



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter February 2008

*Finalized on 4 February 2008*

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

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**THANK YOU !**

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

- The APA reports that the bodies of six undocumented Moroccan migrants, trying to reach the Spanish border, were found on the southern beaches of Spain by the rescue services during the first week of January. Rescue workers are still trying to find another six missing migrants: <http://www.spcm.org/Journal/spip.php?breve6762>
- A female migrant, trying to enter Greece irregularly in a Boat via the Evros River drowned in the process. She fell into the frozen river waters when the boat capsized after hitting a floating tree

trunk.

<http://www.ana.gr/anaweb/user/showplain?maindoc=6047653&maindocimg=1546521&service=96>

- A 27-year-old undocumented migrant from Bangladesh attempted to kill himself, after being detained at a police station in Nea Erythraia, northern Athens. He was about to be deported, when he tried to hang himself in his cell, using a strip of fabric. He was subsequently taken to the hospital for treatment, where he was kept under police guard.  
<http://www.ekathimerini.com/4dcgi/news/content.asp?aid=92104>

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

### **France**

- The Advisory [Committee](#) on growth chaired by Jacques Attali presented its report on “freeing French growth” to French president Nicolas Sarkozy on 23 January 2008. It contains over 300 proposals aiming to “change France”. Proposals which have triggered controversy include the idea of facilitating immigration to address labour shortage in certain sectors. The report states that immigration is a development factor within the population, a source of wealth creation, and therefore of growth. This idea considered to contradict with Nicolas Sarkozy’s recent remarks on wanting to establish a quota policy to control migratory flows. However, the committee’s analysis seems to be backed by a recent estimation of the Ministry of Economy and Finance, according to which France will have to recruit 750,000 people per year by 2015 in order to respond to labour market needs. The only solution, according to the committee, is to provide visas to foreigners. <http://www.liberation.fr/actualite/politiques/302974.FR.php>
- Between 5,000 and 8,000 people demonstrated across France on the 21 January against new proposals to allow irregular immigrants to be detained for up to 18 months. The largest single protest came in Paris, where organisers estimated attendance reached 3,500. Currently France can only hold so-called 'sans-papiers', or undocumented residents, for up to 32 days but a new EU directive aims to harmonise the maximum period across member states at 18 months. "We are here not to denounce the," said Richard Moyon, spokesman for the Education Network Without Frontiers (RESF), one of the organisations behind the protest stated that those in attendance denounced the conditions in the holding centres but the very fact that people are being held in detention centres without an adjudication. He stressed that the detainees had committed no crime, but found themselves banished from their lives, their jobs and their families.  
<http://www.expatica.com/fr/articles/news/French-protests-against-detention-plan-for-illegal-immigrants.html>
- On 20 December the Group for Information and Support of Immigrants (Gisti - Groupe d'information et de soutien des immigrés) warned that rumours suggesting the Law on Immigration from 20 November 2007 would allow the regularization of undocumented foreigners who work or hold a job offer were false. The new directive will give prefectures the possibility to issue stay permits to foreigners exercising a profession which faces general difficulties to recruit. However, the simple fact of having a job would not give any automatic right to a stay permit. Furthermore, this new law will only come into force after the adoption of a list of professions “under tension”. Gisti called upon all undocumented migrants and those who support them not to present themselves to the prefectures before these lists had been published, and even then only after advice from unions or relevant associations.  
<http://www.gisti.org/spip.php?article1034>

## Spain

- The Minister of the Interior of the Spanish Government has recently published the "Report of the 2007 on the fight against the illegal immigration". 2007 brought a clear decrease in the number of the arrivals to Spain, especially the Canary Islands. The work of Frontex is presented as the principal cause of the phenomenon. As response, the "Federation SOS racism" published a press released in which they criticized the Report for three main reasons: 1) Its unilateral approach 2) Its measurement of the problematic issue of immigration only in terms of statistics, 3) It highlighted that Spanish policy on migration was a cause of human rights violations. At the same time SOS racism asked for: a radical change of politics relating to immigration and refuge, and that all the agreements signed by the Spanish State and the Third World Countries regarding the control of migration flux are based on the principle of "State of Law". The two documents can be consulted at: [http://www.mir.es/DGRIS/Balances/Balance\\_2007/pdf/bal\\_lucha\\_inmigracion\\_ilegal\\_2007\\_mir.pdf](http://www.mir.es/DGRIS/Balances/Balance_2007/pdf/bal_lucha_inmigracion_ilegal_2007_mir.pdf) and <http://www.sosracisme.org/accions/comunicat.php?cat=10>

## Greece

- In Agia, Patras, more than 2,500 migrants from Afghanistan and Iraq had to stay in old stables in very poor living conditions and without hygiene control, awaiting their transfer to other European countries. Last year, a father of three children lost his life, trying to repair the camp's electric power system. While the municipality of Patras supports the immediate evacuation of the camp, no plan about the future of the migrants exists. Meanwhile, port authorities and NGOs report that traffickers have access to the camp. (Source: Rizospastis, 29 December 2007)

