



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter August 2008

*Finalised 4 August 2008*

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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**THANK YOU !**

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

- A vessel thought to be carrying around 150 undocumented migrants on a clandestine journey to Italy sank shortly after departing from the Libyan port of Zuwarah on 7 June. Only one of the passengers, an Egyptian, was rescued and returned to Libya. The Libyan authorities did not inform the Egyptian Ambassador in Tripoli until one week after the disaster. Migration News Sheet ,July 2008

- An Iraqi migrant was found dead on a Greek ferry in the port of Venice under the truck where he was travelling, hidden. Found on 4 July, he is reported to have been the third victim in two weeks in the port. [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html)
- 14 migrants were lost after their boat capsized during a rescue operation 50 miles off the coast of Motril, near Granada, on 7 July. Among the victims were four women and one baby. [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html)
- Fifteen migrants, including nine small children between 12 months and four years old, died on 9 July on board a boat that was heading for southern Spain from North Africa. After five days at sea, some parents were forced to throw their dead children out of the boat. The survivors, including a baby, were in a poor state of health when they arrived on shore. Four were hospitalised and reported to be in a serious condition. Though the situation is recognised by the Spanish government as extreme, no exceptional treatment has been granted to the survivors. A total of 921 would-be undocumented immigrants died at sea trying to reach Spain in 2007, according to a tally by the Organisation for Human Rights in Andalusia (APDH-A), a Spanish human rights organisation. For more information, <http://news.iafrica.com/worldnews/1020365.htm>, [http://www.elpais.com/articulo/espana/Supervivientes/patera/alertan/muerte/otros/papeles/elpepies/20080710elpepinac\\_24/Tes](http://www.elpais.com/articulo/espana/Supervivientes/patera/alertan/muerte/otros/papeles/elpepies/20080710elpepinac_24/Tes) and [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html)
- Three female migrants, one of them pregnant, drowned after their boat capsized off the coast of Malta on 10 July. [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html)
- At least six people died and several were reported to be missing after a boat sank off the French island of Mayotte in the Indian Ocean on 23 July. <http://www.lemonde.fr/web/depeches/0,14-0,39-36293328,0.html>
- 75 migrants who had set sail from Libya a week earlier were picked up by the Italian coastguard on 26 July, a day after the Italian government had declared a state of emergency over undocumented immigration. One of the migrants, a Nigerian, shared his account of how his children, the oldest of whom was three, died in his arms and were then thrown into the sea. Reuters reports that this incident has added fuel to the debate on immigration in Italy. <http://www.newsdaily.com/stories/l7725969-italy-migrants/>
- A boat sank in the waters 70 miles (113 km) from the coast of Libya and 270 miles (274 km) from Lampedusa, causing the death by drowning of seven migrants on 29 July. The other 21 people on the boat were saved by Sicilian fishermen. According to the fishermen, the migrants had been at sea for several days, judging by their state of dehydration and hunger. <http://www.ilmanifesto.it/Quotidiano-archivio/30-Luglio-2008/art23.html>
- The bodies of thirteen migrants, mainly from Pakistan and Myanmar, were found abandoned in Istanbul's Küçükçekmece district on 30 July. An additional 60 migrants were found in the same area and 13 have been sent to hospitals for treatment. The search continued for more migrants in the same vicinity. The migrants were on a journey from the southeastern Turkish Van province to Istanbul inside a container hauled by a truck. As it became impossible for the migrants to go on, they began pounding inside the container. The driver stopped and, finding that 13 people had died from lack of air in the container, ran away after abandoning the migrants in an empty field. Gülseren Yoleri, head of the Human Rights Association's Istanbul office, has said that such incidents are

predictable as Turkey is located next to countries suffering from devastating human and economic problems and the only way to prevent them is by making the borders more transparent and open to people. <http://www.turkishdailynews.com.tr/article.php?enewsid=111302>

- At least 185 people died at the EU gates in June, 173 of them in the Strait of Sicily. Four victims in the Canary Islands and two Iraqis were found dead on two Greek ferries in the Italian port of Venice. In Turkey two migrants hidden in a truck died in an accident, and a Somali migrant was *shot dead after a riot in the migrant detention camp of Kırklareli, near the Bulgarian border*. Three migrants were instead shot dead along the Egyptian border with Israel as the Sinai is confirmed as the new route for African refugees. [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html)

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

### **France**

- A social assistant known as 'B.H.' denounced a Senegalese undocumented migrant to the police on 11 June. B.H. had reportedly been at the house of a woman who was receiving aid from the state and who was accommodating her half brother, an undocumented migrant. The affair has raised questions about the morality of the social assistant's violation of a professional secret. The social worker had no obligation to denounce the migrant. In cases such as this, Article 40 of the French penal code does require civil servants to inform the state prosecutor and not the police, because involving the latter is thought to create tension between families and the social services. Source: [http://www.lemonde.fr/societe/article/2008/06/27/une-assistante-sociale-denonce-un-senegalais-sans-papiers-a-la-police\\_1063658\\_3224.html](http://www.lemonde.fr/societe/article/2008/06/27/une-assistante-sociale-denonce-un-senegalais-sans-papiers-a-la-police_1063658_3224.html), [Maitre-eolas.fr](http://www.maitre-eolas.fr)
- The immigration quotas applied by Nicolas Sarkozy's French government are, according to an official report given to the government on 4 July, unrealistic and irrelevant. The report, welcomed by the opposition Socialist Party, was drawn up by Pierre Mazeaud, the former president of the French Constitutional Council and a former elected official of the RPR political party. Unveiled in the newspapers Libération and le Figaro, the report underlines that no other European country has immigration quotas, contradicting what Sarkozy said in September 2007. A policy of limitation by quota would, it says, be ineffective in tackling clandestine immigration and could be a violation of certain important international agreements, notably the European Convention of Human Rights. For more information <http://www.rmc.fr/edito/info/55487/un-rapport-condamne-la-politique-dimmigration-choisie/> or to read the Mazeaud Report, [http://www.france-terre-asile.org/index.php?option=com\\_content&task=view&id=624&Itemid=9](http://www.france-terre-asile.org/index.php?option=com_content&task=view&id=624&Itemid=9)
- On the night of 10 July, four people attacked the premises of the cleaning company Castro in Paris, which had been occupied for seven weeks by undocumented migrants. When the occupants went out to stop the damage, they were insulted and tear gas was sprayed in their faces. Three people were taken to hospital. The next day, around fifty people gathered to show their support for the migrants, who they say have been under much pressure throughout the entirety of their strike. In addition to the attack on 10 July, their employer had earlier cut off all electricity supplies, forbidden the migrants access to the toilets and poured bleach into the occupied rooms. Some weeks later, he blocked up the premises with rubble. The strikers and their supporters have found it impossible to start a constructive dialogue, given the frequency of these intimidations, so no agreement has been reached. The employer continues to refuse to give these migrants the documents required for them to be regularised. <http://www.mrap.fr/campagnes/Migrations-immigration-Asile/violpatro/view>

