



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter January 2008

Finalized on 7 January 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) in the following languages: English, German, Dutch, Spanish, French, Italian and Portuguese. You are invited to distribute this newsletter widely.

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1. Death at the Border

- The Mauritanian authorities informed on 6 November 2007, that at least 47 undocumented African migrants on board two vessels had perished after a failed sea journey to the Spanish Canary Islands. Shortly after departing from Senegal last October, the two vessels encountered problems and began drifting at sea. Without enough food and water, the migrants died one by one and their bodies were thrown overboard by others. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)

- The Greek coast guard rescued 192 undocumented immigrants on 5 December 2007 from a ship that, after 10 days at sea, had been struggling in choppy waters off the southeastern coast of Crete for several hours. The migrants declared themselves to be Iraqis but authorities believe they are mostly Egyptians. One man was found dead on the ship. He was a diabetic whose blood sugar had fallen too low, a coroner said. Two of the migrants were hospitalized. (*Ethnos*, 6 December / *Kathimerini*, *Kerdos*) <http://www.greeknewsagenda.gr/newsletter/archive.php?msg=249>
- A Greek border guard was taken into custody on 8 November 2007 for firing a fatal shot at the back of an undocumented migrant from Albania. The victim was among the group of 11 men who tried to enter the northern Greek area of Florina irregularly. Nine of them were apprehended immediately and the border guards chased after the other two. One was eventually caught whereas the other, shot in the back, died shortly after admission to a nearby hospital. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- A scuffle broke out between four suspected irregular migrants and the police trying to arrest them on 16 November 2007 outside the village of Pyla, on Cyprus's southern coastline. One of the migrants received a fatal gunshot wound to the stomach. Pyla is a mixed Greek-Cypriot and Turkish-Cypriot village that spans the buffer zone separating the two sides. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- Two migrants were killed and another eight were missing on 5 December 2007, after their boat collided with a coastguard patrol off the French Indian Ocean island of Mayotte and capsized, officials said. Dozens of migrants perish each year as they attempt the crossing from the Comoros archipelago to Mayotte on traditional wooden vessels known as a kwassa-kwassa. http://www.expatica.com/actual/article.asp?subchannel_id=25&story_id=46645
- At least 12 people were reported to have died on 4 December 2007 following a shipwreck in the high seas off Libreville, Gabon in West Africa. Their bodies were found on the shore of Libreville. Neither date of the shipwreck nor the exact number of passengers on the boat was known. http://www.rfi.fr/actufr/articles/096/article_59842.asp
- At least 51 undocumented migrants were reported to have drowned off the Turkish coast on 10 December 2007. As many as 85 people may have been aboard a 15-meter (45-foot) boat that capsized in the Aegean Sea off the western Turkish town of Seferihisar, near Izmir. The nationalities of the migrants were not immediately clear, the majority were believed to be Palestinians, Somalis and Iraqis. <http://afp.google.com/article/ALeqM5j2- E5YInmYz46NlwC8h5VmKjA3Q>
- Some 40 Africans died in the Atlantic off Senegal as they were trying to reach the Spanish Canary Islands, police quoted survivors as saying. They were aboard a boat that set off at the end of November from Diogue Island in southern Senegal with 130 people aboard. Only 90 were left when it ran aground north of Dakar on 8 December. Survivors had spoken of 40 people who "died at sea and were thrown overboard" during the voyage. <http://afp.google.com/article/ALeqM5j2- E5YInmYz46NlwC8h5VmKjA3Q>
- At least 50 people were missing after an immigrant boat heading for the Canaries sank. Officials in the town of Dakhla, on the Western Sahara coast, said the boat had set out from Mauritania and sank on 8 December 28 nautical miles offshore. <http://afp.google.com/article/ALeqM5j2- E5YInmYz46NlwC8h5VmKjA3Q>

- Documented deaths of migrants in southern Arizona, so-called 'Corridor of Death', rose sharply in 2007. Official statistics from the US Border Patrol Tucson Sector report 204 migrant deaths during the 2007 fiscal year that ended on 30 September of last year. The death toll represented a 21 percent increase from 2006, when 165 deaths were registered. The Tucson-based Human Rights Coalition blamed the additional deaths on tighter US border security measures that encouraged undocumented migrants to undertake risky journeys. In 2007, the US federal government expanded border walls, installed large towers and increased the manpower of the US Border Patrol by 3,000 agents. In addition to documented deaths, disappearances are a growing problem, with many families losing trace of relatives who had set out to cross the Arizona desert. Source: Frontera 31 December, 2007.
http://groups.google.com/group/alt.politics.usa.congress/browse_thread/thread/5254515a69be0936/e859d5878162cd73

