



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter February 2007

Finalized on 5 February 2007

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

Do you want to contribute to a humane policy of respect of human rights of undocumented migrants?

DONATE TO PICUM!

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

You are invited to donate to PICUM by transferring your singular or regular contribution to account number 001-3666785-67 (Fortisbank, Schepdaal (B), IBAN: BE93 001366678567). Please mention your name and address, and reference: "donation".

THANK YOU !

Index

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

1. Death at the Border

- On 28 December, Frollan Rodriguez, deputy director of immigration on the Canary Islands, informed that around 600 bodies had been found until that date in 2006 on the shores of the Canary Islands. Nonetheless, the real number of migrants who died while making the perilous journey to the Canary Islands could be ten times higher, said Mr. Rodriguez to a radio station. (*Migration Policy Group, Migration News Sheet January 2007, p. 13*)
- The organization "Asociación Pro Derechos Humanos de Andalucía" (APDHA) has recently published its annual "Report on Human Rights at the Southern Border". According to this report, a

total number of 1,167 deaths at the Spanish southern borders were documented in 2006. Nonetheless, APDHA estimates that this figure is in fact much higher and the real number of deaths at these borders would amount to approximately 6,000 to 7,000 people. The report can be downloaded at: <http://www.apdha.org/documentos/informeinmigra2006.doc>).

- Two immigrants drowned and five others were missing after a boat carrying irregular migrants sank off the eastern Aegean island of Samos (Greece) on 17 January. Another nine were found safe and sound. They were all part of a group of 16 people that had sailed into Greek waters. Source: *UNHCR Greece Newsletter (Kathimerini, 19 & 18 January / Vradyni, 18 January)*
- The Spanish fashion designer Antonio Miro provoked a debate in Spain when he used undocumented Senegalese immigrants as models during a fashion show in Barcelona on 19 January. Antonio Miro defended this new initiative by explaining that he wanted to show his solidarity towards African immigrants and to draw the attention to the tragedies that occurred almost every day in the Spanish coast.
http://tempsreel.nouvelobs.com/depeches/international/europe/20070119.FAP8062/un_createur_es_pagnol_fait_defiler_des_immigres_senegala.html
- The president of the Senegalese association “Cayucos’ mothers and widows”, Yaye Bayem, recently visited Spain on the invitation of the organization CEAR (Comisión Española de Ayuda al refugiado). The “Cayucos’ mothers and widows” association gathers more than 500 family members of undocumented migrants who died trying to reach the Spanish coast. More information at: www.cear.es and <http://www.eldia.es/2007-01-20/vivir/vivir9.htm>
- *Roll call of deaths of asylum seekers and undocumented migrants, 2005 onwards*: The Institute of Race Relations (IRR) has, since 1989, been recording the deaths of asylum seekers and undocumented migrants as a result of attempting to enter the UK, self-harm, denial of medical treatment, destitution, hazardous working conditions or racist attacks. This page lists deaths from 2005 onwards: <http://www.irr.org.uk/2006/december/ak000016.html>
- *The Deadly Consequences of Fortress Europe*, Information Leaflet N°24, by UNITED Against Racism. Since 1993, UNITED has monitored the deadly results of the building of a “Fortress Europe.” More than 6,700 deaths of refugees and migrants have been documented until now. <http://www.united.non-profit.nl/pages/info24.htm>
- A Mexican immigrant was shot and killed on 12 January by a Border Patrol agent in Arizona, USA, prompting an investigation by federal authorities and condemnation from President Felipe Calderón of Mexico. The immigrant, Francisco Javier Domínguez Rivera, was shot as he and six others were being taken into custody by a Border Patrol agent, shortly after they crossed into Cochise County in southeastern Arizona, between Naco and Douglas.
www.nytimes.com/2007/01/18/washington/18border.html?_r=1&oref=slogin

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

UN

- On 26 December, the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment, Manfred Novak, affirmed that Austria was also guilty of this practice and gave, as an example, the brutal treatment that a rejected asylum seeker suffered at the hands of three policemen. The UN Special Rapporteur also expressed his concern for asylum-seekers whose

claims are rejected in European countries and do not want to leave. Source: *Migration Policy Group, Migration News Sheet January 2007, p. 15*

- In a decision on 17 November 2006 made public on 1 December 2006, the UN Committee Against Torture (CAT) concluded that there were "substantial grounds" for believing that a Rwandan woman of Hutu origin and her son would be in danger of being subjected to torture if returned to their home country from Sweden. The expulsion from Sweden to Rwanda will therefore amount to a breach of Article 3 of the Convention, which prohibits torture and other inhuman or degrading treatment. This is the twelfth case in which the CAT has concluded that Sweden has violated the convention or it would be considered as having done so if it went ahead with the expulsion of the complaint(s) concerned. Source: *Migration Policy Group, Migration News Sheet January 2007, p. 14*

