.enar-eu.org/en/wmail/WM101\\_EN.doc](http://www.enar-eu.org/en/wmail/WM101_EN.doc) and <http://europa.eu/rapid/showInformation.do?pageName=middayExpress&guiLanguage=en>
- The Green Paper on the Common European Asylum System was published on 6 June. With this document the Commission intends to initiate a broad consultation process on the future of European asylum policies and on attaining a Common European Asylum System by 2010. The deadline for responses is 31 August 2007. A public hearing is foreseen for 18 October 2007.  
[http://www.enar-eu.org/en/wmail/WM97\\_EN.doc](http://www.enar-eu.org/en/wmail/WM97_EN.doc)

### European Parliament

- On 12 June the ALDE Group of the European Parliament organized a hearing, which promoted the idea of an EU hotline for the victims of human trafficking.  
[http://www.alde.eu/index.php?id=42&no\\_cache=1&tx\\_ttnews%5btt\\_news%5d=8553](http://www.alde.eu/index.php?id=42&no_cache=1&tx_ttnews%5btt_news%5d=8553)
- The Committee on Civil Liberties, Justice and Home Affairs held a public hearing on "Tragedies of Migrants at Sea" on 3 July 2007. The hearing was intended to provide information about the current situation in the Mediterranean from a legal perspective, focusing also on the practical cooperation at sea between Member States and the role of Frontex. It is hoped that possible means to avoid further tragedies in the Mediterranean would be put forward.  
[http://www.europarl.europa.eu/hearings/20070703/libe/programme\\_en.pdf](http://www.europarl.europa.eu/hearings/20070703/libe/programme_en.pdf)

### European Council

- On migration, the Portuguese Presidency's principal goal will be to implement the "Global Approach to Migration" and to improve cooperation with African countries of origin and transit. The Presidency aims to agree on the directive on sanctions against employers of irregular migrants by the end of 2007. Apart from fighting irregular migration and trafficking, the Portuguese will also

focus on the promotion of legal migration channels and circular migration. A number of high-level conferences on these issues are in preparation, notably the third meeting of the EUROMED Forum on Migration 18-19 November.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/20070717MinistrosdaAdministracaoInternaedaJusticaapresentamprioridadesdaPBruxelas.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20070717MinistrosdaAdministracaoInternaedaJusticaapresentamprioridadesdaPBruxelas.htm)

- During its Presidency of the European Union Portugal will push for a more “realistic” approach to legal migration, said the Portuguese employment state secretary Fernando Medina, speaking at an Employment Week event in Brussels on 5 June. "If we try to be too restrictive on legal migration, this is not a realistic approach" he said, "Realistically, we have to approach the question of illegal migration connected to legal migration". Such an approach would consider "the reality of economic migration", which constitutes the “big bulk” of migration. It would therefore include measures to address European labour shortages and to facilitate social inclusion and integration, which would need to be implemented alongside tight border controls. At the same conference EU Employment Commissioner Vladimir Špidla announced that the Commission would take further steps to reduce irregular employment which makes up 15% of all employment in the EU. Mr Špidla pointed out that irregularly employed immigrants are those who suffer most in the informal economy, as employment conditions and practices in many cases resemble slavery. A Commission communication on the informal labour market is expected in August 2007. Source: <http://www.euractiv.com/en/socialeurope/eu-eyes-immigration-fill-job-gap/article-164373>
- On 15 June the UNHCR issued its recommendations to the Portuguese government for its EU Presidency in the second half of 2007. UNHCR is urging Portugal to keep refugee protection inside the European Union on its agenda. The UNHCR recommendations also urge the incoming EU Presidency to work to ensure that measures taken to deter irregular migration do not result in violations of basic rights, including the right to seek and enjoy asylum from persecution. <http://www.unhcr.org/news/NEWS/467280336.html>
- A Regulation on Community Statistics on migration and international protection was adopted by the Justice and Home Affairs Council in June 2007, following the European Parliament’s approval in March. The measure aims at harmonising statistical outputs by using common definitions based on EU or international migration instruments. It refers to international migration flows, foreign population stocks, the acquisition of citizenship, asylum applications and decisions, measures taken against irregular entry and stay, the return of unauthorised migrants, and residence permits issued to third-country citizens. To give Member States time to make necessary amendments to their data collection systems, the regulation allows for data to be supplied according to national definitions in the first year following the legislation coming into force in 2008. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/804&format=HTML&aged=0&language=EN&guiLanguage=en>