## UK

- A Criminal Justice and Immigration Bill, currently going through the Commons, creates a new immigration status for undeportable 'foreign nationals' who have committed an offence. This Bill follows the introduction of the 2007 UK Borders Act which allows mandatory deportation of all foreign criminals sentenced or convicted of any offence specified by regulations as 'particularly serious' – a category which according to the Institute for Race Relations includes kicking a phone box, swearing at a policeman or stealing a pint of milk. The new Bill would allow the Secretary of State to label anyone who cannot be deported for human rights reasons, such as a risk of torture or other serious ill-treatment, as a 'foreign criminal'. These migrants and their families would not be granted leave to remain but given a special 'limbo' status. They may be tagged, required to live in specified places and to report to police or immigration officers, may be prevented from working and required to live on NASS support (accommodation and basic subsistence worth about £35-40 per week), which must not be paid in cash. These conditions have been compared to restrictive control orders used against undeportable terrorist suspects, which are known to have profoundly damaging long-term effects on those subjected to them without time limit. Moreover, the European Court of Human Rights has condemned long-term immigration limbo in a number of cases because of the adverse effects on private life, including rights to work, to move freely, to have access to ordinary social and welfare entitlements and to marry and build a home. <http://www.irr.org.uk/2008/january/ha000005.html>
- Hundreds of refused asylum seekers are living rough on the streets of Wales because of strict Home Office rules a charity has reported. The Welsh Refugee Council labeled the system as inhumane and inefficient. If an asylum application is rejected, current Home Office rules state that benefits and support are withdrawn. Many of those affected by the strict rules on withdrawing benefit said they are too scared or simply cannot return to their own country. The

Welsh Refugee Council has described the policy of withdrawing benefits as immoral and has also questioned whether it is an effective way of encouraging people to leave Britain.

[http://news.bbc.co.uk/2/hi/uk\\_news/wales/7143611.stm](http://news.bbc.co.uk/2/hi/uk_news/wales/7143611.stm)

- Protesters against the forced removal of undocumented migrants staged a countrywide blockade of immigration offices and a depot to highlight what they say is a "morally unacceptable" practice. From 5am on 18 December, protesters locked themselves to gates and doorways at 10 locations across the UK, including Portsmouth, Bristol, Glasgow and Newcastle, to try to stop Borders and Immigration Agency (BIA) officials conducting dawn raids. A spokeswoman protesters stated that Government policy targeted the most visible and the most vulnerable of migrants that it considered undesirable for this form of administrative removal.  
[http://www.guardian.co.uk/immigration/story/0,,2229314,00.html#article\\_continue](http://www.guardian.co.uk/immigration/story/0,,2229314,00.html#article_continue)
- The Border and Immigration Agency of the Home Office has published a report on the Race Relations Audit of the Border and Immigration Agency Detention Estate. The audit was commissioned following an inquiry into the 2005 BBC programme 'Detention Undercover' which made allegations of racism by staff towards detainees at Oakington immigration reception centre and on escort. Visits to ten immigration removals centres were conducted by Focus Consultancy between January and 9 March 2007. Download the report at:  
<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/Reports/racerelationsaudit/>

## Ireland

- In her annual Christmas greeting the Irish president, Mary McAleese, gave a special mention to the undocumented Irish in the USA. She noted that for these migrants and their families at home, Christmas can be an especially lonely time.  
<http://www.irishcultureandcustoms.com/ACalend/XmasMcAleese7.html>
- Ronit Lentin's article "Illegal in Ireland, Irish Illegals: Diaspora Nation as Racial State" was published in 'Irish Political Studies'. It examines the discursive political reformulation of Ireland as 'diaspora nation', which explains the narrowing of citizenship entitlement of non-citizen migrants resident in Ireland following the 2004 Citizenship Referendum. The article compares the 2006 hunger strike by a group of Afghan asylum seekers, deemed 'illegal' by the Irish immigration regime against Irish undocumented migrants in the US who are considered entitled to American citizenship, to illustrate Ireland's shift to a 'diaspora nation' which arguably led to the 2004 Citizenship Referendum.  
<http://www.informaworld.com/smpp/content~db=all~content=a787411985~tab=citation>

## Belgium

- Belgium was ordered by the European Court of Human Rights to pay damages to two Palestinians for the 'inhuman and degrading' way they had been detained at Brussels airport. In a ruling on 24 January 2008, the Strasbourg-based court criticised Belgium for having confined the men to the airport's transit lounge for some 10 days even after Belgian courts had deemed such detention illegal. It ordered Belgium to pay each of the men 15,000 euros in damages plus costs and expenses -- after finding they had been subjected to inhuman or degrading treatment, with their rights to liberty and security denied. The men, who live in Lebanon, had landed separately in Brussels in December 2002, where they applied for asylum, saying that their lives in Lebanon were in danger. They were initially put into a holding centre

for undocumented travellers, from which they tried to escape, after which they were shifted to a detention centre in the Flemish city of Bruges. They were eventually sent back to the airport, where they were left in the transit lounge without a proper place to sleep or to wash, or anywhere to clean their clothes. The men alleged that they had been 'violently struck and beaten' by members of Belgium's federal police in the airport mosque.