General

- Ten leaders of the Association of Southeast Asian Nations (ASEAN) signed an accord on 13 January 2007 that promotes the rights of millions of vulnerable migrant workers in a region that has been both a source and a destination for migrants. The landmark ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, the first such region-wide accord, identified eight commitments by ASEAN to protect and promote the rights of migrant workers. The declaration also stated ten obligations of both the receiving and sending states, including providing migrant workers with adequate access to the legal and judicial system, promoting employment protection, fair wages and access to decent working and living conditions for migrant workers. <http://www.mfasia.org/mfaStatements/F84-ASEANdeclarationonmigrantworkers.html> (news article) <http://www.aseansec.org/19264.htm> (ASEAN Declaration)
- A court judgment has been passed in Korea that gives undocumented workers permission to organize labor unions, so long as the immigrants are practically hired and are working. On 1 February, the Seoul High Court gave a decision on the lawsuit which was filed by the Migrants' Trade Unions of Seoul, Gyeonggi and Incheon Region (MTU), against the Seoul Regional Labor Office, that called for the cancellation of the office's refusal to authorize the establishment of a labor union. Senior judge Kim Su-hyeong ruled in favor of the workers, reversing the initial decision. <http://english.donga.com/srv/service.php3?bicode=040000&biid=2007020253968>
- On 14 January, World Day of Migrants and Refugees, Pope Benedict called on governments worldwide to protect migrants and their families by "specific legislative, juridical and administrative measures," and by providing whatever assistance they require. <http://www.theindiancatholic.com/newsread.asp?nid=5586>

France

- On 15 December 2006, Oumar Hamadou Dicko, Minister for Malians Abroad and African Integration, informed the visiting junior French Minister for Development Aid, Brigitte Girardin, that his country was not prepared to sign the proposed readmission agreement with France. France has already had a series of diplomatic failures to secure the signature of a readmission agreement. Previous attempts with Senegal, Cameroon and Gabon have also failed. Source: *Migration Policy Group, Migration News Sheet January 2007, p. 10*
- An undocumented migrant from Turkey committed suicide on 1 December by hanging himself in the Canet detention center in Marseille, France. He had been held there pending his expulsion from the country since November. According to his cellmate, he had cried out for help for about 30 minutes before guards unlocked the door and tried, in vain, to get him to breathe. The cellmate claimed that

the death could have been avoided had the guards paid heed earlier to his distress call. Source: *Migration Policy Group, Migration News Sheet January 2007, p. 10*

- During a press conference on 11 January, Ministry of Interior Nicolas Sarkozy clarified his position regarding the bill on the justiciable right to housing (see *PICUM Newsletter December 2006*). He said "it is clear that undocumented migrants will not have to have access to that", and he added: "I do not think that even migrants in regular situation will have access to this right". One hour later, the deputy (UMP, Vaucluse) Thierry Mariani pointed out that he would deposit an amendment to reserve the new dispositions on the right to housing "only for the migrants perfectly integrated who had acquired a ten-year residence card." <http://www.lemonde.fr/web/article/0,1-0@2-823448,36-854738,0.html?xtor=RSS-3208> and http://www.educationsansfrontieres.org/article.php?id_article=3796
- *Annual report on centres and places of administrative detention: When quotas and legalism become incompatible with the needs of humanity.* The sixth annual report by the NGO Cimade on administrative detention is the third since 2003, date of the major legislative reform on administrative detention, but also the first time when clear numbers of returns were fixed by prefectures and by the Ministry of Interior: 15,000 for 2004, 20,000 for 2005 and 25,000 for 2006. http://www.cimade.org/downloads/Rapport2005/rapport_2005_complet.pdf
- After the entry into force of the new measures regarding immigration laws in July 2006, the NGOs ADDE, Cimade, Fasti, Gisti, LDH and MRAP published a practical note to help people who have received an "obligation to leave French territory (OQTF)." This publication analyses the new regulation, details the possible appeals and is completed by examples of petitions admissible in front of the administrative court against the decision of rejection of permission to stay. <http://www.gisti.org/doc/publications/2007/oqtf/index.html#tel>
- *Histoires de mobilisations, Plein Droit* n° 71, December 2006. The NGO GISTI has issued a report on stories that marked 2006 in France, some of which triggered awareness raising and momentum, such as: the forming of the network "Uni(e)s contre une immigration jetable" (Together against throwaway immigration); actions concerning undocumented high school students; and the fight of undocumented migrants in the Parisian suburb of Cachan against eviction from their housing (see previous PICUM newsletters). <http://www.gisti.org/doc/plein-droit/71/index.html>

Spain

- Human Rights Watch sent an open letter to Prime Minister Zapatero on 9 January, expressing concern at reports of the upcoming conclusion of a bilateral readmission agreement between Spain and Morocco on unaccompanied children. One of the principal points of concern is the possibility of the authorities of the destination country to immediately return an unaccompanied child to the authorities of the country of origin if the child is apprehended the moment of crossing the border. If enforced, this provision would constitute summary expulsion in apparent violation of Spain's legal obligations under the 1951 Convention relating to the Status of Refugees and the principle of non-refoulement. <http://hrw.org/pub/2006/SpainMorocco010907.pdf> and http://www.elpais.com/articulo/espana/Human/Rights/Watch/acusa/Espana/permitir/inmigrantes/ilegales/soliciten/asilo/politico/elpepuesp/20070112elpepunac_2/Tes.
- The regional government of Murcia has created a "solidarity card," which allows access to the health system of Murcia for those undocumented migrants who did not comply with the requirements to obtain the traditional "health card". The authorities also plan to provide specialized

help to several vulnerable groups seeking health care including immigrants. (For details see <http://www.migrar.org/noticias/noticia/?id=541&t=0>);