#### **4. Undocumented children**

- On 4 June the European Commission and the German EU Presidency jointly launched the first Forum on the Rights of the Child in Berlin. This forum was claimed to be unprecedented in Europe in that it brings together children and various stakeholders including Member States, the UN, the European Parliament, the Council of Europe, Interpol, Unicef, national observatories on childhood, Ombudspersons for children and civil society in order to situate children’s rights at the center of policy and decision making. The Commission adopted a strategy on children’s rights on 4 July 2006. The first forum was to focus on child pornography and paedophilia, areas which Frattini recognises as requiring urgent attention. In his opening speech Mr Frattini also highlighted the role

of children in the integration of immigrant communities. <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/358&format=HTML&aged=0&language=EN&guiLanguage=en>

- On 17 July MEP Roberta Angelilli (UEN, Italy) presented her draft report entitled "Towards an EU strategy on the rights of the child" to the members of the LIBE Committee. The draft report at its current stage includes three paragraphs on the protection of migrant children (paragraphs 33-35) generally stating that their vulnerability needs to be taken into account and that they should not "suffer from the adverse effects of a situation for which they bear no responsibility". MEP Martine Roure (PES, France) announced that her group would table amendments, which would clearly state that minors may not be detained and explained that there need to be instruments safeguarding the rights of migrant children at all stages. [http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/pr/676/676846/676846en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/676/676846/676846en.pdf)
- The European Forum for Urban Safety (EFUS) is currently looking for project partners on a project for Study on Youth Migrants/Victims of Trafficking. The project consists of a feasibility study on voluntary return to their home countries of unaccompanied minor youth and children who have been victims of trafficking. The study aims to analyse the conditions and modalities of a possible return by looking at individual cases in European cities. EFUS is currently looking to expand the circle of partners. [http://www.urbansecurity.org/fesu/secutopic\\_art.aspx?id\\_art=2869](http://www.urbansecurity.org/fesu/secutopic_art.aspx?id_art=2869)
- Save the Children Sweden introduced in March 2006 a website in several languages, a free telephone line and an e-mail address for children and young people who live in Sweden without the proper papers. One important observation that can be made after the first year of this project is that undocumented children are primarily treated as undocumented, and secondarily as children. <http://www.utanpapper.nu/report>
- The organizations Andalucía Acoge together with Pro Derechos Humanos de Andalucía, supported by SOS Racism and Intercultura, Apoyo y Prodein criticized in a press conference on 13 July the recent attitude of the Government of Andalucía to negotiate the current legislation to carry out "camouflaged expulsions" in a massive way under the aspect of family regroupings. Both organizations recalled that, as the law stated, in these cases the government has to follow the Law on Child (Ley del Menor), together with the International Convention on the Rights of the Child, and therefore is obliged to treat unaccompanied children as children and not as immigrants. <http://www.acoge.org/resultado.php?id=2007071301&tipo=1>
- The Child Exploitation and Online Protection (CEOP) Centre has published a report on behalf of the Home Office and the Border and Immigration Agency entitled *A Scoping Project on Child Trafficking in the UK*. <http://www.ceop.gov.uk/pdfs/Child%20Trafficking%20Report%20June%202007.pdf>
- *Unaccompanied Minors - Rights and Protection*, by Kristina Touzenis, analyses the international legal framework protecting unaccompanied children in specific situations; refugee children, children in armed conflict, migrant children, internally displaced children, and victims of trafficking. [www.xledizioni.com/cos%2002%20inglese.htm](http://www.xledizioni.com/cos%2002%20inglese.htm)
- "*La scolarisation des enfants étrangers (3ème édition)*", by the French NGO GISTI. The right to attend school is a basic right and all children without exception must be able to attain the educational system. GISTI has published this guide to recall the international as well as national legislation that grants the right of education for all children; to recall the numerous administrative acts that refer to that right and also to explain the possible arguments and manners for appeal. [http://www.gisti.org/publication\\_pres.php?id\\_article=934](http://www.gisti.org/publication_pres.php?id_article=934)