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

UN

- UNHCR has sent comments to the Portuguese EU Presidency ahead of the first Euro-Mediterranean Ministerial Meeting on Migration on 18-19 November 2007, in Portugal. The meeting took place at a time when migration is high on the political agenda in the entire Mediterranean region, and when the situation of persons trying to reach Europe across the Mediterranean is in the news almost on a daily basis. While the meeting did not focus on refugee issues, UNHCR felt it was important to recall that refugees and asylum-seekers are invariably part of today's mixed migratory flows. Migration policy, and in particular measures to tackle irregular migration, needs to take account of the specific rights and needs of refugees, and of States refugee protection obligations.
<http://www.unhcr.org/protect/PROTECTION/473d554b2.pdf>
- The first meeting of the UN High Commissioner for Refugees' Dialogue on Protection Challenges took place on 11 and 12 December 2007. The Dialogue, chaired by High Commissioner António Guterres, examined the challenges and dilemmas to refugee protection posed by today's migration flows. It aimed to go beyond a focus on control of irregular migration and to examine more broadly the relationships between protection, solutions and migration. The Dialogue highlighted the opportunities for strengthening operational and other partnerships, and promoted a protection and human rights perspective when dealing with situations combining both asylum and migration aspects. <http://www.unhcr.org/news/NEWS/475eb18e4.html>
- On December 18, United Nations officials called on all countries to protect the human rights of the world's 200 million migrants, regardless of their legal status. Secretary-General Ban Ki-moon reminded that millions of migrants provide essential services to the economies and societies of the countries they live in while supporting their families and communities back home, where remittances boost the national economy. Marking International Migrants Day, the Secretary General called on all States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. UN High Commissioner for Human Rights Louise Arbour underscored the primacy of migrants' human rights over their legal status recalling that all migrants, irrespective of their legal status, enjoy the protection of international human rights standards laid down in human rights instruments. Condemning working conditions that amount to modern forms of slavery, the High Commissioner emphasized that irregular migrant workers were particularly vulnerable to a wide range of abuses and violations; their children were often at risk, deprived of access to schools or health care facilities and violations committed against them by private individuals often went unpunished. Calling on all countries to ratify the International Convention, Ms Arbour highlighted abuses facing migrant workers: long working hours, payment of

salaries well below minimum wage established by law, exposure to degrading and dangerous working conditions and confiscation of travel documents despite the fact that today's economies could barely function without their contribution.

<http://www.un.org/apps/news/story.asp?NewsID=25107&Cr=migrants&Cr1>

- Two independent UN experts called for the decriminalization of irregular or undocumented entry into a country. "Any migrant worker detained in a State of transit or in a State of employment for violations of provisions relating to migration should always be separated from convicted persons or persons detained pending criminal trial," said Special Rapporteur on the Human Rights of Migrants Jorge Bustamante and the Chairman of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Prasad Kariyawasam. The two emphasized the hardships faced by irregular migrant women, often exposed to all sorts of abuses by their employers, including sexual harassment and physical violence, yet denied legal protection and access to effective remedies because of their status. Emphasizing that women migrant workers in domestic service should have access to mechanisms for bringing complaints against their employers and all abuses, including sexual abuses, should be investigated and punished. They also called on Member States to ensure access to education for all migrant children irrespective of their migratory status and to intensify their efforts to prevent these children from falling victim to any kind of exploitation, and notably economic or sexual exploitation.
[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/DFD382ACBAC99711C12573B40056CBC1?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/DFD382ACBAC99711C12573B40056CBC1?OpenDocument)

France

- On 6 November 2007, an irregular migrant of African origin jumped from the fourth floor of a building and broke two legs in an attempt to escape visiting policemen who had not arrived for him. This is the third case of its kind. In August 2007, it was a young Russian boy who remained in come for 11 days after falling from a building as he joined his father to avoid being apprehended by the police. The September, it was a Chinese woman whose fall was fatal. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)

Spain

- A Gambian court ordered a month's jail term for 37 Senegalese undocumented migrants who had tried to embark for Spain, after they were proven guilty to the charges brought against them. The youths, who appeared before Magistrate Amina Saho of Bundung, about 10 kilometers from the Gambian capital Banjul, pleaded guilty of trying to use Gambian waters in their bid to reach Spain. The development came following a cooperation agreement the Spanish government had earlier signed with some countries in West Africa, including Gambia. Under the deal, Spain provides financial support to countries that guard their waters to prevent immigrants sailing to Spain.
<http://www.afrol.com/articles/24510>
- According to the official data provided from the government more than 17,000 people arrived to Spain in small boats during 2007. This is a reduction of around 60 percent in relation to 2006. By 30 November, a total of 17,038 undocumented migrants had arrived to the Spanish coasts with 704 "pateras", while in the same period of the previous year a total of 37.647 undocumented migrants arrived in 1,111 "pateras". <http://medios.mugak.eu/noticias/noticia/126895>
- The Senegalese government has some problems in accepting the recent agreement concluded with the Spanish government for the repatriation of undocumented children. As no census of population does exist in Senegal, it is not possible to guarantee that the familiar regroupings are carried out

in a proper manner. For this reason, Senegal has asked Spain to construct, as soon as possible, centers for professional training, both in rural zones and in urban areas, together with centers for the reception of the repatriated children. <http://medios.mugak.eu/noticias/noticia/127214>

