



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter December 2008

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

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Index

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

1. Death at the Border

- Greek border police announced on October 29 to have recovered in 24 hours two undocumented migrants who drowned, and intercepted a total of 99 others in eastern Aegean, facing the Turkish coast. Another patrol also discovered in the evening of October 28 north of the eastern Aegean the body of a presumed immigrant wearing several layers of clothing. Two other groups of 39 and 32 migrants were also intercepted Tuesday off the coast of Samos and Lesbos. All of these migrants, including 22 women and 12 children, whose nationalities were not specified, came from the nearby Turkish coast. Earlier in October, the Greek and Turkish authorities had announced the discovery north of the Aegean sea of a total of 20 drowned bodies, including two children and a woman,

among which six Iraqi passport holders, probably victims of a shipwreck.

<http://www.arci.it/news.php?id=10240>

- The Moroccan official news agency MAP reported on 9 October that up to 50 would-be irregular migrants heading for Spain could have drowned after their vessel capsized in rough seas. At the time when the announcement was made only one body was found near the coast of the port city of Kenitra, from where the vessel is believed to be departed. (Migration News Sheet, November 2008, p.12)

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

UN

- International migration could be an effective tool to tackle the current financial crisis, Secretary-General Ban Ki-moon said at the 2nd Global Forum on Migration and Development in Manila in the Philippines, stating that the movement of workers across borders can help make economies more efficient and redress economic inequalities. "Human mobility makes our economies more efficient, even when they are not growing, by ensuring that the right skills can reach the right places at the right time," he stated. "Human mobility also helps redress the enormous imbalances that have led to harsh economic inequality." <http://www.un.org/apps/news/story.asp?NewsID=28750&Cr=&Cr1>
- The UN High Commissioner for Human Rights, Navanethem Pillay, denounced on 2 October the increasing number of immigrants who are held in detention in industrialised nations. The Commissioner denounced also the maximum period of 18 months of detention foreseen in the EU directive for returning irregularly staying third-country nationals. She expressed the fear that EU Member States "may resort to detention excessively and make it the rule rather than the exception". The text of the return directive can be downloaded from <http://register.consilium.europa.eu/pdf/en/08/st03/st03653.en08.pdf>. (Migration News Sheet, November 2008, p.9)

General

- A joint civil society declaration strongly criticizing the Global Forum on Migration and Development (GFMD), which was held in Manila, Philippines, was issued at the Peoples' Global Action on Migration, Development and Human Rights (PGA), a parallel event to the GFMD. The "PGA Joint Civil Society Declaration on Migration, Development and Human Rights" outlines the common position of over two hundred organizations from around the world. The three-page declaration provides an analysis of the context of migration policy today, including that governments must ensure equality and non-discrimination for migrants and recognize their human rights, whether or not they are in "regular" or "irregular" status. <http://www.migrantwatch.org/Activities/GFMD2008section.html>
- A massive and unlawful crackdown of undocumented workers by the Korean Ministry of Justice and police force took place in a furniture factory complex in Masok, Korea on 12 November. This crackdown was a co-operation between the Prosecutor's Office and the police force, with 100 police officers and immigration officers of Seoul, Eujeongbu and Incheon Airport. The immigration officers are said to have grabbed migrant workers on the street, in the factories, in the dormitories and homes, resulting in more than 100 migrant workers in custody. This massive crackdown has put documented and undocumented migrant workers in the state of terror and fear, depriving them of their labor and human rights. Many migrant workers were injured during this violent crackdown while running away from immigration officers, two among which needing serious operations. According to

the press release from the Ministry of Justice, another crackdown also took place in the Cheong-San Farm in Yeon-Chon, Gyeonggi-Do in a similar manner. Korean migrants' rights organizations have launched a call to the Korean government to stop the crackdown against migrant workers and bring those responsible to justice, as well as to release the migrant workers arrested during the crackdown. For more info see Joint Committee with Migrants in Korea (JCMK), and http://migrant.nodong.net/bbs/view.php?id=news_notice&no=399.

France

- For more than a week, 43 Afghan refugees, some of whom juveniles, were held in the administrative detention center of Coquelles near Calais awaiting deportation to Afghanistan, it was reported on November 13. "Despite the statement by the Ministry of Immigration issued Tuesday, we have had information indicating a flight to London, with transits in Lille and Baku, and to final destination Kabul was scheduled for Tuesday, November 18", stated the French migrant rights advocacy group MRAP. Le Monde reported on November 7 that the anticipated deportation was denounced by many associations, as Cimade, the information and support group for immigrants (Gisti), the Association Salam, and the MEP Helene Flautre. They fear that these Afghans are facing the same fate as Hussein Mohammed, who Australia had refused his application for asylum and was beheaded at his arrival in Afghanistan. They accuse that the French government is recklessly putting the lives of Afghans expelled from France in danger. <http://cdim.cerium.ca/ll-n-y-aura-pas-de-charter-pour>
- 60-year old Josiane Nardi died from the serious injuries of third-degree burns after setting herself to fire on 18 October to protest against the impending expulsion of her Armenian partner. During a press conference, in front of journalists and without warning, she poured petrol over herself and set herself alight. A couple of days later, another French woman threatened to commit suicide, because her partner was taken into custody a week earlier for not having a valid residence permit and was under the threat of expulsion. (Migration News Sheet, November 2008, p.10-11)
- Gisti just published *Autorisation de travail salarié. Critères de l'administration, procédure (Employment authorization. Criteria for the administration procedure)* about labour migration in France. It presents the complex administration, the procedural steps and cases of approval and refusal for undocumented workers. It's possible to order the publication at: http://www.gisti.org/publication_pres.php?id_article=1256