- *Child Homelessness in Europe – An Overview of Emerging Trends* by FEANTSA, June 2007. FEANTSA wishes to bring a homelessness perspective to the child poverty debates. The general public tends to associate homelessness with men, rather than with women and children. But recent research and data shows that many women and children in Europe are increasingly finding themselves in situations of homelessness.  
[http://www.feantsa.org/files/Streamlined%20strategy%20social%20protection%20and%20inclusion/children/2007/children\\_homelessness\\_report\\_final.pdf](http://www.feantsa.org/files/Streamlined%20strategy%20social%20protection%20and%20inclusion/children/2007/children_homelessness_report_final.pdf)
- A new publication from Bail for Immigration Detainees (BID) criticises the UK government's policy of detaining migrant families and examines the negative impacts it has on children. *Obstacles to Accountability: Challenging the Immigration Detention of Families* is based on the BID's experience of providing free advice and assistance to families with children in detention since 2001. The handbook demonstrates that children in detention do not receive meaningful protection under the Children Act and highlights how previous government policy has created a separate and inherently unequal system for children in immigration detention, while maintaining a façade of access and equality. <http://www.irr.org.uk/2007/july/ak000025.html>
- In its 8 July edition, the daily "Frankfurter Rundschau" published an article referring to an internal report of the German Federal Ministry of Interior, informing that children of unlawfully residing foreigners may attend school in only five of the 16 German states. In Hamburg, Bremen and Schleswig-Holstein, children do not have to prove that either they or their parents are lawfully resident in Germany to attend school. In Bavaria and North-Rhine Westphalia, the obligation for children to attend school applies to everyone, regardless of the status of their parents. In the other states, there is neither the obligation nor the right for undocumented children to attend school. The school authorities are, moreover, obliged to inform Foreigners Office of the presence of undocumented migrants. (Source: Migration News Sheet July 2007, p.11)

## **5. Upcoming Events**

- On 21 October 2007 there will be a special meeting of civil society organizations, financed by the Open Society Institute (OSI) public health network, to bring together NGOs working for and with communities at high risk of tuberculosis (TB) including migrants, refugees, Roma, prisoners, HIV positive, homeless, etc. The aim of the meeting is for civil society groups to brainstorm on how they can address TB. This meeting will feed into the High Level Ministerial Forum on Tuberculosis in Europe, which will be held in Berlin on 22 October 2007. Contact: [tamsin.rose@gmail.com](mailto:tamsin.rose@gmail.com)
- "Mainstreaming Children's Rights in EU Policy", a joint event with European Children's Network and Eurochild, hosted by Inger Segelström, MEP from Sweden, will take place in the European Parliament in Brussels on 9 October 2007.  
<http://www.europeanchildrensnetwork.org/docs/ProgressingMainstreaming.pdf>
- "Shaping Migration Strategies" will take place on 20 September 2007 in the European Parliament in Brussels. This conference is being organized by 'The Alliance', a transnational cooperation agreement between different organizations working with asylum-seekers and migrants. The host of this conference is MEP Ms. Hennis-Plasschaert. Daily working experiences from different projects will be presented and placed into the larger theme of European migration. <http://www.migration-conference-brussels.net/>
- The Correlation Network for Social Inclusion and Health will hold a conference entitled "Social Inclusion and Health - Crossing the borders" from 27-29 September in Sofia, Bulgaria.  
<http://correlation-net.org/index.html>,