- A criminal court in Alicante (Spain) has ruled that it is not a crime to work using a false identity when a person is trying to survive. The case had been brought against a Nigerian undocumented worker who had used the identity and the residence permit of a Nigerian documented immigrant to get a legal job. (Source: Diario Información, 20.01.2007 - <http://www.diarioinformacion.com/secciones/noticia.jsp?pNumEjemplar=1929&pIdSeccion=12&pIdNoticia=593727&rand=1170688793219>).
- A hundred and twenty Spanish policemen recently organized a demonstration at “Tenerife Sur airport” to complain about all problems encountered when trying to repatriate undocumented migrants to different Sub-Saharan African countries. The Spanish Police Confederation has been repeatedly denouncing a lack of coordination between the three Spanish ministries in charge of managing the repatriation flights (Interior, Labour and Social Affairs and Foreign Affairs). (Source: El Mundo, 24.01.2007 - <http://www.elmundo.es/elmundo/2007/01/24/espana/1169613395.html>).
- The number of undocumented migrants in the detention centres of the Canary Islands amounts to only 750 at present. Up to 20,843 undocumented migrants who arrived to these islands have already been transported to different regions in Spain. 80% of them are to have been assisted by NGOs (Source Diario Sur, 10.01.2007 - http://www.diariosur.es/prensa/20070110/espana/gobierno-comunidades-acogieron-papeles_20070110.html and http://www.diariosur.es/prensa/20060831/espana/acogen-ciento-casi-papeles_20060831.html).

Italy

- The commission of experts chaired by Staffan De Mistura, nominated by the Minister of Interior to evaluate the Italian detention system for undocumented migrants, presented the final conclusions of his study on 31 January. De Mistura clarified that even if the CPTs (Centri di Permanenza Temporanea - detention centres) are still necessary, the system of detention is inefficient and the detention centres will be progressively empty. The commission of experts suggests the improvement of assisted repatriation programs and the creation of separate welcoming centres for victims of trafficking and other vulnerable people. <http://www.aduc.it/dyn/immigrazione/noti.php?id=169497>

Greece

- The Council of Europe’s Committee for the Prevention of Torture (CPT) conducted a visit to Greece in August and September 2006 and produced a report on its findings which suggested that “widespread violence” was used against prisoners and that detention centers for migrants (in Mytilene, Chios, Evros and Athens) lacked basic amenities. In a written response on 21 December, the government said that some of the allegations could not be confirmed but that it was working to improve the situation. Source: *UNHCR Greece Newsletter (Avgi, Eleftherotypia, Kathimerini, 21 December)*
- In an interview for the Greek newspaper “Eleftherotypia” on 7 January, the new Head of UNHCR Office in Greece, Mr. Giorgos Tsarbopoulos, expressed his concerns about the low refugee recognition rate in Greece, compared to other EU countries, the ineffective asylum system, the poor detention conditions and the lack of an adequate protective institution for separated children. At the international level, Mr. Tsarbopoulos reminds that there are African countries that host hundreds of

thousands of refugees and endure much more migration pressures than western societies. Source: *UNHCR Greece Newsletter (Eleftherotypia, 7 January)*.

Portugal

- On the occasion of International Migrants Day on 18 December, the Portuguese government presented a proposal for a three-year plan aimed at promoting equal opportunities for people of immigrant origin and combating discrimination. "Many children of immigrants are forced to cut short their education because of poor social integration and marginalization in the big cities," said the Ministry for Presidency, Pedro Silva Pereira. "Education and professional training are key to improving integration of immigrants into Portuguese society". Source: *Migration Policy Group, Migration News Sheet January 2007, p. 27*
- The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its reports on 25 January on the ad hoc visit to Portugal in 2002 and the fourth periodic visit to Portugal in 2003, together with the authorities' responses. Among the different places visited: the Public Security Police at Lisbon Airport, the Detention Centre for undocumented migrants also at the Lisbon Airport. <http://www.cpt.coe.int/fr/etats/prt.htm>

UK

- The Confederation of British Industry (CBI) said on 3 January that migrants are playing a vital part in overcoming one of the biggest barriers to business expansion by making up for a shortage of skilled workers. The comments from the CBI, based on a survey of the London job market, contradict claims by opponents of an "open door" policy that east European immigrants are making a negligible contribution to Britain's wealth. Two thirds of the businesses surveyed warned that they expect skills shortages to be the biggest obstacle to growth in the first half of 2007. <http://news.independent.co.uk/uk/politics/article2121662.ece>
- On 3 January, the shadow home secretary, David Davis, called on the government to drop its reservation regarding the Council of Europe's Convention on Action Against Trafficking in Human Beings, and to sign and ratify it as soon as possible in order to eradicate this "modern slave trade". The opposition Conservative Party was also opposed to this Convention, signed in Warsaw on 16 May 2005, because article 14 of the text requires Signatory States to, inter alia, "issue a renewable residence permit to victims (...)". Source: *Migration Policy Group, Migration News Sheet January 2007, p. 13*
- Responding to concern about the UK asylum system, the Independent Asylum Commission is conducting an open investigation with a series of public hearings across the UK between January-November 2007. The hearings will be themed and will focus on one aspect of the asylum system at each one. <http://www.irr.org.uk/2007/february/ha000014.html>

Ireland

- The Department of Enterprise, Trade and Employment has launched the Employment Permits Act 2006, which took effect on 1 February 2007. In a press release, the Immigrant Council of Ireland welcomed this legislation, as it introduces transparent procedures for issuing employment permits to migrant workers. The Immigrant Council of Ireland also welcomes the sections of the act which target exploitative practices of employers. This legislation clearly states that it is now an offence for employers to keep any personal documents belonging to the migrant worker, such as passports. <http://www.immigrantcouncil.ie/>