Italy

- A group of Italian parliamentarians (Mascia, Zaccaria, Frias, Bonelli, Venier, Migliore, Di Salvo, Amici) presented an inquiry to the Parliament on the 20 December on the affair of the 7 Tunisian fisherman imprisoned in August 2007 and accused of human trafficking further to a rescue operation of 44 migrants off Lampedusa (see October 2007 Newsletter). The parliamentarians asked for clarifications on the process and the role of the government in the event. http://banchedati.camera.it/sindacatoispettivo_15/showXhtml.asp?highLight=0&idAtto=19430&stile=6
- The Italian Interior Minister Giuliano Amato together with the Libyan Minister of Foreign Affairs, Abdurrahman Mohamed Shalgam, have signed on the 29 December a Protocol for cooperation between the two countries to control and prevent irregular migration. The two parts will intensify the collaboration in the fight against criminal organizations which organize human trafficking and the exploitation of clandestine migration. The agreement foresees the implementation of joint maritime patrols in front of the Libyan coasts. http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/0871_2007_12_29_ministro_Amato_firma_a_Tripoli_accordo_per_il_pattugliamento_congiunto.html

Greece

- A second detention center for migrants has been set up and inaugurated by the Ministry of Interior on the island Samos. The reception center has the potential to shelter up to 300 people and is equipped with a sanitation system, a health center, as well as a basketball court and a playground for the children. The Head of the United Nations High Commissioner for Refugee's office in Greece, Mr. Tsaropoulos, said that this new center was a positive step, particularly when compared to the previous reception center that existed in Samos. (*Herald Tribune, Eleftherotipia, Nautemporiki, Financial Box, 3 December 2007*) <http://www.info-grece.com/modules.php?name=News&file=article&sid=4069>
- Afghan immigrants, mostly families with infants and young children, demonstrated outside the Health Ministry in Athens, on 5 December 2007, demanding political asylum and better living conditions. The country's Social Welfare and Solidarity Service said that it will try to cover their basic accommodation and food needs and also called on the Public Order Ministry to speed up procedures regarding political asylum. (*Herald Tribune, 06-12-2007, Eleftherotipia, 06-12-07*)
- The police announced on 23 November 2007 that immigrants living in Greece and wanting to return home for Christmas may do so between 10 December 2007, and 31 January 2008 without fear of being refused re-entry even if they lack a valid residence permit. However, they must have a valid passport, their expired residence permit and a document certifying that they have applied for a new work or residence permit. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)

UK

- A professional footballer is facing deportation to Sierra Leone, where he says he will be killed if he returns, after losing his case at an Asylum and Immigration Tribunal. Al Bangura, who plays for

Watford and has a newborn son, has 10 days to lodge an appeal against being forcibly returned to the country after a civil war in which his father was stabbed to death. The midfielder, who had been voted Young Player of the Year was given the captaincy for one game earlier this season, is not the only high-profile sporting personality facing deportation. Hartley Alleyne aged 50, the former Kent, Worcestershire and West Indies cricketer, who now teaches at St Edmunds School in Canterbury, is appealing against a decision to repatriate him to Barbados because he does not have a relevant coaching qualification. <http://sport.independent.co.uk/football/news/article3244699.ece>

- Controversial plans to bar hundreds of thousands of irregular immigrants and refused asylum seekers from all but emergency health services are being considered by the Home Office. A joint Department of Health and Home Office review examining proposals to restrict free access to GPs' surgeries for failed asylum seekers and irregular migrants is due to report in 2008. Experts and MPs have expressed concerns at reports that the government has decided to introduce further restrictions on free healthcare which will affect almost 600,000 people. Jill Rutter, senior research fellow at the Institute for Public Policy Research (IPPR) said that such move could increase risks to public health noting that the government was in danger of normalising a breach of human rights - the right to basic health care provision. http://observer.guardian.co.uk/politics/story/0,,2220504,00.html#article_continue

Ireland

- The Migrant Rights Centre of Ireland (MRCI) launched a renewed campaign for the visa proposal, which it says would allow undocumented migrants to regularise their status. The MRCI has been advocating that the Immigration Residency and Protection Bill provide a Bridging Visa for migrant workers who can demonstrate that they have been exploited or have become undocumented through no fault of their own. The visa would allow a migrant worker to change or seek employment within a defined period. The worker becomes documented, in a position to make an official complaint and seek new employment. http://www.mrci.ie/policy_work/IrregMigrant_UndocuMigrant.htm

Belgium

- RTLInfo reported on 4 December 2007 that senators Freya Piryns (Groen) and Carine Russo (Ecolo) introduced a bill envisaging prohibiting the detention of minors in closed centers for asylum seekers. The detention of minors during asylum procedures contravenes the International Convention on the Rights of the Child, ratified by Belgium in 1992. Nonetheless, families with children are still regularly detained in centers in Merksplas (province of Anvers), Steenokkerzeel and Melsbroek (Brussels airport) and Vottem (near Liège). www.rtlinfo.be
- A Symposium took place on 7 December 2007 in 'Het Provinciaal IntegratieCentrum West-Vlaanderen' (the Provincial Centre for Integration In West-Flanders) on the problems of undocumented migrants. For more information contact: gornik.casier@pic-wvl.be or maurice.vanwelden@west-vlaanderen.be. Source: <http://www.vmc.be>
- Over 300 people assembled at Nossegem on 16 December 2007, in order to protest in front of the detention centre against the confinement of undocumented adults and children. The protest had been called for by CRER (Coordination for regularisation and free movement), formed by a human rights organisation, political parties and citizens. <http://parrainage127bis.canalblog.com>