- The European Institute of Social Security will hold a conference in Sevilla, Spain, on “Immigration from Outside the EU and Social Security” from 26-28 September. The third day of the conference will be dedicated to “Illegal migration into the EU”. [www.eiss.be](http://www.eiss.be)

## **6. Publications**

The Institute for the Study of Labour (IZA) has published a discussion paper entitled *Illegal Migration, Enforcement and Minimum Wage* by Gil S. Epstein and Odelia Heizler, which examines the connection between irregular migration, minimum wages and enforcement policy. <http://ftp.iza.org/dp2830.pdf>

*Irregular Migration, Human Smuggling, and the Eastern Enlargement of the European Union*, by Michael Jandl, was published in the June edition of the *International Migration Review*. This article examines the consequences of the latest round of EU-Enlargement in May 2004 on irregular migration across Central and Eastern Europe.

<http://www.ingentaconnect.com/content/bsc/imre/2007/00000041/00000002/art00001>

*Mondialisation, migration et droits de l'homme* (Globalisation, Migration and Human Rights) is a research project supported by RUIG and has brought together for a period of two years 46 researchers from different disciplines and global regions. The study has been realised along four lines of reflection: principles and perspectives of international migration law, security issues and undocumented migration, international protection regimes for migrant workers and refugees, and detention and deportation. <http://www.bruylant.be/fr/index.php>

## **7. PICUM News**

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

- **Jornadas espiral sobre inmigración y VIH (Seminar on Immigration and HIV)**, 30 March 2007, Murcia, Spain, organized by CESIDA (Coordinadora Estatal del VIH-SIDA). PICUM member Camila Rodrigues (JRS Portugal) made a presentation on “Access to health care for undocumented migrants.”
- **Building a Common EU Immigration Policy: Labor Migration versus Irregular Migration?** 3 April 2007, Brussels, organized by the Center for European Policy Studies (CEPS) at the International Trade Union House (ITUH). PICUM director Michele LeVoy made a presentation on what a rights-based approach to the EU policy priorities on irregular migration could entail.
- **ETUC Migration and Inclusion Working Group**, 4 April 2007, Brussels. PICUM director Michele LeVoy participated in this meeting of union members from throughout Europe in which the draft joint comments on ETUC, PICUM and Solidar on Commission proposals to fight illegal employment and exploitative working conditions were discussed.
- **Migration and the Right to Decent Work**, 26 April 2007, Stockholm, Sweden, organized by the Olof Palme International Center and the European Commission. PICUM board member George Joseph (Caritas Sweden) made a presentation on “Migrant Workers in Europe: Rights and Realities.”
- **NECE Rethinking Citizenship Education in European Migration Societies**, 26-28 April 2007, Lisbon, Portugal, organized by the German Federal Agency for Civic Education. PICUM board member Johan Wets (HIVA) made a presentation on “Economic Dimensions of Migration

Challenges to Citizenship Education,” focusing on the labor market position of undocumented migrants.