Belgium

- Researcher Marion Van San has been commissioned with another scientist to carry out a new study on undocumented migrants in Belgium, reported the Belgian newspaper *De Standaard* on 22 January. The interviews and fieldwork the scientists will carry out with people from Antwerp, Ghent and Brussels, should give insight into how undocumented migrants get by. Ms. Van San said that she and her fellow researcher would not hesitate to bring all sectors into the picture, including criminality. http://www.expatica.com/actual/article.asp?subchannel_id=24&story_id=35692
- High school students whose parents have a limited income can receive a Flemish study grant. They must be Belgian, EU citizens or acknowledged refugees. Other foreigners qualify if they have lived together with their family in Belgium over a two-year period. Students who are irregularly staying in Belgium may fall under the last condition because it is not stipulated that the student has to be "legitimately staying" during these two years. In principle the study grant is directly paid to the parents. <http://www.ond.vlaanderen.be/studietoelagen/destudietoelage/voorwaardenSo.htm>
- In a new project entitled "Face to Face", Kerkasiel Anders, a Flemish NGO, aims at giving various community groups the opportunity to meet undocumented migrants, hear of their experiences and importantly, learn from each other. The project offers participants the chance to visit an undocumented migrant at home, in a social centre or to invite an undocumented migrant speak in their own organisation. They have also developed a folder which, combining photographs with the testimonies of six undocumented migrants and two social workers working in this area, portrays the human side of migration. <http://www.kms.be/framekerkasielanders.htm>

Netherlands

- In a letter on 18 December 2006 concerning medical care for undocumented migrants, Minister Hoogervorst expressed the intention to pay for all essential medical care for undocumented migrants out of one fund, which would be an extension of the existing "Koppelingsfonds". However, the necessity of treatment has to be judged in connection to the estimated remaining duration of stay and in principle will be carried out by specific medical institutions an agreement is made with. <http://www.minvws.nl/kamerstukken/z/2006/stroomlijning-financiering-zorg-aan-illegalen.asp>
- Vluchtelingenwerk Nederland, INLIA, LOGO and immigration policy advisors of Amsterdam, Rotterdam, The Hague and Utrecht have written a joint proposal for a pardon regulation for asylum seekers under the old alien law (see earlier *PICUM newsletters*), widely supported by other organizations. The proposal advocates for a pardon for asylum seekers and their families who have submitted their asylum claim before 1 April 2001 and are still residing in The Netherlands. Those who have left the country, who have received a permanent residence permit or have criminal background won't qualify. www.vluchtelingenwerk.nl. When a coalition agreement is presented, it will be clear whether the new government has considered the proposal.
- The Inspectie voor de Sanctietoepassing, an independent advisory committee of the Ministry of Justice, concluded that the quality of detention centers for children, although improving, is still substandard. They recommend concentration of detention facilities for parents with minor children on one location and make the accommodation suitable for all various ages. <http://www.inspectiesanctietoepassing.nl/rapporten/>, Inspection Survey 15/01/2007

Germany

- The regulations for the implementation of the new regulations on the right to stay differ significantly in the individual German states (Bundeslaender) at certain points. Therefore, PRO ASYL collected some practical notes on the decisions taken at the Interior Ministers' conference. The information leaflet is designed to give a rough overview of the regulations for the right to stay and to make potential beneficiaries aware of their rights.
http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Newsletter_Anhaenge/119/Kurzinfo_Bleiber_echtsregelung_22.12.2006_2.pdf
- The father of a Kurdish family of eleven committed suicide on 12 December 2006 in a psychiatric hospital in Wunstorf/Lower Saxony. The long lasting and futile struggle for the right to stay in Germany has destroyed the family, said a friend. Both with the parents and with the children, the existential uncertainties have caused severe mental and physical illnesses. (Source: Pro Asyl Newsletter Nr. 119, <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-119/index.html#c3632>)
- According to an article in the German weekly magazine Der Spiegel (49/2006), Pakistan International Airlines (PIA) is using untrained personnel when conducting deportation flights for the German authorities. Three of these "deportation amateurs" had told Der Spiegel of their planned deployment on three occasions. Their payment is to be a free ticket. Germany has come to agreements with 14 airlines that offer similar escorting services.
<http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-119/index.html#c3625>
- The faction of the Left in the German federal parliament has demanded a fundamental reconsideration of detention prior to deportation, of its legal foundations and its procedures. None of the German detention centers visited by the anti-torture committee of the European Council is in an appropriate state. The federal government should abolish or at least reduce drastically detention as a means to enforce the obligation to leave the country.
<http://dip.bundestag.de/btd/16/035/1603537.pdf>
- In the first half of 2007 two other collective deportations are to be conducted by air and planned and carried out under the overall control of Germany. On 30 November 2006 German Federal Police conducted a collective deportation of 35 undocumented migrants to Togo and Cameroon. This was a project supported by the EU. Spain, France, Poland, Luxembourg and Switzerland directly took part in this venture, while Italy, Poland, the Czech Republic and the European border control agency Frontex sent observers.
http://www.bmi.bund.de/nn_662928/Internet/Content/Nachrichten/Pressemitteilungen/2006/12/Europaeische_Staaten_gemeinsam_gege_illegale_Migration.html
- The initiators of the campaign "Hier geblieben!" ("Stay here!") are calling for an nationwide day of action on 24 February 2007 for the right to stay. The date was chosen because it will mark the 100th day that the new regulations concerning the right to stay will have been in force. The initiators of the campaign, refugee organisations and anti-racism organizations criticize these regulations as being poor and inadequate. http://www.hier.geblieben.net/aktuellpresse/pdf_2007/100Tage.pdf