- A fire started at the administrative detention centre in Nantes on 20 July, caused by a detainee who had set alight a newspaper and allowed the flames to spread to his bedding. The man was recognised by staff at the centre as having psychiatric problems. The aim of the fire was reportedly to end his own life, but it finally took no victims. Organisations such as Cimade have condemned the fact that the detainee was placed in police custody, given his mental state. <http://www.cimade.org/nouvelles/1036-Le-centre-de-retention-de-%20Nantes-ferme-apres-un-incendie>
- The UN Committee of Human Rights has criticised the French treatment of foreigners and undocumented migrants, pointing to a series of violations of liberty especially within overcrowded prisons. The Committee also noted the French practice of sending foreigners back to countries where their safety and freedom from torture could not be assured. The subject of the French treatment of foreigners will again be approached in the fifth report on this subject, to be released in July 2012. <http://afp.google.com/article/ALeqM5gv7BZ5vOvd3saidCXtw9S1ANMqVA>

## Italy

- On the night between 29 and 30 June, an African migrant died in the Identification Centre (CPT) of Caltanissetta. According to some testimonies, he had been sick for all of Saturday, and despite asking for help he received only a glass of water. The doctors of the Red Cross were not called until Monday morning, called and they could only certify the death during the night. No investigation has been opened for the moment. <http://www.terrelibere.org/terrediconfine/index.php?x=completa&riga=3616>
- The Italian Senate passed on 23 July a controversial law that would make undocumented migration a crime punishable by up to four years in jail. A total of 161 Italian lawmakers in the country's senate supported the measures, while 120 were against and eight abstained. According to media reports, the legislation will introduce a new criminal offence - "illegal immigration" - punishable by six to four years in prison. The law also states that property rented to an undocumented immigrant can be confiscated. The maximum period an immigrant can be kept in detention after irregularly setting foot on Italian territory will be extended to 18 months - which is in line with EU-wide rules on returning non-EU nationals who do not or no longer fulfil the conditions for entry, stay or residence in a member state. <http://euobserver.com/9/26531>

## Greece

- The Greek Department of Médecins sans Frontières raised concerns about bad living conditions as well as lack of medical services in the detention centre of Mitilini. They report that, although the centre has the capacity to accommodate 400 persons, at present the number has gone up to 800. Describing the living conditions, MSF report that "the detainees live in wards where water stagnates on the floor, without sufficient access to showers. In one particular ward there is one functional toilet for over 100 individuals. The spaces have not been cleaned sufficiently for the past two months. The detainees have the right to stay in the yard for a short time; at the same time the personnel of the centre are unable to attend to their needs. Finally the rule is that the detainees remain locked up". [http://news.kathimerini.gr/4dcgi/ w\\_articles\\_ell\\_2\\_29/07/2008\\_279337](http://news.kathimerini.gr/4dcgi/ w_articles_ell_2_29/07/2008_279337)
- On 19 June 2008, the crew of a passenger ferry en route to Italy from the Greek port of Patras found nine undocumented migrants hidden inside a refrigerated truck. All were suffering from hypothermia and two of them were already unconscious. The ferry made an emergency stop at Corfu so that they could be hospitalised. Source: Migration News Sheet, July 2008