Spain

- The Popular Party argues that the solution to stem the flow of irregular entrances includes demanding that Morocco take more control over its borders. The Secretary of Communication of the Popular Party, Cristina Rivas, is convinced that the Rabat government can do more to stop the massive flows of migrants to Spain. In addition to such cooperation, Rivas calls upon the Spanish government to develop an immigration policy that put an end to situations such dramatic as those of the undocumented migrants. <http://www.diariosur.es/20081114/melilla/pide-gobierno-reclame-marruecos-20081114.html>
- The European Commission has lodged an application with the European Court of Justice, accusing Spain of neglecting its obligations regarding the transposition of Council Directive 2004/81/EC of April 2004 on the residence permit issued to third-country nationals who have been the subject of an action to facilitate irregular immigration, who co-operate with the competent authorities (C-266/08). After Luxembourg, Spain is the second EU Member State to face procedures for the non-transposition of this Directive. (Migration News Sheet, November 2008, p.10)

- The deputy Foreign Minister, Angel Lossada, informed the Spanish Senate on 21 October that a search and rescue plane would soon be put into use by the Senegalese authorities to combat irregular migration. Madrid is hoping that the delivery of the plan would improve further the surveillance of the Atlantic Ocean with the aim of preventing vessels transporting undocumented migrants clandestinely to the Canary Islands and the Spanish peninsular. (Migration News Sheet, November 2008, p.12)
- Torrential rain and flooding in the Moroccan town of Nador and the neighbouring Spanish enclave Melilla on 26 and 27 October caused extensive damages to both places and even resulted in death of at least 22 Moroccans. However, for sub-Saharan irregular migrants, the disaster was an opportunity to get into Nador and Melilla without the dangers of trying to get over the three-metre high fences. 80 metres of the triple fences were torn away by the flooding and parts of them were rendered completely useless. (Migration News Sheet, November 2008, p.12)

Italy

- On 30 October Doctors Without Borders (MSF) ended its activities at the harbor of the Italian island of Lampedusa. MSF was forced to make this decision after the Italian Interior Ministry refused to sign a new Memorandum of Understanding. The Ministry also failed to provide the necessary authorization to allow the MSF team to continue working adequately. "It is unacceptable that while MSF medical teams are able to respond to the same needs in many different contexts, also in very difficult and tense situations, we are practically forced to stop our medical and humanitarian assistance on the territory of a European state," said Loris de Filippi, MSF Operational Manager in Italy. MSF expresses concern about the lack of medical screening at the harbor of Lampedusa after its departure, particularly since its medical staff has noted an increase over the years in diseases linked to migrants' difficult traveling conditions (shock, hypothermia, skin burns, etc). http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=1856
- An Italian human rights group, Nessuno Tocchi Caino, accused Libyan authorities on 2 October of maltreating irregular migrants who are held in Italian-funded temporary reception centres in Libya to prevent them from leaving for Western Europe. The NGO called on the Foreign Minister, Franco Frattini, to clarify the conditions under which the migrants are held. From his side, the Italian Minister of Interior condemns Libya for not preventing irregular migrants from departing from its shores. (Migration News Sheet, November 2008, p.11)

UK

- Boris Johnson, the mayor of London, has broken ranks with David Cameron and the Conservative party by announcing plans to study the potential benefits of an amnesty for irregular immigrants. Johnson said this would lead to increased tax revenues, adding that mass deportation was impractical and too expensive. "What I want is to lead a debate about how sensibly to deal with the 400,000 people who are living here [in London] and working here irregularly," he said. The plans were condemned by the Conservative and Labour party. His idea is that immigrants would be allowed to stay only if they had been resident in Britain for five years, did not have a criminal record and had passed a citizenship test. <http://www.timesonline.co.uk/tol/news/politics/article5213454.ece>
- Following a reorganization of its government by Prime Minister Gordon Brown, a former head of the department of Communication of the British union GMB, has just taken command of the Ministry in charge of border protection and immigration. Phil Woolas is planning to increase the number of expulsions of irregular migrants and aliens suspected of terrorist activities in the country. He finds a favourable environment for its ambition following the decision to consolidate the immigration,

customs and visa issuance under one agency called Ukba. Nearly 10,200 irregular immigrants were blocked at the border that communicates with the Port of Calais in France. (Afriquechos, 20 October, http://www.afriquechos.ch/spip.php?article3613&var_recherche=Charles%20Atangana)