Austria

- On 6 December 2006, representatives of several NGOs presented an evaluation report on the effects of the new Alien act which came into force on 1 January 2006, claiming that it has resulted in a sharp rise in the number of asylum-seekers held in detention and to the lack of legal counseling. According to the chairman of one of the NGOs, Joseph Weidenholzer, the number of asylum seekers held in detention pending expulsion in the first ten months of 2006 was five times more than

the figure for the whole 2005. Among the detainees were minor children and traumatized people.
Source: *Migration Policy Group, Migration News Sheet January 2007, p. 15*

Switzerland

- On 30 November 2006, the parliament of the Canton of Geneva voted in favour of amending the law on public welfare assistance to people without any status, such as asylum-seekers whose applications are rejected on grounds of inadmissibility and are under the obligation to leave Switzerland but do not do so. Under the terms of the amendment, such rejected asylum seekers may be entitled to some cash allowance. This initiative is essentially aimed at enabling such people to buy food. Source: *Migration Policy Group, Migration News Sheet January 2007, p. 20*
- After 22 years of living in Switzerland as an undocumented migrant, Blazo Nikorov, a Macedonian cook, was deported to Macedonia on the 30 December. In June 2005 he was arrested by the police. At that time he was working at the Restaurant "Cheval-Blanc" and his former employer had promised that he would regularize his situation, but he hadn't. After that Blazo applied himself three times for regularization but all the applications were rejected. Source: *Le Courrier, 13 January 2007*, and <http://cscps-10.blogspot.com/search/label/expulsion>

USA

- The Catholic bishops of Florida issued a pastoral letter on 11 December calling on all Floridians to support changes in the conditions of people who work in seasonal manual labor, especially in agriculture. "*Honoring the Dignity of Work: A Call for Solidarity with Florida's Farmworkers and Other Vulnerable Workers*" describes both "progress and stasis" in the conditions of Florida's farmworkers. It identifies "hopeful signs of solidarity" toward farmworkers, but also notes that abuses of vulnerable workers now occur in many Florida industries where a largely undocumented and unprotected workforce does seasonal, manual, contract labor.
<http://www.flacathconf.org/Publications/BishopsStatements/Bpst2000/FWpastoralbooklet2006.pdf>
- The dependent parents of a construction worker who died on the job are entitled to workers' compensation death benefits even though they live in Mexico, the Tennessee Supreme Court ruled on 18 January. According to the state supreme court, nonresident foreign nationals can be considered "dependents" under Tennessee's workers' compensation laws (Tenn. Code Ann. § 50-6-210). An attorney for the construction company that employed the deceased laborer said that although the worker was undocumented, his residency status was not a subject of the litigation.
<http://www.wtlv.com/news/politics/news-article.aspx?storyid=73873>
- A New York state Supreme Court ruled on 10 January that a worker's immigration status and alleged use of false papers to gain employment were not relevant to claims that a construction firm failed to pay prevailing wages under New York Labor law.
<http://www.newsday.com/news/local/wire/ny-bc-ny--immigrants-wages0125jan25.0.3636912.story>
- The Immigration and Customs Enforcement (ICE) agency failed to administer timely medical care to undocumented migrants detained at its facilities, according to a report released on 19 January by the Homeland Security Department's inspector general. The inspector general criticized ICE for neglecting to issue handbooks specifically addressing detainees' rights and for not translating handbooks and orientation material into Spanish and other prevalent languages.
http://www.govexec.com/story_page.cfm?articleid=35915&dcn=e_gvet

3. European Policy Developments

General

- The European Union will open the first job center for legal migrant workers from Africa in February. The experimental center in Mali would be the first of a planned network aimed at matching the supply of legal migrant labor for low-skill sectors such as agriculture, public works and tourism to demand in EU states, Franco Frattini said. "People can have guaranteed periods of work and illegal undeclared labor will be combated in a very stringent way," Frattini told a European Parliament committee. The centers are part of an EU drive in 2007 to control a big surge in illegal migration to Europe while meeting a need for low-skilled labor. It also seeks to increase jobs in Africa by promoting investment in labor-intensive sectors there. The legal migration effort required EU states to declare quotas for the migrant workers they needed, Frattini said, adding he hoped for progress in ministerial talks next month.
<http://www.cnn.com/2007/WORLD/africa/01/25/africa.EU.reut/index.html>

European Commission

- Commission Vice President Franco Frattini urged EU member states to offer more help to FRONTEX, both financial and material, when he addressed Europe's interior ministers at the informal JHA Council in Dresden on January 15. He accused member states of not establishing permanent marine patrols to counter the arrival of migrants from Sub-Saharan Africa and warned that it would be impossible to avoid the influx of immigrants that will start in April, once warmer weather comes. According to Mr Frattini, FRONTEX was about to write to member states to ask for contributions. http://euobserver.com/9/23253?rss_rk=1 and http://www.ecre.org/topics/intro_to_topics
- The European Commission is planning to launch in the second half of 2007 a green card scheme for highly-skilled workers coming from third countries. The plan is expected to meet resistance by several member states, which oppose any Community action that will interfere with their established sovereignty in the field of legal migration. EU justice commissioner Franco Frattini has previously said that the idea of a directive on the conditions of admission to the EU for highly skilled workers - including the possibility of an EU green card - responds to an "economic necessity". He justified his support by saying that while the US, Canada and Australia are able to attract talented migrants, Europe continues to receive low-skilled or unskilled labour. Sources: <http://euobserver.com/9/23226/?rk=1> and http://in.today.reuters.com/News/newsArticle.aspx?type=businessNews&storyID=2007-01-09T230533Z_01_NOOTR_RTRJONC_0_India-282877-1.xml