- On the 1 January 2008, 150 undocumented migrants who occupied the French Community buildings on the Koningstraat have decided unanimously to go on hunger strike until their administrative situation will see a collective solution. The lack of any response of Minister Dewael to the letter that was sent to them by 300 undocumented migrants was the direct cause of the decision. Source: <http://sanspapiers.skynetblogs.be/>
- The working group 'Inequality in Healthcare' of the King Baudouin Foundation, which consists of representatives from the field of healthcare, has formulated policy recommendations to reduce differences in health among different social groups. The ULB and University of Gent contributed to the work of the working group. The report can be found on <http://www.kbs-frb.be/publication.aspx?id=218564&LangType=1033>
- OR.C.A (Organisation for Undocumented Workers) have made their 'Guide to Rights of Undocumented Workers' available on their website in Portuguese as well as a new guide to undocumented independent workers which can be downloaded in French or Dutch on <http://www.orcasite.be/?id=92>
- A new brochure compiled by a number of NGOs including Medimmigrant is now available on the different which rights migrants have in relation to healthcare and which status they have. The brochure is a useful guide to what rights migrants have depending on their specific situation. The document can be downloaded for free from www.medimmigrant.be
- The Antwerp court has ordered an employer to pay € 52,000 in damages for an accident that happened to an undocumented employee. In Belgian law it was already quite clear that undocumented workers have some basic rights in this regard, but it was always hard to gather enough evidence as not only the accident has to be proven, also the working relationship. This case sets a strong precedent for others to see their rights put into practice. (Source: Orca Press Release 29 December 2007)

Netherlands

- Undocumented foreigners who arrived in the Netherlands as asylum-seekers before 1 April 2001 and have applied for a residence permit under the general amnesty will be entitled to receive a new identity document. This 'W2 document' indicates the residence status of the holder, as well as his/her (claimed) identity and nationality. However, undocumented foreigners who did claim asylum will only be granted the 'W2 document' under special circumstances. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- The NGO Art2stay is launched to stage 'undocumented', 'illegal' artists. This website is a platform for these migrants to share their art and their stories with a wider audience. Art2stay offers artists the possibility to stay anonymous but still show their works of art in an online gallery. Participants will also be asked to react to various themes and statements. These reactions, verbal as well as artistic, will be published on art2stay.nl. For more info see www.art2stay.nl, or contact Godelieve Eijnsink, Head of Research IDTV Docs: art2stay@idtv.nl
- The Klazinga commission, established to advise the Ministry of Health on care for undocumented migrants after a political debate on necessary medical care stated that doctors must treat all patients, including undocumented migrants and that it was impossible to distinguish between necessary and non-necessary medical care. Klazinga pleads for good medical care for undocumented and promotes dialogue based on "facts and not images". Necessary medical care (in NL: medisch noodzakelijke zorg) must be defined as "proper and well-considered medical care" (in NL: 'passende en verantwoorde medische zorg'). Their report was presented to the Netherlands

Health Care Inspectorate on the 19 December 2007, (in NL: Inspecteur voor de gezondheidszorg).
Download the report on knmg.artsennet.nl

USA

- \$300,000 in grants awarded to nonprofit health care agencies in 2007 by the Texan Collin County commissioners came with strict conditions. Clinics were not allowed to treat irregular immigrants and ordered to report patients' personal information, such as name, age, address, medical diagnosis and the last four digits of each patient's Social Security number. Now, some clinics are protesting, saying the requirements – a first in the five-year history of the grant program – are forcing them to violate patient confidentiality rules and play the role of immigration officer. One recipient, the Children and Community Health Center of McKinney, already rejected its \$30,000 grant, and others may follow.
http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/DN-nonprofits_02met.ART.State.Bulldog.36f5a4e.html
- According to state immigration officials, the number of undocumented immigrants arrested during the 2007 fiscal year increased by 77 percent from last year. Authorities also deported a record number of migrants. The 2,579 arrests were part of a nationwide effort by Immigration and Customs Enforcement to track and detain undocumented migrants.
<http://www.miamiherald.com/775/story/332293.html>
- The Manhattan district attorney, Robert M. Morgenthau, on 11 December 2007 announced the creation of an Immigrant Affairs Program to encourage immigrants who were victims of crime or become aware of illegal activity to come forward without fear of arrest and deportation.
<http://cityroom.blogs.nytimes.com/2007/12/05/legal-help-for-immigrants-even-illegal-ones/?hp>
- A couple in Long Island New York have been convicted in a case of modern day slavery. The couple face up to 40 years in prison for enslaving two undocumented immigrants from Indonesia. One of domestic workers testified that their passports were confiscated and that for years they were subjected to beatings with brooms, scalding with hot water and being forced to eat hot chilli peppers as well as carrying out household duties. One of the women was found by authorities in May wandering the streets dressed only in pants and a towel after escaping from the couple's home in Muttontown, New York, where they ran a multimillion-dollar perfume business. The worker was treated at a local hospital for injuries to her ears, face, arms, neck, chest and back. She told authorities she had been tortured. <http://www.democracynow.org/2007/12/18/headlines#13>