- The pink and blue identity card for foreigners outside Europe should do its entry into the UK on 25 November. The initial project, which aimed to make it obligatory for all to wear identity cards (which do not exist today), has raised criticism from all sides. As a consequence, Gordon Brown has revised its copy. As of today, all those who do not come from the EU and are resident in Britain will pay 30 Euros. These ID cards will help "to fight against identity fraud and irregular working, organized crime and terrorism," said Jacqui Smith, Minister of the Interior. The Conservative Party disputes the usefulness of the identity card to fight against "terrorism and irregular immigration" and plans to withdraw it if it wins the next election. (Le Monde, 24 November, http://www.lemonde.fr/europe/article/2008/11/24/une-carte-d-identite-sera-obligatoire-pour-les-etrangers-non-europeens_1122355_3214.html)

Ireland

- A family-owned garden centre was forced to pay an immigrant worker €40,000 after victimising him. Watters Garden World, of Roodstown, Ardee in Co Louth, reported its own employee to gardai for immigration offences after he complained about his treatment. Moldovan national Iurie Panuta contacted the Equality Tribunal because his bosses did not organise a work permit for him nor provide him with P60 tax documents. The company also failed to give Panuta, who had a basic grasp of English, a work contract and health and safety information in a language he could easily understand, it was found. The worker first complained to the tribunal in January 2006 and when Watters Garden World was notified they reported him to gardai over his immigration status. (Breaking News Ireland, 18 November, <http://www.breakingnews.ie/archives/2008/1118/ireland/mhidgbqlqbau/>)
- The Migrant Rights Centre Ireland (MRCI) has been calling for a temporary permission to remain, or 'Bridging Visa' to be brought in for migrant workers who have become undocumented through no fault of their own. During the recent social partnership talks, senior government officials stated that plans to implement such as scheme were being considered, and that it would be brought in before the Immigration, Residence and Protection Bill is passed. http://www.mrci.ie/policy_work/IrreqMigrant_UndocuMigrant.htm

Belgium

- The Board of Directors of the Universite Libre de Bruxelles (ULB) decided that the two hundred undocumented migrants that had been occupying the sports hall of the ULB campus since 19 November could stay until they will have new accommodation, because of humanitarian reasons. The board also called for a new committee to accompany the undocumented migrants, which will have to help the migrants in finding a new residence. The "sans papiers" have moved from another building in Brussels that was occupied earlier by them for weeks, when the police removed them for security reasons. Source: de Standaard 20 November 2008
- Around 80 civil society organisations and other committed persons will gather in Antwerp on 14 December for a demonstration to demand from the Belgian government – especially from Asylum and Migration Minister Turtelboom – a clarification of their plans for the regularisation of undocumented migrants. For more information: www.beloftemaaktschuld.be

- The Centre pour l'égalité des chances et la lutte contre le racisme (The Center for equality of chances and the fight against racism) has published *Before & After : Enquête sur le statut socio-économique des personnes régularisées avant et après la loi de régularisation du 22 décembre 1999*. This study outlines the impact of the regularisation programme in Belgium of 22 December 1999 on regularised immigrants. About 160 migrants regularised during the regularisation of 2000 were interviewed for this study (drawn from a sample of around 700 migrants). The study, realised by two universities in Antwerpen and Brussels, compares the situation of the regularized persons before, during and after the procedure. For more information, see <http://www.ulb.ac.be/socio/germe/>.
- Desesperado is a forum for anyone who is waiting for clarity on who can stay in Belgium and who does not. Professionals in contact with people without papers are experiencing the disadvantages of a non-policy. Indirectly, the testimonies are about the human suffering caused by persistent insecurity. www.desesperado.be is a creative attempt to stop internal fighting of the Belgium government to achieve a circular letter regarding regularization with clear criteria. On the website, you can sign the petition or tell your story related to the Belgian migration issue.

Turkey

- Several dozen irregular migrants held in a detention centre in Kumkapi on Istanbul's European side took part in a rebellion on 13 October. They complained that they were treated "like animals" and receive only one meal a day. Moreover, there's a lack of medical care. Last June, a riot broke out in another detention centre for undocumented migrants in a Turkish province near the border with Bulgaria, where a Somali man was shot dead. (Migration News Sheet, November 2008, p.28)

Netherlands

- Morocco accepts the return of undocumented Moroccans living in The Netherlands: this is part of an action plan signed by Maxime Verhagen, Dutch minister of Foreign Affairs and his Moroccan counterpart Taieb Fassi Fihri. According to Verhagen 400 Moroccans face expulsion, but because they lack identification papers, Morocco has until now refused to provide them with laissez-passers. Source: ANP news, published 24th November 2008 on de Volkskrant website: <http://www.volkskrant.nl/buitenland/article1098323.ece/Marokko+accepteert+terugnemen+Marokkanse+illegalen?source=rss>
- On the 8th of October, the Lower House discussed the Research and Documentation Centre of the Ministry of Justice (WODC) research paper "Undocumented stay in The Netherlands" (Illegaal verblijf in Nederland). The WODC performed a literature study on undocumented living in The Netherlands. Download the full report on: <http://www.lampion.info/Docs/Illegaal%20verblijf%20in%20Nederland%20een%20literatuuronderzoek%202008%20WODC.pdf>