European Parliament

- The European Parliament's Subcommittee on Human Rights held an exchange of views on the situation of migrants in Morocco on 22 January. According to a French researcher, Jérôme Valluy, who presented his report to the Committee, Moroccan authorities deported over 400 people - amongst them 60 asylum seekers and ten refugees with UNHCR papers - to the Algerian border between Christmas and New Years Day. Leonello Gabrici, head of the Commission's Maghreb unit in the External Relations Directorate- General, stressed that the question of human rights should be considered in relation to the big picture of cooperation with Morocco on migration and the European Neighbourhood Policy, which had made positive progress in recent years. Discussions on relations with Morocco should not be dominated by "accidents" like the incident at the end of last year. The Commission official rejected the idea that EU policy induced Morocco and other countries to violate

human rights in the fight against irregular migration. Source: http://www.ecre.org/topics/intro_to_topics.

- See also <http://www.amnesty-eu.org/> and <http://www.migreurop.org/IMG/pdf/presse-comm-raflesmaroc2006-2.pdf> for criticism made by Amnesty International and Migreuop, the latter which issued a statement of concern that the current EU policy of “externalization of borders” can lead to deadly consequences.
- Four Members of the European Parliament made a joint appeal on 17 January calling for respect of human rights in the fields of asylum and immigration. French socialist Martine Roure, Helene Flautre of the Greens, Spanish Willy Meyer Pleite from the European Left Coalition and Dutch MEP Jeanine Hennis-Plasschaert from the Liberals urged the EU to take into account migrants’ rights when negotiating with transit countries. The MEPs criticized the EU for not putting pressure on Morocco to abide by international law concerning the rights of migrants and for cooperating with the Moroccan authorities on re-admission agreements of Moroccans and transit migrants. Source: <http://www.agenceur ope.com/EN/ GobalFrameset. html>
- In a resolution adopted by a large majority (567 votes to 1, with 7 abstentions) on January 18, MEPs condemned the verdict of the Libyan Criminal Court of 19 December 2006 which sentenced to death five EU-citizen nurses and a Palestinian doctor for allegedly infecting deliberately 400 children with HIV. The resolution called on the Commission and the Council to review the EU’s “policy of engagement” with Libya which includes co-operation on illegal immigration unless Colonel Gaddafi exercised his powers and bring about the release of the accused. Meanwhile, Libyan authorities announced on 23 January that they had detained 878 undocumented migrants trying to reach Europe from the North African country between 1 and 13 January and deported 1,536 migrants of various nationalities during the same period. Source: <http://www.agenceur ope.com/EN/ GobalFrameset. html>
- The European Parliament Committee on Civil Liberties, Justice and Home Affairs held a public hearing on 30 January on “The EU and the challenge of migration”. At this occasion, the working documents related to the reports of Ms Lilli GRUBER MEP “Policy plan on legal migration” (2006/2251(INI)) and of Mr Javier MORENO SÁNCHEZ MEP “the Policy priorities in the fight against illegal immigration of third-country nationals”(2006/2250(INI)) were presented by the rapporteurs. http://www.euoparl.europa.eu/news/expert/event_by_week/05-2007-3/default_it.htm

European Council

- The Justice and Home Affairs agendas mirror the German EU-Presidency work program, titled “Living Europe Safely”, which Wolfgang Schäuble presented at a press conference in Berlin on 3 January. Schäuble stressed once more that he considered irregular immigration as a potential threat to the security of the EU. Germany’s priorities in the asylum and migration area consist in particular of strengthening FRONTEX and joint border surveillance operations, the negotiations of re-admission agreements and other types of cooperation with countries of origin and transit in the field of border controls. http://www.eu2007.de/en/News/ Press_Releases/ January/0301bmi. html
- Ministers at the January Justice and Home Affairs Council in Dresden agreed to work closely with migrants’ countries of origin and transit and to look at developing partnership agreements on migration and development issues. Germany’s Interior Minister Wolfgang Schäuble argued that migration policy should remain a priority for the EU, both at a national and a European level. In order to do this, Mr Schäuble said that the Presidency would strive to intensify the dialogue between EU countries and countries of origin or transit, as requested by the European Council last

December. He also made clear that returns would be a core element of partnership agreements: "We need balanced agreements with these countries regarding cooperation on migration and development issues. And we must utilize the advantages offered by circular migration." Ministers were reported to have been unable to agree on specific incentives that would be offered to developing countries. "Commissioner for Justice, Freedom and Security Franco Frattini outlined to the Council a selective EU immigration policy, which would entail partnership agreements with countries like Mauritania, Gambia, Mali and Senegal and have as a central tool an "EU Green Card." Based on the US model, the program will enable highly qualified immigrants to work and move freely in the EU, for a limited amount of time. Responsibility for issuing green cards will remain in the hands of Member States. The risk of "brain drain" would be reduced by ensuring that migrants returned to their country of origin, a phenomenon dubbed "circular migration". Sources: <http://www.bmi.bund.de/cln_012/nn_122688/Internet/Content/Nachrichten/Pressemitteilungen/2007/01/Dresden_JI_Rat_2Tag_2en.html and <<http://www.euractiv.com/en/migrations/frattini-hints-selective-immigration-system/article-160974>> and http://www.ecre.org/topics/intro_to_topics>