<http://www.haaba.com/news/2008/01/24/7-80748/court-faults-belgium-over-palestinians-airport-detention.html>

- Undocumented and documented residents will form a symbolic silent circle to remind the interim government of the promises that were not kept and to urge them to finally address this issue. The action will take place every Wednesday at 6pm for about half an hour at different locations in Belgium. In Brussels the meeting will take place every Wednesday at 6pm at the 'Colonne du Congrès'. <http://www.papieren-papiers.be/spip.php?article269>
- 'Antwerps Asiel' and UDEP, the Union for Undocumented Migrants in Belgium, organized a demonstration on 23 January 2008 to call for immediate regularization of undocumented migrants. Under the slogan After the Promises: Regularization now! They gathered at the 'Groenplaats' in the center of Antwerp. [http://www.udep-antwerpen.be/index\\_bestanden/Page354.htm](http://www.udep-antwerpen.be/index_bestanden/Page354.htm)

## Netherlands

- CWIA (Committee white illegals Amsterdam) starts a petition for "white illegals" (witte illegalen). The petition encloses a call to members of parliament to support legalization for so called 'white illegals' (witte illegalen). They are labour migrants who came to the Netherlands before 1992, holders of a social security number, they have paid taxes for years. With the introduction of the Koppelingswet in 1998 (Linking Act, in which legal residence status and public services are linked) these people fell into an irregular status. There are two regulations, which according to the CWIA are too rigid preventing these migrants to a regular status. More information: [info@defabel.nl](mailto:info@defabel.nl) or [www.defabel.nl](http://www.defabel.nl)
- Two demolition firms have to pay more than 25,000 EUR damages to an undocumented construction worker who broke his hip during a fall while demolishing a building. Haarlem court ruled on 9 January 2008 that the firms have to pay for hospital bills and compensate for lost income for 6 months. Finally, 2,500 EUR is to be paid in compensation for pain and fear caused. Source: LOS newsletter 5-3 Decision on <http://zoeken.rechtspraak.nl/> (case 356990/ VV EXPL 07-168)

## Germany

- The catholic *Forum Leben in der Illegalität* (Forum Life in Illegality) issued an extensive statement on the *Bericht des Bundesministeriums des Innern zum Prüfauftrag "Illegalität"* (Report of the Ministry of the Interior to the Order to Examine „Illegality“) in October 2007, <http://www.forum-illegalitaet.de/StellungnahmeBMI-Bericht-Forum.pdf>.
- Caritas Germany have criticised the above report and a previous report of the Ministry of the Interior on "Illegally resident Foreigners in Germany – Data, Legal Situation, Options for Action" released on 26 June 2007. In particular, they have denounced the main conclusion of the reports, that there would be no necessity for action concerning undocumented people, contradicts the real and pressing needs of undocumented migrants. The authors hold, that

state would have to occupy itself with the dire situation of undocumented migrants and could no longer merely rely on informal solutions offered by civil society actor. Caritas especially points to state responsibilities for health care, schooling and resources to legal actions.

<http://www.caritas.de/2340.asp?id=1042&page=1&area=dcv>

- The German *Bundesrechnungshof* (Federal Accounting Office) issued a report on 11 January 2008 assessing the effects, costs and efficacy of the German authority that conducts work-site controls (FKS - Finanzkontrolle Schwarzarbeit). The Bundesrechnungshof stated that the current system of labour standard enforcement was expensive; however, the effects and results are dubious. In the year 2005 only 7.5 million Euro of the 67.1 million Euro imposed in fines for irregular employment (Schwarzarbeit) were paid. The current statistical accounting of FKS does not allow any conclusions regarding the efficiency of work-site controls. The Federal Accounting Office queries the official statement that increased work-site controls have reduced informal economy or had any effect at all on the general level of informal economy - and consequently calls for a more systematic evaluation of costs and effects of labour enforcement. The report is available for download at:  
<http://www.bundesrechnungshof.de/aktuelles/bundesrechnungshof-fordert-wirkungsanalyse-der-finanzkontrolle-schwarzarbeit-fks>

## Switzerland

- Migrants who want to marry a person of Swiss nationality face increasing difficulties, the Platform for Sans-Papiers reported on 18 January. New directives in force since 1 January 2008 stipulate a series of restrictions: in order to prevent “marriages to obtain documents” (“unions de complaisance”), registrars can refuse marriages or annul them. It is even possible to annul paternity affiliation for children born during the marriage. Mrs Menétrey, president of the Platform for Sans-Papiers, expressed her doubts regarding the conformity of these new provisions with the constitution as well as international law, and criticized them as disproportionate, discriminatory, and inefficient.  
<http://cscps-10.blogspot.com/2008/01/mariage-avec-une-migrante-situation.html>

## USA

- In Connecticut a nonprofit group that helps many poor residents pay their heating bills has complained after federal agents raided its offices in December 2007. More than a dozen Kevlar-armored agents rushed into the Community Action Agency of New Haven, said Amos Smith, the organization’s president and chief executive. The agents, from departments including Health and Human Services, had a warrant demanding all documents from 2003 onward, he said. The raid came after allegations that office helped undocumented migrants who are ineligible for aid. The police took away over 90 boxes of documents and 3 computers, leaving the office unable to operate correctly. <http://www.nytimes.com/2007/12/18/nyregion/18heat.html>
- When Tennessee’s new law on penalizing employer’s who knowingly hire undocumented migrant worker’s came into force, the government suggested companies to use an ID database (E-Verify System), an internet-based programme to identify undocumented migrant’s. The number of employers using the federal identity check database remains small. Some businesses are not concerned that undocumented workers are applying and others have no plans to hire. Concerns also exist about the flaws of the system. Officials state that there is a 10-15 percent error rate in the database and this could result in a violation of anti-discrimination law.