Germany

- In September 2008 the Gen-ethisch Netzwerk (Gene-ethical Network) launched a campaign against the DNA diagnostics law. The draft to this law foresees special provisions for migrants. The government draft seeks to make DNA testing obligatory when filing for family unification, thereby establishing DNA testing as an instrument for migration control. By this law, DNA testing as part of the procedures of visa and passport applications will be regulated and legalised for the first time. Should a test be negative and a blood relations should not be verifiable, the applicant may be subjected to criminal prosecution for illegitimately trying to obtain a stay permit. For more

information, see the campaign website: <http://www.gen-ethisches-netzwerk.de/finger-weg-von-meiner-dna>

- Afro Hesse, an undocumented Hip-hop artist from Darmstadt, Hesse, who had been detained in August and had been awaiting deportation, has meanwhile been released due to massive public support and is now awaiting the decision of the committee on petitions of the Hessian state parliament. Afro Hesse had grown up in Germany and was forced to go into hiding when the German authorities did not renew his stay permit in 2004. In the past four years he had released two albums that deal with the life of undocumented migrants. For more information, see: <http://www.spiegel.de/politik/deutschland/0,1518,585960,00.html>, and <http://www.afro-hesse.de>
- According to official figures, 55,000 long-stay asylum seekers have so far been issued with a temporary stay-permit, following the right-to-stay regulations passed two years ago. An elaborate feature on the effects of this legislation can be viewed here: <http://www.dradio.de/dlf/sendungen/hintergrundpolitik/879588/> (20/11/2008). It deals, among others, with the practice of excluding whole families from benefiting from the programme if a family member is charged with a criminal offence. A decidedly critical assessment of the regulation can be found in the daily newspaper die tageszeitung: <http://www.taz.de/1/politik/deutschland/artikel/1/geduldetemuessen-weiter-bangen/> (23/11/2008)

Poland

- While Poland has no agreement about providing healthcare to citizens of Ukraine and Vietnam (in contrast to such existing agreements with the Russian Federation, Albania or Macedonia), Agnieszka Pochrzęst writes in her article "Irregular emigrants, nobody's patients" published in *Gazeta Wyborcza* that even irregular migrants from Ukraine or Vietnam manage to access public healthcare in Poland. While patients in need whose stay in Poland is or has become irregular are not turned away by doctors, the medical institutions that treat them often accrue considerable debt. Paweł Obermeyer, Director of the Praski Hospital, the medical institution whose debt exceeds 60 mln PLN and where, among other immigrants, Vietnamese women often give birth, says with a sigh: "I treat them, and I fall into debt." Source: Agnieszka Pochrzęst, "Irregular immigrants, nobody's patients" ("Nielegalni imigranci, pacjenci niczyi", *Gazeta Wyborcza Stołeczna*, 03-11-2008, http://miasta.gazeta.pl/warszawa/1,86775,5880007,Nielegalni_emigranci_pacjenci_niczyi.html.

Hungary

- Hungary has one of the most homogenous, yet most anti-foreigner populations in Europe, as shown by the European Social Survey and other surveys measuring European citizens' tolerance towards foreigners. According to Demos Hungary, due to demographic indicators, globalisation, and changes brought on by the EU, Hungary will have to enter into a debate about immigration, which Hungary's western neighbours have been conducting for many years. Demos published *Immigration in Hungary: Threat or Opportunity* about this topic. You can download the publication at: <http://www.demos.hu/index.php?name=OE-DocManager&file=download&id=264&keret=N&showheader=N>.

Switzerland

- The presentations from the conference of the Nationale Platform "Gesundheitsversorgung für Sans-Papiers" (National Platform "Health Care for Sans-Papiers"), which took place on September 12, 2008 in Berne, are available online at http://redcross.ch/info/dossier/dossier-de.php?dossier_id=24. They deal with issues such as "Social security", "Access to health care for undocumented women",

"Migration and Tuberculosis", Best-Practice Examples" and "Propositions for Future Standards" (in English, German or French).

USA

- According to the Community Legal Services of Philadelphia, one leading indicator of the economy is the amount of "wage theft" lawsuits brought by immigrant labourers against employers who have not paid them. Representing ten immigrants of various nationalities in a recent case, staff attorney Nadia Hewka won a judgment totalling \$18,000 for non-payment of wages. The ten plaintiffs were not all irregular immigrants, "but the employer assumed, because they were Spanish speakers, they were all undocumented," she said. "I didn't ask every one about his status, but I imagine some were undocumented." (NELP Immigrant Employment Rights, 16 November, <http://www.nelp.org>)
- The US Supreme Court decided on 17 November to deny certiorari in a National Labour Relations Board (NLRB) case concerning whether undocumented workers are considered employees under Section 2(3) of the National Labour Relations Act (NLRA). The issue about the status of the undocumented workers became important because the company refused to bargain with the union once it won the election because 17 out of 21 employees were challenged as being in the United States irregularly. (NELP Immigrant Employment Rights, 18 November http://lawprofessors.typepad.com/laborprof_blog/2008/11/supreme-court-t.html)