- At the informal meeting of EU ministers in Dresden, Germany's federal minister of the interior, Wolfgang Schäuble, presented a plan to create a high-level advisory group to consider future of home affairs in the EU once the current Hague Programme expires. The group will be made up of the Commissioner for Liberty, Justice and Security, the six interior ministers of the current and upcoming presidencies (Germany, Portugal and Slovenia, France, the Czech Republic and Sweden) and research experts from individual member states. According to Mr Schäuble, the high-level group will attempt to identify areas for increased EU cooperation and will present a report by the end of 2008, which will serve as a bank of proposals and debates for the programme that will succeed the Hague Program in 2009. Source: <http://www.agenceurope.com/EN/GlobalFrameset.html> and http://www.ecre.org/topics/intro_to_topics
- For the first time, three EU member states - Germany, Portugal and Slovenia - have agreed on a joint work programme for their EU presidencies over the next 18 months. This trio of presidencies started on 1 January 2007 with Germany's EU presidency, to be followed by Portugal and Slovenia. One important aim of the first trio presidency is to strengthen the European border protection agency FRONTEX, in order to enhance protection of the external borders. A major focus will be a global, balanced approach to migration. For more information see: www.eu2007.de

4. Upcoming Events

- The Catholic Forum Living in Illegality will hold its third annual conference on "Illegality: Economic Aspects of Irregular Migration," from 14-16 March 2007 in Berlin. The conference is organized in cooperation with the *Council for Migration* (Rat für Migration) and the *Catholic Akademie in Berlin* (Katholische Akademie in Berlin). <http://www.forum-illegalitaet.de/Initiativen/14160327Illegalitaet.pdf>
- "Article 8: Migrants and their rights to a family and private life," is the theme of an international conference organized by Immigration Law Practitioners' Association (ILPA), which will be held on 9 February in London. The conference seeks to examine EU member states' interpretation of article 8 and the fundamental right to respect for family and private life that it grants from the perspective of migration rights. <http://www.ilpa.org.uk/>
- "Trade Union Conference Against Immigration Controls," 31 March, London. This conference aims to bring trade unionists together to organise against immigration controls both at the level of policy

and on a practical level as it impacts upon the worker place and upon union members. Contact: info@noii.org.uk

- “The Migration of Unaccompanied Minors in Europe: the Contexts of Origin, the Migration Routes and the Reception Systems,” is the theme of a conference that will be held in Poitiers, France, from 10-11 October 2007. This conference aims to generate a forum of exchange and discussion on this issue and to create a dialogue between researchers and specialized practitioners, in order to put forward a more coherent social and legal treatment in which children’s rights should prevail over immigration rules. http://www.mshs.univ-poitiers.fr/migrinter/evenement/mineurs_migrants/Poitiers2007eng.pdf
- Caritas Europa Migration Commission and the Commission of International Development and Peace will hold the “Fifth Migration Forum” on 20-22 September 2007 in Lisbon, Portugal. The forum will aim at: creating a deeper understanding of the complex dynamics of migration and development. Contact: azadura@caritas-europa.org
- “Trafficking of human beings: the reality of contemporary slavery” (La Traite des Etres Humains Réalités de L’esclavage Contemporain), will be the theme of a conference held on 13 February at “Espace-Accueil aux étrangers” in Marseille, France. <http://www.espace.asso.fr/index2.asp?rep=actu&pag=actu.htm>
- “Primary Health Services and Migrant Communities’ Issues and Concerns” is the theme of a workshop that will be held on 27 February in London, organized by Migrants’ Rights Network and Newham Primary Care Trust. Contact: Migrants’ Rights Network, tel. +44-20-73919220, <http://www.barrowcadbury.org.uk>.

5. Publications

The EU’s ‘basic values’ and irregular migrants: Common principles for integration or tool for exclusion? By Giulia Laganà. Drawing on the recent EC Communication on irregular migration and focusing on southern Italian agriculture and its widespread recourse to an undocumented migrant workforce, the article argues that millions of people across the EU lack basic social, let alone civil and political, rights. http://www.migrationonline.cz/news_f.shtml?x=1964352

The Civil Society Contact Group has just published the training handbook *Making your voice heard in the EU - A guide for NGOs*. It is specifically designed for NGOs and activists that are in the process of establishing a European strategy. It does so by providing tailored-made information on EU institutions, the way European NGOs work, as well as lobbying “tips”, illustrated by examples of EU level campaigns. It also provides more specific links and contacts depending specific areas of activity. You can download it in English, French, German, Hungarian, Latvian, Polish, Portuguese and Slovene on the following address: http://act4europe.horus.be/code/EN/actions.asp?id_events=120

An International Migration Protection Regime: The Current Situation, Dilemmas and Initiatives, by Stefanie Grant, Istituto di Politica Internazionale, Programma “Diritti umani” - Working Paper n. 9, 2006. This paper reviews this changing situation, and asks whether it is yet possible to speak of an international migration protection in regime. It examines the international human rights treaty system, and the application of these treaties to migrants. http://www.ispionline.it/it/documents/wp_9_2006.pdf

Le retour des «camps». *Sangatte, Lampedusa, Guantanamo...*, by Olivier Le Cour Grandmaison, Gilles Lhuillier et Jérôme Valluy Paris, Autrement, 2006. This book gives insight into the diversity of refugee and migrant camps in and outside the European Union. It analyses the measures used in these different

camp, with the support of documents, surveys and testimonies by camp residents.