["http://tennessean.com/apps/pbcs.dll/article?AID=/20080120/NEWS01/801200405/-1/NLETTER01](http://tennessean.com/apps/pbcs.dll/article?AID=/20080120/NEWS01/801200405/-1/NLETTER01)

- Los Angeles County Supervisor Mike Antonovich recent claim regarding the cost that undocumented migrants cause Los Angeles County tax-payers has been challenged by Immigrant rights activists. Angela Salas director of the Los Angeles Coalition for Immigrant Human Rights confirmed that undocumented immigrants do not even have access to many services while every year California receives four billion dollars from immigrants, whether they are documented or not. A 2006 study by the California Immigrant Welfare Collaborative reported that migrants pay \$4.5 billion in state taxes each year. A separate, recent report from the Immigration Policy Center asserted that 50-75 percent of undocumented migrants pay federal, state, social security and healthcare taxes; the US Internal Revenue Service has reported the existence of a \$7 billion fund traced to invalid or questionable social security numbers. Contributions from undocumented workers are suspected to be the origin of a lot of the mysterious money. In another study, the Mexican Consulate in Arizona calculated that while an estimated 500,000 Mexican migrants in the state earn only 8 percent of the state's payroll, they account for 13.4 percent of local purchasing power, or \$27.6 billion.  
<http://www.nmsu.edu/~frontera/immi.html>

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

#### **General**

- At the margins of the Twentieth French- Spanish summit in Paris, French President Nicolas Sarkozy and Spanish Prime Minister José Luis Zapatero signed a 'high level declaration' composed of fifteen specific measures including shared views immigration and asylum policies. The two men declared that they share common "principles and goals" regarding immigration policy. Spain and France would like a "European pact on immigration" to be signed by all Member States during the French Presidency of the EU, in the second half of 2008. They announced a will to tighten controls at the external border of the EU as well as plans on joint deportation undocumented third country nationals. The declaration includes a proposal to strengthen the borders agency, Frontex, by giving the agency the means to better control the coastal borders of the EU with Africa. Sources: [http://www.premier-ministre.gouv.fr/chantiers/immigration\\_865/les\\_gouvernements\\_francais\\_espagnol\\_58916.html](http://www.premier-ministre.gouv.fr/chantiers/immigration_865/les_gouvernements_francais_espagnol_58916.html)
- Ministers of Foreign Affairs from countries of Western Mediterranean met on the 21 January 2008 in Rabat. Mrs Benita Ferrero Waldner, Commissioner for External Relations and Neighbourhood Policy, attended the summit. The meeting's main aim was to consolidate the Euro-Mediterranean Partnership in the Western Mediterranean region. Few days before this meeting, Morocco and Libya, started a massive campaign to deport undocumented migrants, especially coming from sub-Saharan, before they can make it to Europe. Several humanitarian organizations denounced human rights violations and accused the EU of having encouraged them as a part of the cooperation agreement. For more information, see: <http://www.maec.gov.ma/fr/default.asp>; <http://www.maec.gov.ma/fr/default.asp>

#### **European Parliament**

- Application of modern technologies to border controls and the launch of a debate on developing a common immigration policy are main priorities for the Slovenian Presidency in the field of

migration. The Slovenian Minister of the Interior, Mr. Dragutin Mate, illustrated them to the European Parliament Committee on Civil Liberties, Justice and Home Affairs on 22 January 2008. Mr. Mate particularly underlined the need of a "true common policy on legal immigration" that enables immigrants to successfully integrate. He proposed that this should be accompanied by an effective policy of returning undocumented migrants and therefore "priority treatment" will be given by the Presidency to the proposal of a Directive on common standards and procedures in Member States for the return of third-country undocumented nationals (Return Directive). The Presidency also wants to concentrate on the discussion on the Directive providing for sanctions against employers of irregular staying third-country nationals. Source:

[http://www.ecre.org/topics/intro\\_to\\_topics](http://www.ecre.org/topics/intro_to_topics)

- Giusto Catania, MEP, member of the political group GUE/NGL has presented a written question to the European Commission regarding the situation of 600 Eritrean migrants held in Libya. More in particular Giusto Catania has asked to the EC Commission to take action to prevent the expulsion of the 600 Eritreans and how cooperation between EC and Libya will be developed. In its answer, the Commission declares its will to continue to work closely with the United Nations High Commissioner for Refugees (UNHCR) in order to clarify the real situation of Eritrean prisoners and to help Eritrean asylum seekers to apply for a refugee status as appropriate, while ensuring acceptable conditions during their stay in Libyan territory. For more information see: <http://www.europarl.europa.eu/sidesSearch/sipadeMapUrl.do?PROG=QP&language=EN&startValue=10#>
- H el ene Flautre, French MEP, has not been allowed to visit the detention centre in Lesquin, France. According to article 719 of the French Penal Code all the MPs and senators are allowed to visit all the detention centres at all times. Only the MEPs members of the sub-Committee on Human Rights were able to enter the detention centre to collect information in the framework of a precise enquiry. This was not the case for Mrs Flautre who will refer the matter to the President of the European Parliament, Hans-Gert P ottering (PPE).  
Source: Centres de r etention: eurod eput es xclus ? Nord Eclair - 12/01/2008