3. European Policy Developments

General

- The European Union is sending policemen into Romania to help Bucarest protect itself from irregular immigration. Compared to last year, the number of irregular crossings has doubled. The Romanian borderline is now the Oriental fringe of the European Union. The most sensitive part of it is 700 kilometers long and separates Romania from the Republic of Moldavia. Frontex has a presence at the Romanian-Moldavian border. More and more potential undocumented migrants are now caught at this border. By 2011 Romania and the European Union will have invested more than a billion euros in the security of this border. The stakes are high since Romania, a transit country to Western Europe, increasingly appeals to would-be immigrants, especially because it is due to join the Schengen agreement in 2011. Source: <http://www.france24.com/en/20081106-report-romania-moldavia-european-union-border-control-police-illegal-immigration&navi=REPORTAGES>
- On 25 November, the Second Euro-African Ministerial Conference on Migration and Development was held in Paris involving the participation of sixty countries and twenty international organizations. The conference was the follow-up of the first Euro-African Ministerial Conference held in Rabat in July 2006 laying down the foundation for a close partnership between countries located along the West African migratory route. On the occasion of the Paris Conference a Three-Year Cooperation Programme was adopted aimed at clarifying the areas of actions and defining concrete measures intended to be implemented during the period from 2009-2011. The Cooperation Programme focuses on three main points of global approach to migration: managing legal migration, combating irregular migration and strengthening synergies between migration and development policies. The participants undertake to implement, on a voluntary basis, a number of actions outlined in the programme. On 27 November the Justice and Home Affairs Council welcomed the adoption of the Cooperation Programme. Source: http://www.ecre.org/files/ECRE_Weekly_Bulletin_28_November_2008.pdf

- The study requested by the European Commission on “practices in the area of regularisation of irregularly staying third-country nationals in the Member States of the EU” was completed already several months ago, but its contents may never be published. The European Commission is apparently faced with the dilemma that the authors of the study are openly critical of the policies carried out by some European governments. It appears that the conclusions may also be in conflict with the French presidency’s project, namely the European Pact on Migration and Asylum. (Migration News Sheet, November 2008, p.9)
- The to date biggest joint mass deportation from the EU started in Vienna on November 14, 2008. 71 undocumented migrants from 11 European states (France, Spain, Poland, Slovenia, Germany, Switzerland, Luxembourg, The Netherlands, Italy, Great Britain and Austria) were deported to Gambia and Nigeria, accompanied by just under 200 police officers. Until that date, "only" 15-20 deportees from different countries had been deported in joint charter deportations. The public had not been informed about this operation financed via Frontex in order to prevent protest. Source: Tageszeitung Österreich, November 19, 2008

European Commission

- On 12 November negotiations on the EU-Libya Framework Agreement officially started between the Commission on behalf of the EU and Lybia. The objective of the negotiations is to strengthen the political, social, economic, commercial and cultural relations between the two parties. The Commission's negotiation mandate had been adopted by the Council of the European Union on 24 July 2008 for this purpose. The discussions will be exploratory in nature and help the European Commission and Libya to work out the framework and contents of the future agreement. The key areas of common concern include inter alia migration, visa, justice and home affairs. Maltese MEP Simon Busuttill (EPP/ED) stated that "Libya has the potential of being an important partner for the EU, notably on trade and on energy, however, talks must also cover the issue of immigration and no agreement can be possible unless immigration is also included." Due to Libya’s poor human rights record, Human Rights Watch and Amnesty International earlier emphasized the priority of human rights in the shaping of future EU-Libya relations. Sources: http://www.ecre.org/files/ECRE_Weekly_Bulletin_21_November_2008.pdf
- The European Commission has launched a public consultation on the future priorities in the field of Justice and Home Affairs policy. The European Civil Liberties Network (ECLN) has produced an alternative questionnaire to provoke a more wide ranging debate about EU policy and practice. For more information, see <http://www.ecln.org/index.html>.

European Parliament

- Between 4.5 and 8 million immigrants live irregularly in the European Union. Most work in sectors such as the building industry, agriculture and hotels. Civil Liberties Committee MEPs examining a proposed directive to penalize employers of irregular immigrants called for penal sanctions in the worst cases, stressed that immigrants must be paid legally and sought to make companies take responsibility for the practices of their sub-contractors. In this light, on the 4th of November, Civil Liberties Committee MEPs adopted a co-decision report drafted by Claudio Fava (PES, IT) in co-operation with the Employment Committee, in a vote that will guide negotiations with the Council. Talks between the rapporteur and the Council Presidency have already begun, with the aim of reaching a first-reading agreement by the end of the year. The Fava report was adopted in committee with 26 votes in favor, 3 against and 16 abstentions. Source: http://www.europarl.europa.eu/news/expert/infopress_page/018-41242-308-11-45-902-20081103IPR41241-03-11-2008-2008-false/default_en.htm. See also