3. European Policy Developments

General

- In 2008, for the first time ever, the largest share of the EU budget - 45% of all EU spending – will go on measures to boost economic growth and greater cohesion in the EU-27. However, there is a raise in spending on EU freedom and security and programmes beyond European borders: issues like security, crime, immigration and healthcare remain top concerns for Europeans (Eurobarometer June 2007). Support for these precise areas will grow by 16.7% in 2008, receiving EUR 0.7 billion. Money for programmes to manage migration flows for example, will rise by 24%. Source:
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1924&format=HTML&aged=0&language=EN&guiLanguage=en>

- The Euro-Mediterranean Human Rights Network (EMHRN) regrets the absence of any consultation mechanism of civil society organisations, during the preparatory process of the Euromed ministerial conference dedicated to migration issues that took place on 18 and 19 November 2007. It also expressed regret for receiving no reply to its request to be associated with the Ministerial conference. The EMHRN raised concerns that issue of asylum is barely present on the agenda of the Ministerial conference. The group is worried that the protection of the rights of all migrants, as well as of refugees and asylum seekers, does not seem to be given any priority in the discussions at the Euromed level. In particular, no reference has yet been made to the UN Convention on the Rights of all Migrant Workers and Members of their Families or to the Geneva Convention on refugees. <http://www.euromedrights.net/usr/00000022/00000051/00001820.pdf>

European Commission

- Projects have been selected for funding under the Call for Proposals "Assistance to Reception Challenges". The Commission will assist Malta, Italy, Greece, Sweden and Spain to cope with reception challenges of irregular maritime immigration and the influxes of Iraqi asylum-seekers. Franco Frattini, Commissioner responsible for issues related to Justice, Freedom and Security, stated that the result of the call was a success and showed the importance of Community support for Member States experiencing significant migration pressure on their asylum systems. The Commissioner reported that projects to be co-financed would represent a concrete example of co-operation between Member States and burden sharing in order to deal more effectively with the challenges of irregular immigration.
Source: http://www.enar-eu.org/en/wmail/WM120_EN.pdf

European Parliament

- A study entitled "The Conditions in Centers for Third Country Nationals with a Particular Focus on Provisions and Facilities for Persons with special needs in the 25 EU member states" has been published by the European Parliament's Policy Department. It assesses the implementation of the standards outlined in part II of the Reception Conditions Directive 2003/9/CE (22/01/2003). This study focuses on vulnerable groups and assesses whether or not their needs are taken into account and if the conditions found in Europe contribute to an improvement in, or the aggravation of, their vulnerable situation. The aim of this study was to provide members of the European Parliament and Member States with more in-depth information on reception and detention conditions in the 25 countries which made up the European Union at the end of 2006.
Source: <http://www.europarl.europa.eu/activities/committees/studies/searchPerform.do>

Council of the European Union

- According to the Strategic Partnership adopted at the EU-Africa Summit (8-9 December 2007, Lisbon), the African States and the EU need to cooperate in order to "foster the linkages between migration and development, maximise the development impact of remittances, facilitate the involvement of diasporas/migrant communities in development processes and promote the protection of the human rights of migrants". The Strategic Partnership also points out that "Africa and the EU will jointly address the down-sides of migration" by jointly combating irregular immigration by means of cooperation on return and readmission, border control and on the fight against the trafficking of human beings. The EU and African partners called to "promote respect for the principles and provisions of the Organisation of African Union (OAU) Convention governing the specific aspects of Refugee Problems in Africa and the Geneva Convention on Refugees" and to address the root causes of migration and refugee flows. According to Portuguese Prime Minister Jose Socrates, then President of the European Union, this plan is an example of the new

partnership between EU and African countries. Socrates stated that the leaders wanted to combat irregular immigration but also encourage regular migration and help immigrants to integrate more fully into their new countries. Source: http://www.ecre.org/topics/intro_to_topics

- A meeting of the EU Council of ministers for employment and social affairs took place on 5 - 6 December 2007. The Council held a policy debate on health and migration in the EU, focusing, in particular, on the integration of migrant's health issues into national policies and access to health care for migrants. In the margins of the Council, Employment Ministers met Justice and Home Affairs Ministers for a policy debate on migration, employment and the Lisbon Strategy. The debate focused on two main subjects: labour migration, integration into the labour market and the link to the Lisbon Strategy for Growth and Jobs, and undeclared work and irregular employment as a pull factor for immigration.
Source: http://www.enar-eu.org/en/wmail/WM121_EN.pdf
- The Justice and Home Affairs Ministers of the EU met in Brussels on 6 - 7 December 2007 to discuss, among others, regular and irregular immigration legislative instruments, as well as the extension of the Schengen area. Regarding the Return Directive, the Council committed itself to pursuing work in close contact with the European Parliament with a view to reaching an agreement for the draft Directive, and the Portuguese Presidency prioritised work on the proposal at the level of the Council. The plenary vote in the European Parliament is foreseen for 15 January 2008. The Council also discussed the Commissions proposal on sanctions against employers of undocumented migrants.
Source http://www.ecre.org/topics/intro_to_topics