## UK

- In a statement released 19 June 2008 called 'Enforcing the Deal', the UK Border Agency formalised its intention to strengthen partnerships between law enforcement and immigration enforcement agencies. Though the document targets undocumented migrants who have committed crimes, it will also target landlords who offer accommodation and local services offering unauthorised benefits and safety nets. The policy is based on data sharing between criminal and immigration agencies. Seemingly at odds with integration initiatives, the document would cause infiltration of Government enforcement into public services. Rights groups fear these connections will damage trust between migrants and local communities.  
[http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/enforcementbusinessplan08\\_09/enforcementbusinessplan08\\_09.pdf?view=Binary](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/enforcementbusinessplan08_09/enforcementbusinessplan08_09.pdf?view=Binary),  
<http://www.migrantsrights.org.uk/enews/2008/july.htm>
- Rejected asylum seekers, particularly Zimbabweans, have become increasingly destitute in the UK, according to Joseph Rowntree Charitable Trust research released in July 2008. Failed asylum seekers from Zimbabwe form the largest national group of destitute asylum seekers in Leeds, where the survey took place, with many sleeping in public parks and toilets, scavenging for food, and going without vital health care even after suffering torture. Amnesty International issued a statement on 24 July 2008 pointing out the hypocritical stance of the UK government, which has been vocal in its condemnation of the current situation in Zimbabwe yet has not offered adequate grants of asylum. Those who are rejected face the threat of persecution in Zimbabwe or destitution in the UK. Denied both the right to work and the right to financial support from the government, these undocumented migrants are in legal and financial limbo.  
[http://www.amnesty.org.uk/news\\_details.asp?NewsID=17822](http://www.amnesty.org.uk/news_details.asp?NewsID=17822),  
[http://www.amnesty.org.uk/news\\_details.asp?NewsID=17842](http://www.amnesty.org.uk/news_details.asp?NewsID=17842)
- Another rejected asylum seeker has been seriously injured by physical abuse inflicted by four Group 4 Securicor officers in the UK. Stephanie Toumi was kicked, pinned to the ground, lifted by her hair, and verbally abused aboard a flight in April 2008. Upon arrival in Brussels after the assault, Belgian officials refused to place her on the connecting flight to Cameroon due to her visible injuries. Ms. Toumi was returned to the UK though injured so badly that she now requires a wheelchair; she has been denied use of it in the Yarl's Wood Detention Centre rendering her unable to go to the dining hall. The UK government began investigations in July 2008. The story follows a detailed report by the National Coalition of Anti-Deportation Campaigns, documenting hundreds of similar cases of abuse by the UK authorities. For more on the report, see "Publications" news below.  
<http://www.independent.co.uk/news/uk/home-news/woman-assaulted-by-uk-security-guards-during-forced-removal-856897.html>

## Ireland

- The governments of Ireland and the United Kingdom have agreed to introduce formal border checks between Northern Ireland and the Republic of Ireland, with the aim of stopping undocumented migration to and from Britain. Though border checkpoints were common throughout the Troubles, the establishment of the Common Travel Area in 1925 allowed relatively free movement across the border. The enforcement will include checks upon entry for air and sea routes between the UK and Ireland as well as searches of vehicles travelling across the land border.  
<http://www.timesonline.co.uk/tol/news/politics/article4390542.ece>
- Four rejected asylum seekers were granted residence in Ireland as of 25 July 2008 by virtue of a directive on the free movement of EU citizens. Each of the four men, though not citizens of the EU

themselves, are married to citizens of EU member states. The European Court of Justice ruled that Irish laws, which require non-EU citizen spouses to have lived in another member state, were incompatible with the freedom of movement for EU citizens. The couples who were married in Ireland are now authorised to reside, provided that the EU-citizen women carry sickness insurance and sufficient funds that they will not become a burden on the Irish government. <http://www.irishtimes.com/newspaper/breaking/2008/0725/breaking40.htm>

## Belgium

- Following a judgement of the Council for Foreigners' Disputes (Raad voor Vreemdelingenbetwistingen), children who are 'able to form their own opinion' have the right to be heard in a request for regularisation that affects them. The direct applicability of Article 12 of the Treaty for the Rights of the Child, that underwrites this right under Belgian law, was called upon successfully for the first time by a lawyer in the recent case of a family from Kazakhstan that had applied for regularisation. Source: Vlaams Minderhedencentrum, [www.vmc.be](http://www.vmc.be)
- After 56 days, the hunger strike of 161 activists in the Béguinage church in Brussels ended in early July. The activists were granted nine-month residence permits on the grounds of medical reasons, as well as work permits. For other undocumented migrants in Belgium, the short term future is more insecure, as the promised circular letter (omzendbrief) setting out clear criteria for regularisation has not been finalised nor approved yet, most likely because of the complicated current political situation in the country. Source: [www.foyer.be](http://www.foyer.be)
- At the Merksplas detention centre near Antwerp, two asylum seekers, an Iraqi and an Iranian, climbed on to the roof and threatened to throw themselves off in a suicide attempt which aimed to denounce the conditions in which they were being held. As soon as the 20 July incident was made known inside the centre, windows were broken and furniture destroyed. After several hours of negotiations, the two men came down from the roof. <http://www.rtlinfo.be/news/article/151754/--Deux+r%C3%A9fugi%C3%A9s+de+Merksplas+mena%C3%A7aient+de+se+suicider>
- Kaba N'Faly, the spokesperson of the occupants of the church of Saint-Curé d'Ars in Forest, explained on 26 July that the hunger strikers were losing spirit and that their actions were no longer as effective given the departure on holiday of the government. The 39 undocumented migrants, who had been staying in the church for over two years, decided to put an end to their 23-day hunger strike after meeting the director general of the Foreigners' Office on 25 July, who offered them temporary leave to remain for three months on medical grounds with the possibility of renewal. They had already suspended a hunger strike once before, from 25 June to 4 July, after a 45-day fast. Like the hunger strikers at Béguinage before them, those at Forest hoped to be given residence permits for a duration of nine months. It is thought that the undocumented migrants occupying since 7 April a ULB building on Avenue Buyl could also put an end to their hunger strike which had been going on for 13 days as of 25 July. <http://www.lalibre.be/actu/belgique/article/436108/la-greve-de-la-faim-est-suspendue-a-forest.html> and <http://www.rtf.be/info/belgique/social/fin-de-la-greve-de-la-faim-pour-les-sans-papiers-de-forest>
- Due to fear of expulsion, the undocumented migrants who had been occupying several cranes in Brussels climbed down on 30 July. Although the police and fire service were present to offer help to those who were weakened by the hunger and thirst strikes, one of the strikers fell whilst climbing down and suffered multiple fractures. His life is not thought to be in danger. The occupation of the cranes had been ongoing since 22 July when three migrants climbed a crane in a construction site on Boulevard Albert II. At the height of the protest up to forty people were thought to have been occupying six cranes. The majority of the migrants were demanding a work permit C and residence

permit to be given to all undocumented migrants. The Belgian government, which started its holiday period shortly after the strike started, was uncompromising in its decision not to negotiate with the protestors. For more information, <http://www.rtlinfo.be/rtl/news/article/155376/--Lhomme+qui+a+chut%C3%A9+de+la+grue+souffre+de+multiples+fractures>, <http://www.levif.be/actualite/belgique/72-56-20621/sans-papiers---descendus-volontairement-des-grues.html>, <http://www.levif.be/actualite/belgique/72-56-20681/un-sans-papier-tombe-d-une-grue.html>, <http://www.lematin.ma/Actualite/Journal/Article.asp?idr=111&id=95706>