<http://www.euractiv.com/en/socialeurope/employers-illegal-migrants-face-heavy-sanctions/article-177005>

- Despite divisions among political groups, the European Parliament backed the EU's 'Blue Card' scheme aimed at attracting high-skilled immigrants to Europe. German centre-right MEP Ewa Klant (EPP), who drafted the report, hailed its approval by Parliament: "We want realistic and viable criteria which make it interesting for the applicant yet at the same time ensures that the EU doesn't fall behind its competitors such as the US, Canada and Australia." The Parliament's report transformed the original Commission proposal in a number of ways, notably in modifying blue card eligibility requirements. For example, the Parliament stipulated that an eligible applicant must have found a job in the EU and have at least five years' experience in the sector concerned, whereas the Commission recommended three years. Also, MEP's called for the salary threshold for candidates to be considerably higher than originally foreseen: 1.7 times the national average wage in the applicant country, as opposed to the original 1.5. Though the Parliament's vote was only consultative, it is a significant step towards the creation of a European Blue Card system. The report was carried by a clear majority of 388 to 56, thanks to a pact between the Socialist PES and centre-right EPP parties. However, the large number of abstentions (124), led by the European Liberals and Greens, indicated that significant divisions persist. It is expected that the Blue Card system will be voted upon in the European Council in early 2009. Source: <http://www.euractiv.com/en/socialeurope/divided-parliament-approves-eu-blue-card-system/article-177380> and http://www.europarl.europa.eu/news/expert/infopress_page/018-41240-308-11-45-902-20081103IPR41239-03-11-2008-2008-false/default_en.htm

Council of the European Union

- On 27 November, the Justice and Home Affairs Council discussed again the proposal aiming at amending the Long-term Residence Directive with a view to extending the possibility of obtaining long-term residence status to beneficiaries of international protection. The Commission in June 2007 presented the proposal. The Long-Term Residence Directive gives a more stable status and social rights equal to nationals to third-country nationals who have been legally residing in a Member State for five years, have stable and regular resources and health insurance. All Member State delegations supported the proposal for amendment with the exception of Malta. Since no unanimity was reached among Member States negotiations are expected to continue under the Czech Presidency. http://www.ecre.org/files/ECRE_Weekly_Bulletin_28_November_2008.pdf

Council of Europe

- On 20 November, the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, presented his report on France, identifying problems concerning prison conditions, preventive detention, juvenile justice and rights of migrants. The Commissioner criticised, amongst others, the situation of people detained at the border and in detention centres who are not given enough time to complete their asylum applications. He also observed that French immigration policy, in particular the quota of irregular migrants to be expelled, raises serious human rights concerns. He recommends that regularisation and family reunification procedures be more transparent and invites French authorities to consult national human rights structures and NGOs more systematically and protect their independence. http://www.coe.int/t/commissioner/News/2008/081120FranceMemo_en.asp

4. Undocumented Children

- On Universal Children's Day, 20 November, the website www.iLegaalkind.nl was launched. The website helps undocumented children to find their rights. iLegaalkind.nl is an initiative of Dutch organizations Defence for Children International and stichting LOS. It also contains information for adults – parents, and professionals like teachers, police, doctors - and a special section for jurists. More info on <http://www.defenceforchildren.nl/>
- Universities are being asked to set up surveillance units to monitor the movements of international students in a government-led crackdown on student immigration scams. New rules to force universities to report overseas students who miss too many lectures to immigration officers will harm the academic-student relationship because lecturers are being asked to act in a "police-like" manner, according to a group of 200 academics and activists opposing the moves. A letter to the Guardian, organised by Ian Grigg-Spall, academic chair of the National Critical Lawyers Group and signed by leading academic lawyers, the head of the lecturers' union and Tony Benn, claims that the rules could breach the European convention on human rights, which guarantees the individual's right to privacy. <http://www.guardian.co.uk/education/2008/nov/10/international-students-migrant-scams-crackdown>
- In order to drive and support the elimination of racial discrimination, promote inclusion and diversity in education and training systems, and enhance the educational attainment of ethnic minority and migrant pupils across Europe, the European Network Against Racism (ENAR) proposes four key principles which should underpin all actions, in its fifth general policy paper on 'Fighting racism and promoting equal rights in education and training'. <http://cms.horus.be/files/99935/MediaArchive/pdf/GPP%20No%205%20Education%20-%20EN%20final%20and%20adopted.pdf>
- Eurochild recently held its 5th Annual Conference under the title "Including Children: A Child Rights Approach to Child Well-Being". It was co-organised with Eurochild's member organisation Family, Child & Youth Association in Hungary. The conference gathered more than 200 participants, including high level representatives from member states and the European Commission, 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. <http://www.eurochild.org/?id=137>
- *Hidden Children - the Story of State Care for Separated Children*, by Maria Corbett, Working Notes • Issue 59 • November 2008. This article examines how the Irish State has responded to the presence within its territory of the particular vulnerable group of separated children. <http://www.cfi.ie/images/stories/pdf/issue59/hidden-children.pdf>
- Carlotta Bellini of the Italian branch of Save the Children Italy raised on 7 October the alarm over the disappearance of hundreds of unaccompanied children from the residential centers in the southern Sicilian province of Agrigento where they were assigned. On the same day, the daily "La Repubblica" reported that at least 400 of the 1,320 children who arrived in Lampedusa so far this year have disappeared. (Migration News Sheet, November 2008, p.11)
- The Canary Islands are raising the alarm over the sharp increase in the number of unaccompanied minors arriving there, in addition to the influx of irregular migrants. When reporting on the situation on 3 October, the daily "El Pais" informed that there were already some 1,200 unaccompanied children in the reception centres of the archipelago, twice as many as the facilities would normally allow. (Migration News Sheet, November 2008, p.13)