### **Council of the European Union**

- The first informal meeting of Ministers of the Interior during the Slovenian Presidency was held at Brdo pri Kranju. It was chaired by Dragutin Mate, Slovenian Minister of the Interior and President of the Justice and Home Affairs Council of the EU. The EU ministers, for the first time in this configuration, discussed the interim report of the High-Level Advisory Group on the Future of European Home Affairs Policy after 2010 (Future Group). At the four meetings of the group held so far, the ministers of the present and future Trio Presidencies and Vice-President of the European Commission, Franco Frattini, discussed different aspects and the future of the policy after the expiry of the Hague Programme. The ministers agreed that migration represented a challenge to the EU and that integrated border management with a common visa policy was the right approach. The ministers also supported the exchange of information on countries of origin. To this end the European Commission proposed the creation of a common portal for the exchange of information on countries of origin. Source: [www.eu2008.si](http://www.eu2008.si)

### **4. Undocumented Children**

- Reacting on the UNICEF/ Defence for Children's annual report, Dutch State Secretary for Justice Nebahat Albayrak announces that under aged children of families of undocumented migrants awaiting deportation in Holland cannot be placed in detention for over two weeks. With this



measure she wants to align Dutch policy with the International Convention on the Rights of the Child. Source: NRC, 29 January 2008

- Unicef and Defence for Children have welcomed the new measure in the Netherlands, but state that children arriving there and having to stay in border detention awaiting their deportation are still detained for a longer period (four weeks maximum after the judge decides on their leave). Unaccompanied children are also excluded from the new policy. The organization state that the distinction between minors with and minors without parents is a breach of the non-discrimination principle. More information on: <http://www.defenceforchildren.nl/>
- An estimated 100,000 vulnerable children are condemned to a childhood of poverty, uncertainty and fear after being caught up in a UK asylum backlog that may not be cleared until 2011. These vulnerable children frequently live in intolerably poor accommodation from which they are moved over and over again. Although their parents are often desperate to work and pay their way in the UK, the system does not allow this. These are some of the findings of 'Like Any Other Child?' a new report published on 7 January 2008 by Barnardo's, as part of its campaign to end child poverty in the UK. The major children's charity is calling for asylum seekers to be given the right to work, so they can lift their children out of poverty.  
[http://www.barnardos.org.uk/news\\_and\\_events/media\\_centre/press\\_releases.htm?ref=33812](http://www.barnardos.org.uk/news_and_events/media_centre/press_releases.htm?ref=33812)
- On 19 December 2007, the *Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration* (Representative of the Federal Government for Migration, Refugees and Integration), Minister of State Maria Böhmer, presented the Seventh Report on the Situation of Foreigners in Germany. Undocumented migrants are only mentioned under the caption *Entwicklungen im Aufenthaltsrecht* (Developments in Aufenthaltsrecht). The Representative, however, points out that it is essential that undocumented children can attend schools, without their family having to be afraid of being automatically denounced to the Foreigner's Office. The Minister will contact the competent states (Bundesländer) in this matter (see p. 239).  
[http://www.migration-online.de/7\\_auslaenderbericht](http://www.migration-online.de/7_auslaenderbericht)
- The Spanish Minister of Work and Social Affairs, Jesus Caldera, said on the 4 January 2008 in Tenerife that the government wants to carry out the repatriation of the Senegalese children now held in the centers on the Canary Islands. The Minister stated that following the worries expressed by the Senegalese President, Abdoulaye Wade, on the condition of the Senegalese's minors placed in the centers in the Canary Islands, they had on 15 December invited a delegation from Senegal (consisting of NGOs, members of the government, journalists) to visit the centers and verify the respect of all the human rights within them.  
<http://www.eldia.es/2008-01-04/canarias/canarias9.htm>
- Despite the Hungarian governments efforts to eradicate the separation of Gypsies in school classrooms, the problem is proving difficult to resolve. The Hungarian government has invested heavily in education but some sociologists argue that extra money for schools in disadvantaged regions could be blamed for the enduring problem of the Romany, or Gypsy, segregation, the Hungarian news agency MTI reported. State-run schools receiving extra funding through the government's integration program are not popular with middle-class parents, who often withdraw their children to send them to better schools, the Hungarian national daily Nepszabadsag said. The parents' choice leaves those schools with a majority of Gypsies and the program, aimed at integrating disadvantaged children with their "mainstream peers" actually collapses. Gabor Daroczi, a former government commissioner for Romany integration, said integration would stand a chance if people supported the program. However reports in the Nepszabadsag indicate that the majority of the society supports segregation.  
<http://www.earthtimes.org/articles/show/169045.html>

- British Home Secretary Jacqui Smith announced on 14 January 2008 her intention to ratify the Council of Europe Convention against Trafficking by the end of this year. Ratification of the convention against human trafficking will be a milestone in the government's strategy to protect the victims of human trafficking and bring to justice those that exploit them, said a Home Office press release. The Home Office also announced a review of the government's reservation on the United Nations Convention on the Rights of the Child. The review will assess the continuing need for the reservation in the light of the plans to ratify the Council of Europe Convention against human trafficking and following a number of child protection developments in Britain, including placing the Border and Immigration Agency's responsibilities to keep children safe from harm on a statutory basis.  
[http://qinisc.net/members/news\\_details\\_en.php?id=4896&sub=trafficking&stat=act](http://qinisc.net/members/news_details_en.php?id=4896&sub=trafficking&stat=act)