- Public Centres for Social Wellbeing (OCMWs) are increasingly obliged to financially support stateless persons without residence permit. In principle, officially recognised stateless persons would have to obtain a residence permit via regularisation to be entitled to financial support, but the labour courts now often condemn the public centres to granting financial support to stateless persons without residence permit. Source: Foyer vzw – from VVSG M-weter 2008, no. 6.

## Netherlands

- Following the Amnesty report (see PICUM newsletter July '08), criticism on migrant detention continues. On 16 June the Council for the Administration of Criminal Justice and Protection of Juveniles (Raad voor Strafrechtstoepassing en Jeugdbescherming, RSJ) advised the Dutch government to detain people who have to leave the country for no longer than six months. The regime also has to be made more flexible; the RSJ pleads for maximum freedom of movement within the centre and a useful day program. Detaining undocumented migrants should be the last resort. The government will respond to the two reports sometime during summer. The full advice can be downloaded: <http://www.rsj.nl/advies/adviezen/index.aspx>
- The ministry of justice suggests changes for the asylum procedure. The short procedure, extended from five to eight days, will become standard. To prevent long procedures, a rest period of 6 days before starting the procedure is built in. Asylum seekers will undergo a health check. When their claim is refused, they have to leave the country within one month. Measures will make the asylum procedure and return “more effective” according to State Secretary Albayrak. The Dutch Refugee Council (Vluchtelingenwerk) fears inaccuracy. <http://www.vluchtelingenwerk.nl/actueel.html> More info on the new procedure on: <http://www.minjus.nl/actueel/nieuwsberichten/archief-2008/80624effectievere-asielprocedure-en-een-effectiever-terugkeerbeleid.aspx?cp=34&cs=578>

## Sweden

- The case of a rejected asylum seeker will be investigated following a report that he was tortured to death after forced repatriation from Sweden to Libya on 5 May 2008. The young man was arrested upon arrival and tortured for nine days, according to Libyan opposition sources. The news is corroborated by a Libyan human rights association and one of the man’s friends living in Sweden, who was contacted by the Libyan authorities on 22 May 2008 and requested to collect the man’s corpse. 15 rejected Libyan asylum seekers are awaiting forced repatriation whose cases may be reviewed by the Swedish Migration Board. (Migration News Sheet, July 2008)

## Poland

- During the night of 21 July 2008, the Polish Border Guard in the town of Narol in the south-east Podkarpackie region intercepted a group of seven undocumented immigrants and their smugglers. As the officer of the Bieszczadzki Border Guard (BOSG) Elżbieta Pikor informed the Polish Press Agency PAP, six of the undocumented immigrants are from Sri Lanka and one is a Turkish national, while their smugglers are Chechen. The latter have been handed over to the District Prosecutor’s

Office in Lubaczów in the Podkarpackie region, and procedures have also been undertaken with respect to the undocumented immigrants in order to hand them over to the Ukrainian authorities. In the first half of 2008, the BOSG Border Guards intercepted and detained a total of 1, 331 migrants irregularly crossing the Polish border by means of using false documents, for example. 113 of the intercepted migrants attempted to merely slip through the green border. A great number of these undocumented immigrants arriving in Poland come either from Vietnam or Sri Lanka. Source: Polish Press Agency (PAP) / *Gazeta Wyborcza*, "Podkarpackie / Zatrzymano imigrantów i organizatorów przerzutu" ("Illegal immigrants and their smugglers detained in the Podkarpackie region, 22-08-2008, [http://wyborcza.pl/1,91446,5479419,Podkarpackie\\_Zatrzymano\\_imigrantow\\_i\\_organizatorow.html](http://wyborcza.pl/1,91446,5479419,Podkarpackie_Zatrzymano_imigrantow_i_organizatorow.html)).