- **Vivere nell'Ombra: immigrati senza documenti in Italia, Europa e Stati Uniti (Lives in the Shadows: Undocumented Migrants in Italy, Europe and the United States)**, 3 May 2007, Turin, Italy, organized by the Centro Bairati and FIERI (Forum Internazionale ed Europeo di Ricerche sull'Immigrazione). PICUM director Michele LeVoy made a presentation on “Ten Ways to Protect Undocumented Migrant Workers.”
- **International Conference on Inclusion and Migration**, 10-11 May 2007, Graz, Austria, organized by the OMEGA Health Care Center Graz. PICUM member Camila Rodrigues (JRS Portugal) made a presentation on “EU perspectives concerning access to health care for undocumented migrants.”
- **TIGRA activities surrounding Western Union Shareholders Meeting in New York**, 9-12 May 2007, New York City, USA, organized by TIGRA (Transnational Institute for Grassroots Research and Action). The U.S.-based NGO TIGRA has launched a campaign towards Western Union, with the following demands: lower the fees on remittances; set fair exchange rates; commit \$1 per transaction to community reinvestment; and to live up to standards of global responsibility. TIGRA would like to make this a global campaign and PICUM director Michele LeVoy participated to see how migrants' rights organizations in Europe could get involved.
- **No papers, no hope – Funding in the field of undocumented migration**, 1 June 2007, Madrid, Spain, workshop organized by the European Foundation Center (EFC) Diversity, Migration and Integration Interest Group, during the EFC's 18<sup>th</sup> Annual General Assembly and Conference. PICUM director Michele LeVoy made a presentation on “Promoting the Social Inclusion of Undocumented Migrants and Challenges Facing Civil Society Organizations.”
- **The Right to HIV Prevention, Treatment, Care and Support for Migrants and Ethnic Minorities in Europe: The Community Perspective**, 7-8 June 2007, Lisbon, Portugal, organized by the European Aids Treatment Group (EATG) and Grupo Português de Activistas sobre Tratamentos de VIH/SIDA Pedro Santos (GAT). PICUM director Michele LeVoy made a presentation on “Undocumented Migrants with HIV/AIDS in Europe.” PICUM was one of the supporting organizations for this event, which begins a series of discussions on health and migration issues that will be highlighted during the Portuguese Presidency of the EU from July-December 2007.
- **EPIM Concluding Roundtable: Towards a Common European Framework for Migration and Integration Policies: Perspectives from European institutions and civil society organisations**, 12 June 2007, Brussels, organized by the Network of European Foundations (NEF). PICUM director Michele LeVoy made a presentation on “The Social Integration of Undocumented Migrants.”
- **ASTI (Association de soutien aux travailleurs immigrés) General Assembly**, 14 June 2007, Luxembourg. The Luxembourg organization ASTI recently became a member of PICUM and director Michele LeVoy was invited to speak to its members about “Undocumented Migrants in Europe: Social Exclusion and Human Rights.”
- **PICUM Working Group Meeting on Fair Working Conditions**, 18 June 2007, Brussels. At the first meeting of this working group, PICUM members working in the area of undocumented workers' rights discussed the recently adopted EU draft directive on employer sanctions (*also see*

*PICUM Newsletter May 2007).*

- **CIRE Working Group on Labor Migration Policies in Belgium**, 20 June 2007, Brussels, organized by CIRE (Coordination et Initiatives pour et avec les Réfugiés et Etrangers). PICUM director Michele LeVoy participated in these discussions on labor migration following the recent elections in Belgium.
- **First Multi-Sectoral Workshop on PICUM's project "Fighting Discrimination-Based Violence Against Undocumented Children,"** 27-29 June 2007, Brussels. This project will be carried out from February 2007 to February 2009 and will focus on discrimination-based violence against undocumented children in the areas of health care, housing, and education in nine EU member states. The main themes discussed during the workshop were: the understanding of and commitment to the objectives and methodology of the project, activities done by the partners for the protection of undocumented children, identification of discrimination-related problems and specific needs of undocumented children specifically in term of access to health care.
- **Access to Health Care for Undocumented Migrants in Europe**, 28-29 June 2007, Brussels, organized by PICUM. The conference brought together nearly 200 participants which included representatives of NGOs, local authorities, health care providers, policy makers, researchers, undocumented migrants themselves, and other actors to share experiences and discuss ways to address the problems associated with insufficient access to healthcare services for undocumented migrants. The conference report will be available (in English and in French) shortly at [www.picum.org](http://www.picum.org).
- **Global Forum on Migration and Development, Civil Society Day**, 9 July 2007, Brussels, organized by the King Baudouin Foundation. PICUM director Michele LeVoy participated in the conference (organized for civil society to offer organized input to the governmental discussions on July 10<sup>th</sup> and 11<sup>th</sup>) and was a rapporteur for the working session on "Temporary labor migration as a contribution to development: low-skilled migration and addressing irregular migration."
- **Global Community Forum on Migration, Development and Human Rights**, 10-11 July 2007, Brussels, organized by Migrants Rights International and hosted by PICUM, with the support of ICMC and December 18. More than 200 participants attended this independent event of civil society parallel to the Global Forum for Migration and Development in order to reintroduce the voice and concrete contribution of migrations, NGOs and civil society into the global debate.
- **Cross-Border Co-operation / Söderköping Process: Thematic Workshop on Role of NGOs in Cross-Border Cooperation**, 12-13 July 2007 Chisinau, Moldova. Franck Düvell, PICUM board member and researcher at the Center on Migration Policy and Society (COMPAS), Oxford, made a presentation on "Refugee Support NGOs in (Western) Europe: Networking Strategies, Experiences and Problems."
- **Amnesty International Workshop on the Next Global Campaign on Human Dignity and Its EU Dimension**, 17 July 2007, Brussels, organized by Amnesty International. PICUM director Michele LeVoy participated in the workshop which aimed to explain the campaign, present the draft EU level strategy for the campaign and exchange and listen to NGOs with long-standing experience and mapping out areas for collaboration at EU level.