- A father of four children (one younger than three years, two enrolled in kindergarten and one in the Jardin de Ville primary school), accompanied by two police officers in civilian clothing, went to pick up his children at the Jardin de Ville school on 29 November in Grenoble, France, in order to go for an “appointment at the town hall.” The evening of the same day, it was learned that the whole family was detained at the detention center in Lyon, and they were unavailable to be reached. Once they were reached the following day thanks to the public telephone at the center, they were in panic. The center’s administration was informed about a visit by CIMADE, the only association entitled to enter detention centers, and they would see the family in the morning of November 30. Arriving at the center, activists of CIMADE learned that the family was en route to the airport, and were deported from France. http://www.lepost.fr/article/2008/12/01/1343314_une-premiere-en-isere-des-enfants-rafles-a-l-ecole.html
- The Jugendliche ohne Grenzen (Youth without borders) conference took place in Potsdam, Germany, from November 19 - 23, 2008, parallel to the Conference of the German state Interior ministers. As part of the parallel event, participants elected the “Minister of Deportation”: this time the award goes to Christoph Ahlhaus, Interior Minister of Hamburg, for his pressing ahead of mass deportations. For Children's Day they organised a demonstration demanding equal rights for everyone, the observation of children's rights and a regularisation of undocumented migrants. <http://www.jogspace.net>

5. Upcoming Events

In the city centre of Antwerpen (Belgium) Christmas nativity scenes will be placed from 10 December until 12 January with the slogan “Is there space left in the public guesthouse?” Several civil society organisations ask attention for today’s Mary and Josephs: refugees, asylum seekers and undocumented migrants, looking for safety and housing. For more information, send an e-mail to sam.mampaey@de8.be.

In the framework of the seminar about “Nouvelles solidarités minoritaires: Groupes de pression et politiques communautaires” (“New solidarity for minorities: Pressure groups and common policies”), socio-demographer Patrick Simon will talk on 15 December about the role of pressure groups in immigration policies and their relationship with undocumented migrants. The seminar is open to the public and will be held at: 41, rue Gay-Lussac in Paris, fifth floor, room 98. Contact: Esther Benbassa on attben@noos.fr.

6. Publications

The European Women's Lobby (EWL) has just released a new publication, entitled “Working together - Prevention and assistance to women victims of trafficking for sexual exploitation,” which outlines the context for working against trafficking in women for sexual exploitation in Europe, and highlights the achievements of the Nordic Baltic Network in strengthening support and assistance to women victims of trafficking.

http://www.womenlobby.org/SiteResources/data/MediaArchive/Publications/Working%20Together_Nordic%20Baltic%20Network%20publication.pdf

The European Commission publication on ‘The Role of migrant women in the labour market: current situation and future prospects’ is a study project that was launched under the EIM programme (Employment Incentive Measures) in 2007 with the objective of providing a better understanding of the issues related to migrant women participation in the EU labour market.

http://ec.europa.eu/employment_social/employment_analysis/imm/migr_wom_fin_rep08_en.pdf

Asylum Rights: Grinding down the human rights defenders', by Liz Fekete, European Race Bulletin (No 65, Autumn 2008). In 2006, the European Race Bulletin carried out a survey of legal and other measures which criminalize asylum seekers and those who seek to act in solidarity with the undocumented. Now, the "crime of solidarity" is being extended and new penalties are being imposed on those who assist or support those without papers. The extended feature article documents both the increasing resistance against the inhuman treatment of asylum seekers across Europe and European governments' further criminalisation of solidarity and protest. Available at: <http://www.irr.org.uk/2008/november/ha000025.html>

The European Older People's Platform AGE has published a paper outlining the main barriers of older migrants in accessing health-and long-term care services. It makes recommendations to the European Union and Member States on how to facilitate access to this care. For more information, see <http://www.age-platform.org/EN/spip.php?article670>

Kim Bobo, the Executive Director of Interfaith Worker Justice, published her new book *Wage Theft in America: Why Millions of Working Americans Are Not Getting Paid — And What We Can Do About It*. In what has been described as "the crime wave no one talks about," billions of dollars worth of wages are stolen from millions of workers in the US every year. Undocumented workers form an important group in this sense. For more information, see <http://www.iwj.org/> and http://www.wagetheft.org/?page_id=4.