- Krystyna Iglicka, Professor at the Lazarski School of Law and Commerce in Warsaw and Coordinator of the Migration and Homeland Security Programme at the Polish Centre for International Relations, published an overview of the migration trends in Poland after the enlarged Schengen space, entitled "The new Eastern border of Schengen area and the irregular immigration into and from Poland". According to Iglicka, since the economic and political transformation of Central and Eastern Europe (CEE) at the beginning of the 1990s, Poland has been a transit as well as a host country to thousands of regular and irregular migrants. Despite the dramatic decline in the border crossings by Ukrainians, Belorussians and Russians since the extension of the Schengen space, Chechens were one of the most numerous groups of migrants irregularly crossing the Polish border both before and after 2004. While there are no studies on irregular migration within Poland, observers point to the Vietnamese and the Armenians as the two main groups of undocumented migrants, with the former predominantly viewing Poland as their country of destination. Iglicka concludes that destabilisation caused by ethnic armed conflicts in the East, possibly giving rise to greater migratory influx from third countries through Russia and into Poland, could pose the greatest threat to Polish security and to the whole European Union. For a more detailed discussion, see the entire article available in English: Krystyna Iglicka, "The new Eastern border of Schengen area and the irregular immigration into and from Poland", 12-05-2008, Real Instituto Elcano, [http://www.realinstitutoelcano.org/wps/portal/rielcano\\_eng/Content?WCM\\_GLOBAL\\_CONTEXT=/Elcano\\_in/Zonas\\_in/Europe/ARI49-2008](http://www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/Elcano_in/Zonas_in/Europe/ARI49-2008).
- On 24 July 2008, Poland and five other northern EU countries (Germany, Sweden, Finland, the Czech Republic and Holland) unanimously opposed the European Commission directive proposing penal sanctions, including imprisonment, for unauthorised employment and exploitation non-EU migrant workers. According to Piotr Stachańczyk, Undersecretary of State in the Polish Ministry of the Interior and Administration, financial and administrative sanctions for unauthorised employment are sufficient. While Lithuania withheld the vote, the majority of the southern EU countries (Italy, France, Portugal, Cyprus, Greece and Malta), which deal with migration on a daily basis, voted in favour of the directive in a marked contrast with their northern neighbours. Poland as well as several other countries that voted against the directive suggested instead that at least 5% of the industry sectors routinely employing undocumented migrant workers should undergo regular checks (in contrast to only 2% inspected currently) with a view to curtailing unauthorised and exploitative employment. The Northern countries have also agreed that these inspections should be more thorough. Source: "Kraje unijnej 'Północy' przeciw sankcjom karnym dla pracodawców" ("EU Northern countries against penal sanctions for employers"), *Gazeta Wyborcza*, 24-07-2008, [http://wyborcza.pl/1,91446,5489188,Kraje\\_unijnej\\_Polnocy\\_przeciw\\_sankcjom\\_karnym\\_dla.html](http://wyborcza.pl/1,91446,5489188,Kraje_unijnej_Polnocy_przeciw_sankcjom_karnym_dla.html)

## Malta

- The government and Medicines Sans Frontiers have signed a one-year agreement through which the international humanitarian aid organisation will provide personnel to help undocumented

migrants in Malta from the beginning of August 2008. MSF is providing two medical doctors, a nurse, a psychologist, a health promotion expert and interpreters to assist migrants upon their arrival to detention and open centres. The assistance will focus primarily on the mental, sexual and reproductive health of the undocumented migrants and will also identify vulnerable people. <http://www.timesofmalta.com/articles/view/20080729/local/medicines-sans-frontiers-to-assist-malta-deal-with-migrants>

## Switzerland

- To mark the end of his term in office and to pay a permanent tribute to migrants, especially those without documents, Patrice Mugny, the mayor of Geneva, revealed on 30 May a statue by Ousmane Sow, a sculptor of Senegalese origins. The UN Ambassador of Senegal, Babacar Carlos Mbaye, described this as a great pride to his country. The bronze statue is entitled 'L'immigré: Clandestins: afin que leur silence devienne parlant' (The Immigrant: Undocumented Migrants: to allow their silence to be spoken). To see a picture of the sculpture or to read more in French, <http://quotidiensanspapiers.free.fr/w/spip.php?article1284>, <http://fr.allafrica.com/stories/200805291007.html> and [http://www.swissinfo.ch/fre/a\\_la\\_une.html?siteSect=109&ty=st&sid=9212026](http://www.swissinfo.ch/fre/a_la_une.html?siteSect=109&ty=st&sid=9212026)
- A press report from the Swiss Federal Parliament on 10 July proposed two parliamentary initiatives which would change the current legal base with regards to the issuing of residence permits and introduce a new requirement for integration. The first, entitled the 'Concrétisation légale de l'intégration' (Legal achievement of integration), was proposed by Pfister Gerhard and would mean that a foreigner could not receive permanent residence in Switzerland without demonstrating their successful integration in the country, notably in terms of one of the national languages. The second initiative, put forth by Müller Philipp, proposes one-year temporary stay permits for those migrants who do not demonstrate a satisfactory level of integration. For the full press release, <http://nwerren.romandie.com/post/11609/121781>
- The female detainees at the Simplan detention centre in Lausanne have launched an official complaint, highlighting their feelings of insecurity and lack of privacy. Their demands include the right to live in their own apartment, the right to cook for themselves, the right to work, the right to health insurance (which they say they do not have but, conversely, the centre's director says everybody is covered by) and the regularisation of their status. The complaints are mainly aimed at the Establishment for the Reception of Migrants in Vaud (EVAM- l'Etablissement vaudois d'accueil des migrants). The director of this establishment, Pierre Imhof, has said that everything undertaken within the centre is done in compliance with the law. On 20 May, after 18 deputies in Vaud visited the centre, the socialist Roger Saugy said that the conditions seemed to be tolerable for short stays of no more than ten days, but the centre often accommodates people for several months. He added that the creation of centres such as the one at Simplan were purposely created to 'encourage' migrants to return to their countries of origin. A member of the Green Party commented on how she was hit by the distress and the fragility of the inmates. <http://cscps-10.blogspot.com/2008/07/un-centre-lausannois-pour-regurantes.html> and [http://www.evam.ch/fileadmin/groups/1/Presse/080704\\_24H\\_1.pdf](http://www.evam.ch/fileadmin/groups/1/Presse/080704_24H_1.pdf)

## USA

- A June 2008 report by the Department of Homeland Security's Office of the Inspector General called on Immigration and Customs Enforcement (ICE) to improve its detention conditions following the deaths of two detainees. The report's 11 recommendations for ICE included calls to separate criminal from non-criminal detainees as well as to improve reporting systems for detainee illness

and death. Though the report did not suggest ICE responsibility for the deaths, recent reports by media, immigrant advocacy groups, members of Congress, and a UN special rapporteur have called for detention centre health improvements. Current policies require immediate health screening upon arrival and comprehensive health assessment within 14 days of admission, but reports show that detention practices do not grant adequate health care. <http://www.migrationinformation.org/USfocus/display.cfm?ID=688>