## **5. Upcoming Events**

- The 'Réseau Régional Réfugiés' (RRR) held events during the week of the right to asylum at the 'Espace-Accueil aux étrangers' in Marseille, France on 1 February 2008. A couple of months before France take over the presidency of the EU, RRR decides to present the current situation for the right to asylum in France. On 2 February a conference debate on: 'The Suffering of Asylum Seekers' ("La souffrance du demandeur d'asile") and an exchange-day discussing: "The Reality and Perception of the Asylum Presence" ("Etat actuel et perspective du dispositif d'asile"): with asylum seekers, refugees, undocumented migrants, militants and jurists. (More information on both events can be obtained at: 06 25 91 36 51)
- A big demonstration for the regularization of undocumented migrants is planned on 16 February 2008 in Brussels. Starting at 2pm from 'La Bourse' the demonstration will then continue to the 'Petit Chateau'. The 'Coordination National des Sans Papiers de Belgique' (CNSP) calls on all undocumented migrants, Belgian citizens, militants, union workers to demonstrate for the inclusion of a new regularization campaign for undocumented migrants into the governmental negotiations. Contact [cnsp\\_belgique@yahoo.fr](mailto:cnsp_belgique@yahoo.fr) for more info.
- The Mediterranean Institute of Gender Studies (MIGS) in collaboration with the University of Nicosia, (Cyprus) will host an international conference on the 28 February within the framework of the transnational project entitled "Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation". The widespread phenomenon known as the feminization of migration proves that it is women that are increasingly migrating for better job prospects. The conference will address the need for the development of an integration model responsive to the particular needs of female migrant domestic workers in Europe.  
<http://www.medinstgenderstudies.org/wp/?p=331#more-331>
- The Diakonisches Werk together with Amnesty International, Caritas, the Hessian Refugee Council (Hessischer Flüchtlingsrat), and the Zentrum für Ökumene (Ecumenical Centre) are holding a training day on 15 March 2008 for people working with refugees (voluntary or professional) in Frankfurt/Main. The topic of this session is the situation of undocumented migrants and the challenges for communes and for centres giving advice to refugees. This session is but one in a series of qualifications for people working with refugees. For more information visit: [www.fr-hessen.de/](http://www.fr-hessen.de/)
- The Transnational Institute for Grassroots Research and Action (TIGRA) is holding the Transnational Assembly of Remitters and Families for The Global League of Community Sustainers in Mexico from the 12 to 17 of May 2008. This historic gathering will bring together migrant leaders and local, state, national and international migrant organizations from the US and Asia, Europe, Africa and Latin America to build a global association of remitters and their families.

The mission of La Liga Mundial is to consolidate economic and political power in the age of globalization for those who have moved from their countries of origin in order to provide financially for their families. The Assembly seeks to build a dynamic association and platform that can give shape to a strategic agenda to influence the development of migrant communities towards a more sustainable future. <http://www.ligaconvention08.org/>

## **6. Publications**

- Amnesty International published a research guide: "Migration-related detention: a Research guide on human rights standards relevant to the detention of migrants', asylum-seekers and refugees". This research guide is aimed at providing individuals working on the issue of migration-related detention with information about the human rights standards which place limitations on this practice. International law is not in favour of detention and places clear constraints on its usage while requiring that the conditions are humane. Special attention is also given to standards relating to particular groups of concern, including children and other vulnerable categories. Report available for free download (English only) at: <http://www.amnesty.org/en/report/info/POL33/005/2007>
- The International Organization for Migration recently published 'International Migration Law N°12 - Migration and the Right to Health: A Review of European Community Law and Council of Europe Instruments'. The study aims to provide a legal perspective on migration health in Europe through a review of European Community Law and Council of Europe instruments. Numerous instruments exist at the European level recognizing that the right to health is a fundamental human right for nationals and non-nationals alike: their goal is to ensure protection of health and access to health services of appropriate quality for all. Nevertheless, health inequalities between host populations and migrants, asylum seekers, refugees, victims of trafficking in persons and others in need of international protection and assistance persist in the region, both in terms of health status as well as in access to health services of equal quality. This study seeks to highlight the challenges to migration health within Europe, both in law and in its application. [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/serial\\_publications/IML12-MRH%20dec07.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/IML12-MRH%20dec07.pdf)
- The King Baudouin Foundation published its "End Report of the Civil Society Day (9 July 2007)". The first meeting of the Global Forum on Migration and Development took place on 9, 10 and 11 July 2007, a broad range of non-governmental actors were invited to discuss relevant issues and to offer organised input to the intergovernmental discussions. This "End Report", aims at maximizing the sharing of all outcomes of the Civil Society Day. The report brings together the results of the discussions during the Civil Society Day itself and all other relevant elements assembled during the preparatory process. The report gives a sense of civil society's understanding and concerns regarding issues such as circular migration, remittances, and the role of diaspora organisations. <http://www.kbs-frb.be/publication.aspx?id=222654>
- After 4 years of research Serge Daniel, author-journalist from Mali, published "Les routes clandestines" describing in the adventures of migrants as they travel from their home countries in Africa to the Mediterranean. Read an extensive review (in French only): <http://maliweb.net/category.php?NID=25906&intr=>
- AIM for Human Rights (formerly Humanistisch Overleg Mensenrechten (HOM)) has published the summary of its international consultation in the Netherlands in June 2007 on "Human Rights Impact of Anti-trafficking Interventions: Developing an Assessment Tool". The conference established the need to develop a human rights impact instrument for the documentation and assessment of anti-trafficking laws, policies and measures. [saskia@aimforhumanrights.nl](mailto:saskia@aimforhumanrights.nl)