In February 2008, UK immigration regulations began enforcing a new regime of fines on employers found to be employing migrants without official permission to work. *Papers Please – The Impact of the Civil Penalty Regime on the Employment Rights of Migrants in the UK* of the Migrants' Rights Network (MRN) is the first attempt to look at the impact of this new regime on migrant workers themselves, on the vulnerability of them to exploitation and the erosion of basic employment rights. You can download a free copy from MRN's website (www.migrantsrights.org.uk).

Smaïn Laacher, sociologist at the Centre d'Etude des mouvements sociaux (Research center for social movements), wrote *Femmes invisibles*. This book is the first study on domestic and marital violence done to foreign women of women of foreign origin. It is by word and by writing that women have informed the associations Voice of Women and Ni Putes Ni Soumises their will to terminate violence and to repair justice. The force and originality of this book lies in the material that was used to analyze the violence: there were about 400 telephone calls, 300 letters and thirty in-depth interviews conducted with women and girls. To order the book, send an e-mail to ccauvin@calmann-levy.fr

The situation of the undocumented worker worldwide is one of great concern to liberal democracies in this globalized age. This is because of the undocumented workers' vulnerability to exploitation and the lack of applicability of labor and employment legal regimes once they are injured or suffer many of the myriad harms that can befall them in the workplace. Thus, it is evident that the worldwide undocumented worker population is one that will likely reap benefits of regularization to legal migration status in the countries of their residence, as they will no longer be a vulnerable "shadow population". The report of María Pabón López *Immigration Law Spanish-Style: A study of the regularización of undocumented workers in Spain* is available on http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=maria_lopez

The Migration Policy Group (MGP) has published a new *Guide to Locating Migration Policies in the European Commission*. This second edition not only maps the European Commission's policies related to migration, including the relevant cooperation and consultation mechanisms and funding programmes, it also discusses the issue of the evaluation of policies in terms of impact and effectiveness, as well as the use of indicators. <http://www.migpolgroup.com/news/4189.html>

The International Organization for Migration (IOM) published *Addressing the Irregular Employment of Immigrants in the European Union: Between Sanctions and Rights* as a follow-up on the IOM conference in Budapest of last April about “Combating Irregular Employment of Immigrants in the EU”. The project has studied the current realities and new policies in seven European countries (Belgium, Germany, Hungary, Ireland, Poland, Romania and Spain) vis-à-vis the researched topic, i.e. irregular employment of immigrants.

<http://www.iom.hu/PDFs/Addressing%20the%20Irregular%20Employment%20of%20Immigrants%20in%20the%20European%20Union%20Between%20Sanctions%20and%20Rights.pdf>

7. Miscellaneous

With the new website www.domesticworkerrights.org, the international organization IUF wants to give space to organizations of domestic/household workers to present themselves on their website. “We like to include photos - or other media presentations - of your actions but also we like to have photos of your work in households. The visibility of domestic/household workers and their organizations is most important.” Contact Anneke.vanLuijken@iuf.org for more information, see also http://www.fnv.nl/helpjezelf/mondiaal/fnv_mondiaal/interna_vakbeweging/huishoudelijk_personeel_ilo_conventie.asp

On the occasion of the “16 Days of Activism against Gender Violence Campaign” December 18 is releasing a package of audio reports dealing with the issue of female migration. More and more women are on the move, representing already half of the migrants worldwide. They are often targets of discrimination, abuse and other forms of violence. This is why female migrant workers need special protection. One is about the feminisation of migration and another one brings women migrant stories. http://www.radio1812.net/en/story/2008/11/more_women_move

The directors of the documentary *Come un uomo sulla terra* (“Like a man on the earth”) launched a petition regarding the campaign for an international investigation on the detention conditions of migrants and refugees arrested in Libya on their way to Europe. Signatures will be presented to the Italian and the EU Parliament. Find more information on the topic by sending an e-mail to comeunuomosullaterra@zalab.org or check <http://comeunuomosullaterra.blogspot.com/2008/01/since-2003-italy-and-europe-have-asked.html>.

In 2000, the UN officially declared the 18 December to be International Migrants Day (IMD): an occasion for all of us to celebrate migrants’ contributions and share their concerns. Radio 1812 is the global radio event organised by December 18, to celebrate the IMD. Making migrants’ voices heard is key throughout the event. This year’s aim is to get 200 radio stations on board, from community-based stations to national and international broadcasters as well as online radios. www.radio1812.net

The Human Rights Education Associates (HREA) developed a distance-learning course about human rights of migrants, migrant workers and their families. The online course will run from 4 February until 14 April and it is aimed at university students and graduates of international relations, international law, politics and other areas, NGO staff members, staff of international organisations, migrant rights advocates and other practitioners. The deadline for applications is 15 December 2008. For more information, see http://www.hrea.org/index.php?doc_id=928.

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