- The expedited trials of undocumented and documented migrants alike we challenged in the U.S. Congress following the May raid of an AgriProcessors meat packing plant in Iowa. The challenge follows an 11 July 2008 New York Times exposé in which Erik Camayd-Freixas, the court-appointed interpreter, broke his confidentiality agreement to allege due process violations in the case. Camayd-Freixas sheds light not only on misunderstood rights waivers, but also on the lack of thorough interpretation of the charges brought against these Guatemalan migrants. Representative Zoe Lofgren, chairman of the House Judiciary Committee's immigration panel, raised doubts as to whether the Constitutional due process rights of the workers were honoured. <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/24/AR2008072403422.html?sub=new>
- In a related story, immigration proceedings have shown that more than 20 of the undocumented migrants taken into custody after the Postville, Iowa raid were under the legal working age, some as young as 13. In addition to illegally employing minors, the administration of the AgriProcessors kosher plant reportedly violated countless other employment laws, including records of 17-hour shifts without overtime pay and physical abuse of employees. Immigration attorneys are now seeking special visas while the undocumented migrants assist in the case against the management, who now face criminal charges. Immigrant advocates and trade unions decry the abuses as symptomatic of a broken U.S. immigration system. One thousand protesters convened on Postville on 27 July 2008 to advocate for fair working conditions and for Congress to grant legal status to undocumented migrants. [http://www.nytimes.com/2008/07/27/us/27immig.html?\\_r=1&scp=2&sq=immigration&st=cse&oref=slogin](http://www.nytimes.com/2008/07/27/us/27immig.html?_r=1&scp=2&sq=immigration&st=cse&oref=slogin); <http://icirr.org/node/3009>
- Ten immigrant workers, several of whom are undocumented, filed a lawsuit on 17 July 2008 against a temporary employment agency for thousands of hours of back wages. The agency violated minimum wage laws and overtime payment laws while benefiting from low-cost labour at O'Hare airport on the tarmac, cargo zone, and other areas of the airport. Several of the workers were accused of using fake ID cards, though at least one of the workers for Alitalia Airlines did not know that the badge provided by the airline was invalid. The airlines in question, including United, have dodged accusations of complicity in worker exploitation, as the workers were hired and managed by the temporary agency, Ideal Staffing Solutions. [http://www.chicagotribune.com/news/local/chi-immig\\_suitjul18,0,2667590.story](http://www.chicagotribune.com/news/local/chi-immig_suitjul18,0,2667590.story)

### **3. European Policy Developments**

#### **General**

- The first European conference on "Minority Ethnic and Migrant Elders across Europe - from Challenges to Opportunities" is organised in the context of the 'Active Ageing of Migrant Elders across Europe' project and will take place from 30 September 2008 to 2 October 2008 in Bonn, Germany. The conference will bring together 350-500 delegates from EU member countries, a wide international circle from the political, business, voluntary, legal and academic sectors and the

relevant communities at large. The conference will be a balanced mixture between theory and practice. Source: [http://www.enar-eu.org/Page\\_Generale.asp?DocID=15291&langue=EN](http://www.enar-eu.org/Page_Generale.asp?DocID=15291&langue=EN)

- On 1 July, Amnesty International released a report denouncing the situation of migrants and asylum seekers in Mauritania. The report shows how since 2006 thousands of migrants, accused of trying to enter the Canary Islands irregularly from Mauritania, have been arbitrarily detained and then forcibly returned without any right of appeal to challenge the decision before a judicial authority. Many of them have been held for several days in a detention centre in Nouadhibou, which was funded by the Spanish authorities. Some of them have been ill-treated by members of the Mauritanian security forces. Nationals of West African countries, including regularly staying migrants and refugees, say they have been arbitrarily arrested in the street or at home and accused, apparently without any evidence, of intending to travel further to Spain. Some migrants have been the victims of racketeers and many have been forcibly returned by the Mauritanian authorities to Mali or Senegal. For a few years, this country has been put under lot of pressure from the EU and especially Spain to better control emigration flows. Amnesty International especially stresses the need for the Mauritanian authorities to restrain the use of detention strictly to when it is necessary and proportionate and to respect their obligations under international refugee law. AI also calls for the EU and especially Spain to promote a better treatment of asylum seekers in Mauritania, to ensure that they have access to fair and satisfactory procedures and that cooperation with Mauritania does respect individual rights and international law standards. Sources: ECRAN Weekly Update of 4 July 2008 <http://www.ecre.Org> and <http://www.amnesty.org/fr/library/asset/AFR38/001/2008/en/ad88667f-46c2-11dd>
- In the framework of the AENEAS Programme 2006, the ERIT Project (Irregular Transit-Migration) has been officially launched on the 24<sup>th</sup> June 2008 in Ukraine. The project will have a length of 24 months and it will be aimed to sustain the Ukrainian migration system as well as to strengthen the links between the EU countries and Ukraine on that issue. Source: [http://www.delukr.ec.europa.eu/press\\_releases.html?id=48142](http://www.delukr.ec.europa.eu/press_releases.html?id=48142)

### **European Commission**

- The European Commission adopted on Wednesday 2 July its third annual report on the implementation of the Hague Programme, assessing the achievements in the area of Justice, Freedom and Security in the year 2007. The report, also referred to as the 'Scoreboard', found that that the achievements were "rather unsatisfactory". With regard to the Common European Asylum System, "some progress" was reported, but "overall the results in this fields are nonetheless mixed". As achievements in the field, the Commission identified the evaluation of the transposition and implementation of the legal instruments of the first phase of a Common European Asylum System, the completion of the Policy Plan on Asylum and the proposal for an amendment of the Long Term Residence Directive in order to extend its scope of application also to the beneficiaries of international protection. The Hague Programme is a five-year programme setting out the aims in Justice and Home Affairs policies at EU level from 2005 to 2010. As follow-up to the Hague Programme, the Swedish government will most probably present during its EU Presidency (second half of 2009) a new five-year 'Stockholm Programme'. Source: ECRAN Weekly Update of 11 July 2008 [www.ecre.org](http://www.ecre.org)

### **European Parliament**

- On Wednesday 16 July, a public hearing at the Civil Liberties Committee has been organised to examine the Commission's proposed directive on sanctions for employers of irregularly resident third country nationals. MEPs were generally in favour of the directive even if some of them were

concerned it was too harsh. The text under discussion aims to set out Europe-wide minimum penalties for employers concerned, including paying the costs of returning the workers to their country of origin, while at the same time ensuring that the workers get any back pay they are due.