Council of Europe

- Ministers from the member states of the Council of Europe, who participated in the Eighth Conference of European ministers responsible for health affairs on 22 and 23 November 2007 in Bratislava, adopted the Declaration on Migration, Health and Human Rights setting out their agreement on a number of important proposals aimed at addressing challenges posed by migration to health care services and human rights in Europe. The Bratislava declaration emphasises the need for states to work towards eliminating the practical obstacles and barriers to the enjoyment of equitable access to health protection of all people on the move, including those in an irregular situation.
Source: http://www.enar-eu.org/en/wmail/WM121_EN.pdf
- The Council of Europe's Commissioner for Human Rights published a study entitled "The Human Rights of Irregular Migrants in Europe". This paper set out the human rights which migrants enjoy, regardless of legal status, in theory and in practice. The reasons why they frequently do not enjoy such rights may be explained on a number of different levels. These obstacles include: irregularity; ignorance of rights; impact of counter-terrorism measures; violations in the private sector; an economic and social rights protection 'gap'; the use of biometric ID and statelessness. PICUM's activities and campaigns are given in the study as best practice to protect workers and to assure decent work. For more information see:
[www.coe.int/t/commissioner/Source/CommDHIssuePaper\(2007\)1_EN.doc](http://www.coe.int/t/commissioner/Source/CommDHIssuePaper(2007)1_EN.doc)

4. Undocumented Children

- Research conducted by Amnesty International and the Open Society Institute concludes that Romani children are prime targets of segregation in Slovakia, especially in the field of education. In new separate reports, Amnesty International's "*Still Separate, Still Unequal: Violations of the Right*

to *Education for Romani Children in Slovakia*” and the Open Society Institute’s “*Equal Access to Quality Education for Roma in Slovakia*”, the NGOs denounce the de facto open segregation that very young children are faced with in Slovakia due to their ethnic origin and low socio-economic background. This discrimination involves placing children in segregated schools for Roma-only, or even in institutions for children with mental disabilities. The findings conclude that these are frequent practices tolerated by the Slovakian authorities who have so far been unable to put an end to the discrimination that undermines the potential of an entire generation and violates Slovakia’s obligations as an EU Member State. http://www.amnesty.org/en/alfresco_asset/d4a13632-a2fe-11dc-8d74-6f45f39984e5/eur720012007en.pdf

- The children of asylum seekers should not be held in detention centers, a group of European MPs said on the 23 November 2007. MEPs said the conditions in which the children found themselves were "not humane" and urged the UK government to find an alternative. The MEPs presented their preliminary findings after visiting three removal centres: Yar's Wood, Bedfordshire; Oakington in Cambridgeshire; and Harmondsworth, near Heathrow. They said conditions were generally good, but Cypriot MEP Panayiotis Demetriou said they had concerns over the length of time immigrants were held and the conditions for children. While he acknowledged the difficulty in separating children from their family, he noted the inhumanity in keeping young children confined in such centres and said the issue needed to be addressed.
<http://thescotsman.scotsman.com/ViewArticle.aspx?articleid=3543911>
- The Women's Commission for Refugee Women and Children has produced a new field-friendly publication, “Your Right to Education: A Handbook for Refugees and Displaced Communities”. The brightly illustrated book, aimed at children, young people and adults, raises awareness of the universal right to education, especially in areas of conflict. The major messages have been translated into Arabic, English and French. A brief "user-guide" that includes examples of activities and questions for discussion is also available (Arabic and French forthcoming).
http://www.womenscommission.org/pdf/right_to_ed_handbook.pdf and
http://www.womenscommission.org/pdf/right_to_ed_user.pdf
- A mother's legal battle to stop the Government deporting her sick, three-year-old daughter brings attention to Britain's treatment of undocumented children in a test case being considered by the European Court of Human Rights. The plight of Adedoyin Fadairo, who was born in America but has lived almost her entire life in London, has shocked campaigners. The child been issued with deportation papers telling her to report to Heathrow where she must board a flight for the US, although she has no family there. The order warns Adedoyin that while in Britain she must not breach immigration rules and threatens her with detention. The case has been taken up by the European Court of Human Rights which will consider the girl's treatment and the legality of separating families who are claiming asylum in the UK.
<http://news.independent.co.uk/uk/legal/article3300978.ece>