- The Groupe d'Information et de Soutien des Immigrés (GISTI) published their December issue of "Plein Droit" presenting articles on undocumented women migrants, residence permits issues in case of conjugal violence, the history of Franco-Algerian solidarity, etc... The publication can be purchased for 9 Euros plus postage at: <http://www.gisti.org/publications/commandes/plein-droit.html>
- The Migration Policy Institute recently published two articles; Elizabeth Collett explains the European Blue Card proposal in: 'The Proposed European Blue Card System: Arming for the Global War on Talent?' and Hiroyuki Tanaka explores migration history of North Korea in: 'North Korea: Understanding Migration to and from a Closed Country'. Both articles can be read (in English) at: <http://www.migrationinformation.org/Feature/display.cfm?id=667> and <http://www.migrationinformation.org/Profiles/display.cfm?id=668>
- The International Catholic Migration Commission presented their policy paper on "What the African 'boat people' are teaching Spain – and Europe – about immigration policy". Spain's experiences demonstrate the demographic complexities of boat-based migration. Involving a complex mix of unaccompanied minors, pregnant women and women with young children, economic migrants, asylum seekers, trafficked and smuggled persons and individuals who have been made victims of violence and trauma during the course of the crossing, the cayuqueros have taught that contemporary migration can no longer be regarded in black and white terms of "migrant versus refugee". Rather, mixed-migration flows must be approached in a collaborative way by organizations that have the complementary competencies to most appropriately address the unique humanitarian and protection needs of all those involved. [http://www.icmc.net/pdf/learning\\_from\\_the\\_cayuqueros\\_alanna\\_jan5.pdf](http://www.icmc.net/pdf/learning_from_the_cayuqueros_alanna_jan5.pdf)
- A study commissioned by the European Parliament on "The conditions in centres for third country nationals (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states" was released in December 2007. This study is a response to the European Parliament's desire to better understand and to improve the detention and reception conditions for third country nationals in closed and open centres in Europe, with special consideration for persons with special needs. The unique feature of this study is that it focuses on vulnerable groups and assesses whether their needs are taken into account or not and if the conditions found in Europe contribute to an improvement in, or the aggravation of, their situations of vulnerability. <http://www.statewatch.org/news/2007/dec/eu-ep-detention-centres-report.pdf>
- The situation of migrants in detention in the 10 new EU Member States is one of extreme hardship. This is the conclusion of the Jesuit Refugee Council's (JRS) "Civil Society Report On Administrative Detention Of Asylum Seekers And Illegally Staying Third Country Nationals In The 10 New Member States Of The European Union". The report, published in October 2007 and launched in December, is the result of a project that brought together NGO partners from the 10 Member States that acceded the EU on 1 May 2004. The study examines the national legislations concerning administrative detention of asylum seekers and irregular migrants, as well as the conditions in one or more detention centre in each of the 10 Member States. <http://www.detention-in-europe.org/images/stories/10%20nms%20report%20final.pdf>
- The *Deutsches Institut für Menschenrechte* (German Institute for Human Rights) presented its report *Frauen, Männer und Kinder ohne Papiere in Deutschland - ihr Recht auf Gesundheit* (Women, Men, and Children without Papers – Their Right to Health) to the Bundesarbeitsgruppe "Gesundheit/Illegalität" (Federal Working Group on Health/Illegality) on 8 November 2007. Central to the report is an analysis of different approaches to providing medical care to undocumented

migrants. The authors' state that, even though having basic rights to health care, undocumented migrants hardly make use of this right or make use of it too late. The one great obstacle is the duty to denounce undocumented migrants to the migration authorities that all state authorities underlie. Basic health care thus has to be provided by non-governmental networks. The report also contains recommendations for future German policy. The report can be downloaded at: [http://files.institut-fuer-menschenrechte.de/437/IUS-041\\_B\\_AG\\_RZ\\_WEB\\_ES.pdf](http://files.institut-fuer-menschenrechte.de/437/IUS-041_B_AG_RZ_WEB_ES.pdf)