MEPs will be considering the Commission's proposal under the co-decision procedure in the autumn. Source: [http://www.europarl.europa.eu/news/expert/infopress\\_page/018-34092-196-07-29-902-20080714IPR34091-14-07-2008-2008-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/018-34092-196-07-29-902-20080714IPR34091-14-07-2008-2008-false/default_en.htm)

- The European Parliament Civil Liberties Committee organised a round table on 30 June 2008 on the "Liberty and security in the integrated management of the European's Union borders". Speakers included Baroness Sarah Ludford (ALDE), Carlos Coelho (PPE-ED), Jeanine Hennis-Plasschaert (ALDE), Javier Moreno Sanchez (PES) For more information: <http://www.europarl.europa.eu/activities/committees/hearingsCom.do?language=FR&body=LIBE>

## Council of the European Union

- EU ministers have agreed in principle to a French plan aimed at reforming immigration rules across the union. At an informal meeting of EU Justice and Home Affairs Ministers in Cannes on 7-8 July, ministers from all 27 states signed a draft pact agreeing common rules on the treatment of migrants and asylum requests. French diplomats hope to get the new rules adopted officially in October. The ministers agreed to the plans after France dropped a controversial clause calling for migrants to be obliged to learn the host language and culture. But the pact keeps a version of the pledge to avoid mass regularisation for undocumented migrants. Source: [http://www.enar-eu.org/Page\\_Generale.asp?DocID=15291&langue=EN](http://www.enar-eu.org/Page_Generale.asp?DocID=15291&langue=EN)
- Proposals by the European Commission to crack down on the employment of undocumented immigrants are facing strong opposition from EU member states, with many indicating that they cannot accept criminal sanctions being imposed at an EU level. The disagreement emerged when the proposals were discussed by interior ministers at a meeting in Brussels on 24 July. The Commission's aim is that member states will establish common rules on penalties that could be imposed on employers who hire unauthorised workers. It is proposing that they should be compelled to apply criminal sanctions to particularly serious abuses and not be allowed to treat them as simple administrative misdemeanors. The inclusion of criminal sanctions has, however, aroused opposition from a number of member states. Objections include that it would be an affront to national sovereignty, and that it would go beyond the Commission's powers. One of the leading critics is Germany's interior minister, Wolfgang Schäuble. He is backed by Poland, the Netherlands, Latvia, Hungary, the Czech Republic, Sweden and Finland. Both Sweden and Finland contest that the Commission does not even have the power to propose the inclusion of rules on criminal sanctions. The Commission also faced strong opposition at the meeting over another element of its proposals: that member states should be set a quota for how many businesses they have to inspect every year, to see if they employ unauthorised workers. The idea was opposed by a number of member states during the discussion, including Germany, Finland, Netherlands, Slovakia, Lithuania, Hungary, the Czech Republic, Sweden, and Poland. Source: <http://www.europeanvoice.com/article/2008/07/2127/eu-wide-rules-on-immigrant-employment-resisted/61862.aspx> and <http://www.euractiv.com/en/mobility/eu-split-punishing-employers-illegal-migrants/article-174516>
- At a meeting on 5 June, Justice and home affairs ministers have set deadlines for the European Commission to initiate measures to strengthen EU border control and surveillance. They invited the Commission to propose an entry/exit scheme and a registered traveller programme for non-EU nationals by the beginning of 2010. They also asked the Commission to study the creation of an electronic travel authorisation scheme for people wishing to visit the EU, to be presented in the first

half of 2009. The deadlines are a response to the border management package presented by the Commission in February. Source: <http://www.europeanvoice.com/article/2008/06/0208/ministers-set-border-management-deadlines/61090.aspx>