5. Upcoming Events

- The 17 and 18 January 2008 an "opinion court" will be held in Brussels organised by "Defence for Children International". Belgium will be symbolically accused of ill treating innocent children held in closed detention centres. The Discussion of the case will be held at the “Maison des Associations Internationale”, Rue de Washington 40. The judgment will be given the following day. For more information check the website: <http://www.dei-belgique.be/index.php>
- ECRE will be organizing an ‘ELENA International Course on Cessation and Exclusion Clauses, National Security and Non-Refoulement,’ from 22-24 February 2008 in Athens, Greece. The course

will examine cessation and exclusion from international protection in the EC Qualification Directive in light of International Refugee and Human Rights law, recent developments in relation to the principle of non-refoulement, the impact of security measures on asylum policy in the European Union and the protection of refugees and asylum seekers. The course is aimed at legal practitioners from across Europe involved in cases concerning refugees and asylum seekers. The deadline for registration is 14 January 2008. Contact Elizabeth Chamberlain at echamberlain@ecre.org. For more details see: http://www.ecre.org/about_us/upcoming_elena_courses

6. Publications

- The European Policy Centre (EPC) has issued the report of its Policy Dialogue on 'Integrating Migrants: Halfway to Best Practice', which it organized on 21 November 2007. Speakers agreed that EU Member States needed to improve their record on integrating immigrant populations, as demonstrated by the Migrant Integration Policy Index. The report asserts that improving rights to participate in politics and gain nationality would be a major step forward, and stronger implementation of EU anti-discrimination laws is crucial.
<http://www.epc.eu/en/er.asp?TYP=ER&LV=293&see=y&t=2&PG=ER/EN/detail&l=&AI=755>
- UNESCO recently published 'The Migrant Workers Convention in Europe: Obstacles to the Ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families: EU/EEA Perspectives', by Euan MacDonald and Ryszard Cholewinski. This report analyses the reasons behind the non-ratification of the International treaty. It presents the findings of detailed, UNESCO-commissioned reports into the status of the Convention in seven countries and offers recommendations for future action to increase support for the ratification of the Convention. http://portal.unesco.org/shs/en/ev.php-URL_ID=11273&URL_DO=DO_TOPIC&URL_SECTION=201.html
- European Policy Center (EPC) policy brief: 'The "Global Approach to Migration": rhetoric or reality?' What has come to be known as the 'Global Approach to Migration' heralds a new way of resolving migration dilemmas in Europe, focusing on partnership and dialogue with non-EU countries. This Policy Brief by EPC Policy Analyst Elizabeth Collett argues that the Union currently has neither the competence nor the political will to fulfill its mandate to create genuine partnerships with third countries to manage migration - and needs to act now to turn its rhetoric into reality.
http://www.epc.eu/TEWN/pdf/339002765_Global%20Approach%20to%20Migration.pdf
- A European Policy Centre (EPC) report on the Policy Dialogue 'Gaining from migration: moving into a new century' has been published. The world has entered an 'age of mobility' as distinct from an 'age of migration', and new approaches are needed to respond to this phenomenon, speakers said at the Policy Dialogue, which was organized in cooperation with the King Baudouin Foundation on 27 November, 2007. A 'demographic double squeeze' - low fertility rates and an ageing population - means EU countries will need migrant workers to fill labor shortages and the Union must do more to win what some speakers described as the global 'war for talent'.
<http://www.epc.eu/en/er.asp?TYP=ER&LV=293&see=y&t=2&PG=ER/EN/detail&l=&AI=762>
- European Aids Treatment Group (EATG) has recently published the community recommendations of the Lisbon Conference held in June 2007: 'The right to HIV/AIDS prevention, treatment, care and support for migrants and ethnic minorities in Europe: The community perspective.' These policy recommendations are designed to represent the various voices from migrant communities. Migrants, both documented and undocumented, and ethnic minorities encounter serious problems in Europe and Europe's neighbouring countries since they are especially vulnerable to HIV infection. The recommendations provide relevant information to policy makers, national AIDS

Coordinators and other stakeholders and highlight the need for action.

<http://www.eatg.org/pages/article.php?id=880>.