## **8. Miscellaneous**

- The article, 'I was a slave in Puglia' by Fabrizio Gatti, published in *L'Espresso* magazine, won the EU award 'For diversity - against discrimination'. The award is granted to journalists who further understanding of the benefits of social diversity. The article deals with the problems facing foreign workers in southern Italy. It illustrates the severe discrimination faced by Europe's second-class citizens due to their ethnic origin. [http://ec.europa.eu/news/employment/070416\\_1\\_en.htm](http://ec.europa.eu/news/employment/070416_1_en.htm)
- At its Annual General Assembly on 6 June 2007, the NGO Solidar adopted a resolution on undocumented migrants entitled *Irregular migrants have rights*, committing itself to working for the rights of undocumented migrants and calling upon European institutions to ensure that the fundamental rights of undocumented migrants are respected and to fight against exploitation. [http://dgroups.org/groups/SOLIDARWR/docs/Item\\_9\\_SolidarAGA07\\_Resolution\\_on\\_irregular\\_migration.pdf?ois=no](http://dgroups.org/groups/SOLIDARWR/docs/Item_9_SolidarAGA07_Resolution_on_irregular_migration.pdf?ois=no)
- "Quand les papiers arrivent..." (When the papers arrive...) is a 15-minute film that has been jointly produced by the Belgian organizations l'Assemblée des Voisin(e)s, CIRÉ (Coordination et Initiatives pour Réfugiés et Étrangers) and PTTL (Plus Tôt Te Laat). Undocumented migrants, former undocumented migrants as well as Belgians who are close to undocumented migrants feature in this film. They imagine what would change in their lives the day they would receive their papers. The film is also available in the form of short 30 to 60 second clips, representing the testimonies of the 16 persons. The DVD of the film is available for free from CIRE. <http://www.cire.irisnet.be/ressources/sensibilisation/videos.html>
- The World Charter for Migrants project gives migrants an opportunity to contribute to, and participate in, the drafting of a collective charter of principles governing the freedom of movement and of settlement to women and men throughout the world. From the outset, the charter and its contents have been drawn up by migrants themselves. The text of the charter was first presented at the World Social Forum of Migrants in June 2006 in Rivas, Madrid. A new draft text will be debated during the next World Social Forum of Migrants in June 2008. [www.cmmigrants.org/spip.php?article5](http://www.cmmigrants.org/spip.php?article5)
- The theme of the 27<sup>th</sup> meeting of TERRA - a French scientific network on work, studies, and research on refugees and asylum - was entitled "L'aide aux sans papiers, entre légalité et légitimité" (Assistance to undocumented migrants: between legality and legitimacy). The meeting was held on 19 June. <http://terra.rezo.net/article585.html>.

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