#### **4. Undocumented Children**

- The Antwerp police lifted a twelve-year old girl from Ecuador who has been living and going to school in Belgium for eight years, together with her mother and grandmother, from her apartment on 1 July. On the same day, their demand for regularisation was denied. The family was subsequently detained in the closed centre of Steenkokkerzeel and put on a plane to Ecuador three days later. Due to this short term, any form of appeal by a lawyer was made impossible. The Alien Service, supported by the City of Antwerp, traditionally hunts for children in similar situations in the beginning of the summer holidays. The Movement for Children without Papers (Beweging voor Kinderen zonder Papieren) published a step plan for families who run a risk to be expelled, which can be requested via email: [info@kinderenzonderpapieren.be](mailto:info@kinderenzonderpapieren.be) (Source: <http://www.kzp.be/wordpress/?p=73>)
- In Belgium a law carrying various provisions related to health care, introduced on 13 December 2006 (M.B. December 22 2006 - Chapter XVI), called "insurance of the minors" addresses the right to refunding health care provided to unaccompanied foreign minors, whatever their administrative status, as long as they have followed a scholarship for 3 successive months if they are above 6 years old, or have been presented to a youth help service if they are under 6 or are exempted of compulsory education. The law entered into force in principle on 1 January 2008, but one has to await the circular of the INAMI (National Institute of Health Insurance), 9 May 2008 to make the right to refunding health care provided to unaccompanied foreign minors effective. See Separated Children in Europe Program, Newsletter No. 30, January - June 2008, [http://www.separated-children-europe-programme.org/separated\\_children/publications/newsletter/Newsletter\\_No\\_30.pdf](http://www.separated-children-europe-programme.org/separated_children/publications/newsletter/Newsletter_No_30.pdf)
- On 20 November 2008 the campaign and website to raise awareness of the rights of children staying irregularly will be launched in Rotterdam, the Netherlands by Defence for Children International-the Netherlands and LOS (a national organisation defending the rights of undocumented persons). The website is financed by Pro Juventute and the name of the website will be: [www.iLegaalkind.nl](http://www.iLegaalkind.nl) and [www.iLegalchild.org](http://www.iLegalchild.org) (you will also be able to find the website at the following addresses: [www.illegaalkind.nl](http://www.illegaalkind.nl) and [www.illegalchild.org](http://www.illegalchild.org)) The UK government announced a review of the reservation on the UN Convention on the Rights of the Child 1989 ('the UNCRC') for children subject to immigration control on 14 January 2008. An announcement is expected later in the year. For the full Home Office press release, see: <http://nds.coi.gov.uk/Content/Detail.asp?ReleaseID=344732&NewsAreaID=2>
- The Dutch Coalition for Children's Rights has drafted a third report on the implementation of the Convention on the Rights of the Child. The Coalition advocates that, with a view to their development, unaccompanied minor aliens should receive a definitive answer as to the possibility of residence in the Netherlands as soon as possible. Particular attention needs to be devoted to unaccompanied minor aliens who have lived in a Dutch foster family for many years and have developed ties with their foster parents. See Separated Children in Europe Program, Newsletter No. 30, January - June 2008, [http://www.separated-children-europe-programme.org/separated\\_children/publications/newsletter/Newsletter\\_No\\_30.pdf](http://www.separated-children-europe-programme.org/separated_children/publications/newsletter/Newsletter_No_30.pdf)

## **5. Upcoming Events**

From 3 -5 September the 61st Annual United Nations DPI/NGO Conference will take place in Paris, France with the topic "Reaffirming Human Rights for All: The Universal Declaration at 60". UN DPI NGO Section, NGO/DPI Executive Committee. Information on the conference and updates are available on the following websites UN DPI NGO Section: <http://www.un.org/dpi/ngosection/index.asp>

Three antiracist camps that aim to raise awareness about the living conditions and human rights of undocumented migrants will take place 16 -24 August in Hamburg ,Germany; 29-31 August in Patras, Greece and 3-7 September in Diliki, Turkey .For more information: <http://fortresseurope.blogspot.com/2006/01/no-border-holidays-in-hamburg-patras.html>

The International University Menéndez Pelayo , in collaboration with the Spanish Ministry of Interior, the Spanish Red Cross and Accem, present the third edition of the Cuenca Colloquium on International Refugee Law, a workshop and research group that will take place from the 23 to the 25 September in Cuenca, Spain. [http://www.accem.es/?action=showNews&news\\_id=25](http://www.accem.es/?action=showNews&news_id=25)

Following the first non-governmental Euro-African conference on "migration, freedom of circulation and fundamental rights" and in response to the French Presidency of the European Union and its focus on migration, the Citizen's Summit on Migration will take place in Paris on 17-18 October, to promote an alternative vision of immigration within European Union, Africa and the rest of the world. [www.despontspadesmurs.org](http://www.despontspadesmurs.org)

Eurochild's fifth Annual Conference will take place from 5 to 7 November 2008 in Budapest under the title "Including Children: a child rights approach to child well-being". The conference will gather high-level representatives from member states and the European Commission, as well as government officials, NGOs and children, to discuss the EU social inclusion process and its impact on national and regional policies to combat child poverty and exclusion. To register go to <http://www.eurochild.org/?id=148>

The department of international law of l'UCL organises an event with the title "The foreigners in front of the law", in the frame of the law days "Jean Dabin" which will be held on the 13 and 14 November 14, 2008 at Louvain-la-Neuve. For any information, you can write with [journees-dabin@uclouvain.be](mailto:journees-dabin@uclouvain.be)

## **6. Publications**

The National Coalition of Anti-Deportation Campaigns has released an extensive report on the use and misuse of force in immigration detention and removal, often perpetrated by outsourced security forces. Cases involved children who suffered physical, physiological, and sexual abuse, as well as abuse against rape and torture victims who were rejected asylum. The report calls on the government of the UK to uphold its human rights obligations, both in the physical treatment of detainees and by increasing access to asylum. To download the report visit: <http://www.ncadc.org.uk/emmaginnsfolder/emmaginnsfolder/july%2008/Outsourcing%20Abuse.pdf>

The right 'to leave' a country, laid down in Article 13 (2) of the Universal Declaration of Human Rights, has no corresponding right 'to enter' a country. This apparent contradiction has produced a publication edited by Antoine Pécoud and Paul de Guchteneire, two UNESCO programme specialists, on international migration entitled 'Migration Without Borders - Essays on the Free Movement of People'. The book attempts to explore the scenario of a world where migration knows no borders. [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=11679&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=11679&URL_DO=DO_TOPIC&URL_SECTION=201.html)

France Terre d'Asile

## **7. PICUM News**

## **8. Miscellaneous**

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Special thanks to ... and ... for translation and to ... for proofreading of the newsletter in French/Spanish/Dutch/German/Portuguese/Italian.

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Dear colleagues,

Enclosed is the August 2008 edition of the PICUM newsletter in Word document format.

Sincerely,

Christine Lenz

PICUM Administrative Assistant

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