- Human Rights also apply at high seas. In an expert's report on European refugee policy entitled *Menschen- und flüchtlingsrechtliche Anforderungen an Maßnahmen der Grenzkontrolle auf See* (Human Rights and Refugee Rights Demands towards Measures of Border Control at Sea), on behalf of Amnesty International, Pro Asyl and the Forum für Menschenrechte (Forum for Human Rights) on occasion of the International Refugee Day on 27 September 2007, the authors Andreas Fischer-Lescano and Tillmann Löhr conclude that the current policy of sealing off neglects human rights and refugee rights obligations of EU member states. Even outside the twelve-mile zone, Human Rights Convention and Refugee Convention are in effect. The common practice to pick up refugees at sea and return them to the assumed starting point of their journey is thus illegitimate. Contrary to the opinion of the German federal government, which holds that these conventions are in force only on land, refugees have the right to pose an official demand for asylum even at high seas. Download the expert's report from here: [www.migration-online.de/mre\\_auf\\_see](http://www.migration-online.de/mre_auf_see)
- On European level a guideline is to be drafted that deals with the obligations the EU has towards people it apprehends during operations at southern sea border of the EU. The *Deutsche Institut für Menschenrechte* (German Institute for Human Rights) seeks to contribute to the solving of the Human Rights related questions on the basis of this issue. Therefore it has issued a policy paper directed to the German government *Menschenrechte an der EU-Außengrenze. Empfehlungen an die Bundesregierung* (Human Rights on the EU external border. Recommendations to the Federal Government – <http://www.institut-fuer-menschenrechte.de/sl.php?id=213>, and an expert's report *The Demands of Human and EU Fundamental Rights for the Protection of the European Union's External Borders* both by Ruth Weinzierl. <http://www.institut-fuer-menschenrechte.de/sl.php?id=212>
- Helen Schwenken, Social Scientist at the University of Kassel, has put together a dossier for the Heinrich Böll Foundation on the topic of *Leben in der Illegalität* (Living in Illegality). The Dossier comprises of 14 contributions that deal with the creation of "illegality", the representation of undocumented migrants, communal policies, their human rights situation, access to health care, working conditions, trade unions and regularisation campaigns. It is available for download at: [http://www.migration-boell.de/web/migration/46\\_1371.asp](http://www.migration-boell.de/web/migration/46_1371.asp)

## **7. PICUM News**

### Upcoming Events

- PICUM is finalising preparations for its international workshop on '**Fighting Discrimination Against Undocumented Children**' to be held in **Brussels** on **4 April 2008**. Part of PICUM's two year project co-financed by the DAPHNE Programme of the European Commission, this workshop will focus on the discrimination-related problems for undocumented children in gaining access to housing and education. We invite interested individuals to attend in the sharing of good practices and expertise which can assist this vulnerable group of children.

PICUM staff and board members have recently spoken at the following events:

- **“Workshop on Health Care for Undocumented Migrants in Europe”**, 31 January – 1 February 2008, Brussels. PICUM Acting Director Eve Geddie made a presentation on “PICUM’s Report on Access to Health Care for Undocumented Migrants in Europe” outlining the research and findings of PICUM’s two year project.

## **8. Miscellaneous**

- Brett Convington, a researcher from Georgetown Law School, is conducting research on undocumented children for the Immigration Law Journal. The focus of his study is a comparative analysis of US and EU approaches to tuition benefits for undocumented students in tertiary education. He would be grateful for any papers, experts or information on this topic, especially on the situation in EU countries. Brett Convington can be contacted at: [bsc33@law.georgetown.edu](mailto:bsc33@law.georgetown.edu)
- Ahead of the EU Troika meeting with Morocco on 20 December 2007, Amnesty International reminded European Commissioner, Benita Ferrero-Waldner, about the grave human rights abuses being committed by the authorities in Morocco, particularly in Western Sahara. Amnesty called on the EU Troika to urge the Moroccan authorities to address freedom of expression, association and assembly, torture and ill-treatment and the rights of refugees, migrants and asylum seekers. [http://www.amnesty-eu.org/static/AI\\_letter\\_Morocco\\_Dec\\_2007.pdf](http://www.amnesty-eu.org/static/AI_letter_Morocco_Dec_2007.pdf)
- The BBC Focus on Africa Magazine has reported on the Sub-Saharan African undocumented migrants living in Algeria. While many young Algerians risk their lives to cross the Mediterranean on small boats in search of better conditions, Africans from Sub-Saharan Africa risk their lives through the hot and dry desert to go live and work in Algeria. Read the rest of the article (in French) at: [http://www.bbc.co.uk/french/highlights/story/2008/01/080112\\_algeria\\_migrants.shtml](http://www.bbc.co.uk/french/highlights/story/2008/01/080112_algeria_migrants.shtml)
- ‘Storie Migranti’ is an archive of migration stories, run by scholars and PHD students, which tracks the history of our present through migrants’ stories. It is not a website hosting a debate over migration. Instead, it is a place where the narratives of first hand experiences of migration may be deposited. The editorial staff are engaged in collecting these stories and in spreading them through their website. They call on undocumented migrants, activists and researchers to share their stories on migration in Italian, English, French and Spanish. <http://193.204.255.27/~migranti/spip.php?rubrique28>
- The Ssaé and the Azimut theatre organized their monthly gathering on questions of welcome, integration and discrimination. On the 24 January 2008 a panel of experts and health practitioners discussed on the topic of ‘Santé et Conduites à Risques’. Every third Thursday of the month a different topic will be discussed at the Azimut Theatre in Paris. For the calendar of upcoming topics: <http://www.theatreazimut.com/befores/index.php#>
- A documentary was published by “Human Rights Concerns – Eritrea”, comprising of interviews of four Eritrean refugees, who have been deported from Malta in 2002. On their re-entry to Eritrea they have been subjected to torture by the Eritrean Army, one was killed. The link to the video (English version only) <http://fortresseurope.blogspot.com/2005/12/eritrea-voices-of-torture.html>

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