[http://www.dimedia.com/f00370926--Retour des camps, Sangatte, Lampedusa, Guantanamo.html](http://www.dimedia.com/f00370926--Retour_des_camps,_Sangatte,_Lampedusa,_Guantanamo.html)

The Charter of Fundamental Rights of the European Union & The European Commission's Impact Assessment Procedure, ENAR Fact Sheet 30, December 2006. This fact sheet aims to explain the Charter of Fundamental Rights, as well as the Commission's impact assessment procedure with respect to fundamental rights, with a view to enhancing the accessibility and practical application of these instruments. <http://www.enar-eu.org/en/factsheets/FS30%20-%20fundamental%20rights%20-%20Dec%202006%20EN.pdf>

Globalization Comes Home: Protecting Migrant Domestic Workers' Rights, by Nisha Varia, 2007 World Report of Human Rights Watch. Despite regional variations in domestic work, migration patterns, and recruitment systems, striking similarities exist among the abuses confronted by domestic workers around the world. <http://www.hrw.org/wr2k7/essays/globalization/index.htm>

Health and Homelessness: Looking at the Full Picture. This edition of FEANTSA's magazine "Homeless in Europe" builds on the findings of its report *The Right to Health is a Human Right: Ensuring Access to Health for People who are Homeless* (see PICUM newsletter January 2007). Issues such as housing and health, drug addiction, and mental health in relation to housing are discussed. Undocumented migrants are mentioned in at least one of the articles.

[http://www.feantsa.org/files/Month%20Publications/EN/Magazine Homeless in Europe EN/Winter2006 Health and homelessness.pdf](http://www.feantsa.org/files/Month%20Publications/EN/Magazine_Homeless_in_Europe_EN/Winter2006_Health_and_homelessness.pdf)

Safe from harm? Health and social care for vulnerable refugees and asylum seekers, Refugee Council reports from two conferences held on 1 November in London and 7 November in York, UK. The conferences looked at the problems refugees and asylum seekers face when trying to access healthcare. For the conference report and a copy of one of the speeches:

<http://www.refugeecouncil.org.uk/eventsandtraining/conferences/archive/accesstohealthcare.htm>

Making Separated Children Visible: The Need for a Child-Centered Approach, by Dr. Nalinie Mooten, The Irish Refugee Council, Dublin 2006. This publication draws attention to how the official response to children in Ireland varies depending on their residency status. It shows the accommodation provided for separated children is not covered by the national standards or inspection systems for the residential care of children. <http://www.irishrefugeecouncil.ie/pub06/children.pdf>

Navigating Borders. An Inside Perspective into the Process of Human Smuggling, by Ilse van Liempt, IMISCOE Dissertations, Amsterdam University Press, Amsterdam, 2007. This research provides a unique in-depth look at human smuggling processes. Based on biographical interviews with smuggled migrants in the Netherlands, the study reveals considerable differences that exist in smuggling's underlying causes, how journeys evolve, and outcomes of the process.

http://www.aup.nl/do.php?a=show_visitor_book&isbn=9053569308&l=2

The Legalization of Undocumented Migrants: Ideal Solution, Wrong Track or Pragmatic Way? Report of a European Expert Panel, 13-15 February 2006, Freiburg im Breisgau, Germany, organized by Caritas Germany. This report provides an overview of the different cultural and social, legal and political preconditions for legalisation measures in five EU Member States. Available online at:

http://www.dcv.de/pdf/Dokumentation_final%20ges.pdf

Health Care Policy and Provisions to Illegal Immigrants in Germany, a Comparative Approach, January 2006, research by Pascal Beckers with contributions by Zina Nimeh and Frieda Vandenindenb. This

paper discusses the contradictory setting of health care policy and provisions for undocumented migrants in Germany. Contact: Pascal.Beckers@GOVERNANCE.unimaas.nl

6. PICUM News

- PICUM's Annual General Assembly will be held on 30-31 March in Brussels. As in previous years, a workshop that is open to all will precede the general assembly on Friday, 30 March. At this year's workshop, PICUM will launch a guide on undocumented migrants' protection in the international human rights framework. Workshop sessions will focus on defending undocumented migrants' human rights, and is open to anyone who is working in this area. More information is available on www.picum.org.

PICUM staff and members have recently spoken and participated in the following events:

- **“Anonymous health insurance certificate for people without the right to stay - National fund for people without health care insurance,”** meeting of the “Bundesarbeitsgruppe Gesundheit/Illegalität”, 12 January, Berlin. The main aim of the meeting was to discuss the concrete realisation of an “anonymous health insurance certificate” for undocumented migrants and a “national fund for uninsured people” in Germany. PICUM members Gisela Penteker and Joost den Otter made presentations on health care for undocumented migrants in the Netherlands and in Italy.
- **“Equal Rights, Equal Voices – Migrant Women in the European Union,”** 19 January, Brussels, seminar organized by the European Women's Lobby. PICUM director Michele LeVoy made a presentation on “Undocumented Women in Europe,” focusing on three urgent problems faced by undocumented women: lack of access to health care, exploitation and abuse in the workplace, and gender-based violence.

7. Miscellaneous

- The Social Platform held a training and advocacy session on “The European Social Charter in Practice” in Brussels on 18-19 January 2007. The day-and-a-half training session aimed at providing in-depth understanding of the mechanisms of the charter and of the most recent trends in the case law of the European Committee of Social Rights.
http://www.socialplatform.org/module/FileLib/ANESC_training_18-19.1.06.pdf

To subscribe to the PICUM newsletter, please send an email to administration@picum.org with “Subscribe-English” in the subject heading. To unsubscribe, please put “Unsubscribe-English” in the subject heading.