- A UNHCR research paper has recently been published by John Gibson on 'The removal of failed asylum seekers: international norms and procedures'. The paper reviews existing norms and best practice in removals procedures and asylum/appeals procedures relevant to the removal process in chosen countries. It is informed by regional and international standards and refers to the particular situation in the 15 pre-enlargement EU member states, Norway, Switzerland and Australia and with some references to law and practice in New Zealand and Canada. It concentrates on standards that impact the removal process, in binding international and regional treaties, regional directives and recommendations, UNHCR Excom conclusions and other guidelines.
<http://www.unhcr.org/research/RESEARCH/476651262.pdf>
- The Heinrich Boll Stiftung released a Dossier on irregular migration in Europe, titled 'Living in illegality' (*Leben in der Illegalität*). The first section deals with the political handling of irregular migration in Europe and the USA; it analyses the mechanisms by which migrants are driven to an irregular situation. The second part discusses the lack of human rights protection for undocumented migrants in the fields of health, education and employment. The third section focuses on civil society mobilization for the rights of undocumented migrants. The dossier includes contributions from PICUM. http://www.migration-boell.de/web/migration/46_1371.asp
- Medimmigrant, Ondersteuningspunt Medische Zorg, Oriëntatiepunt Gezondheidszorg Oost-Vlaanderen and VMC have released a brochure on 'Healthcare and Residence Permits' including a summary table presenting the different types of resident permits and informational text on the contents, conditions and procedures relating to medical expenses that apply in reception facilities, in public social welfare centers (CPAS), in the public health care system (*mutualité*) or to the concerned individuals themselves. <http://www.medimmigrant.be/mm.acces%20aux%20soins.fr.htm>
- Amnesty International published a policy paper in November 2007 titled 'Migration-Related Detention: A research guide on human rights standards relevant to the detention of migrants, asylum seekers and refugees.' The 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. The guide contains various international and regional standards relevant to migration-related detention as well as Amnesty International's policy on the issue, which is derived from these standards. The human rights standards contained in this document bring to light the fact that international law contains a presumption against detention, places clear restraints on its usage and requires that where it does take place, the conditions are humane and the human rights of detainees are respected.
<http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/AI%20HR%20Report%20on%20Migration-Detention.pdf>
- 'Engaging in Direct Action Campaigns without getting SLAPP'ed: Take Action Against Wage Theft' is a National Employment Law Project (NELP) publication written by Rebecca Smith, December 2007. The Guide is intended to assist workers' centers that are implementing direct action strategies. It contains worker centres' best practices for negotiating directly with employers, letter writing and picketing campaigns that work. It also includes advice about avoiding or handling Strategic Lawsuits against Public Participation (SLAPP) suits that are used by some employers as a tactic to discourage direct action.
http://www.nelp.org/docUploads/SLAPP%20suit%20guide%20final%20113007_121107_110544.pdf

- 'Brussels: Open city; Immigration and diversity at the heart of Europe' has recently been published under the direction of Pascal Delwit, Andrea Rea and Marc Swyngedouw. The compilation of essays primarily addresses two superimposing themes: the social dualisation of Brussels as well as its pluralistic identity. It also includes a chapter by Ilke Adams on 'Sans-papiers in Brussels: Excluded from the Interior.' <http://www.editions-harmattan.fr/index.asp?navig=catalogue&obj=livre&no=24832>

7. PICUM News

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

- **European Youth Forum experts working group on migration**, 1 December 2007, Brussels. As an introduction to the preparation of a policy position paper, the European Youth Forum invited PICUM to make an intervention to its newly founded expert group on migration. PICUM's Acting Director Eve Geddie made a presentation on the work of PICUM and the urgent situation facing undocumented children in Europe.
- **Workshop on Compensating Trafficked and Exploited Persons**, 10 -12 December 2007, Barcelona, Spain. Organised by the OSCE/ODIHR Anti-Trafficking Programme to allow for an exchange of different positions and discuss ways forward on compensating trafficked and exploited persons in the OSCE region. PICUM Board Member Reyes Castillo gave a presentation on "The role of civil society and state actors in seeking compensation and supporting alternatives through victim support/rights awareness/ mediation/labour inspection etc".
- **Life in the Shadows, an Exploration of Irregular Migration in Ireland**, 18 December 2007, Dublin, Ireland. PICUM Chair Don Flynn spoke at the launch of the Migrant Rights Centre Ireland's report on irregular migration and chaired the discussion on the routes to becoming undocumented as well as the experiences of those working irregularly. Other guest speakers included Mary Robinson and Iryna Zmyeyevskaya.

8. Miscellaneous

- A joint statement on 'Ikatan Relawan Rakyat (RELA) Taking Over Immigration Detention Centres' addressed to the Human Rights Commission of Malaysia (SUHAKAM) was prepared in collaboration with NGOs within the Migration Working Group (MWG) Network on 7 December 2007. The statement concerned the recent Cabinet decision announced by the Malaysian government to have RELA (Ikatan Relawan Rakyat) take over the management of Immigration Detention Centres/Depots. Several civil society groups in Malaysia are against this move and have highlighted their concerns and recommendations in the memorandum. <http://www.wao.org.my/news/20071207MWGStatementRELA.htm>
- The Berlin Institute for Comparative Social Research (BIVS) organised, in cooperation with European Research Forum on Migration and Ethnic Relations (EUROFOR), a series of scientific conferences regarding the topic of migration management within a four year period (2004 - 2007). The conference 'International Intervention of the European Union and National Agencies towards Regularising Migrations and Settlements' was held on 7-9 December 2007. The meeting focused on the future role and positioning of institutions of migration management in both Europe and the European nation states, with discussion on the two conflicting liberal and conservative approaches to migration management. http://www.emz-berlin.de/konf_e/pdf/Neu_Lisbon_KN11.pdf

- 'Australia wants to close "offshore" detention camps for asylum seekers' stated an article in Le Monde on 26 December 2007, written by Marie-Morgane Le Moël. The Rudd government announced their intention to put an end to the 'Pacific Solution', a controversial policy involving sending asylum seekers who try to enter the country irregularly to offshore detention centres on the Pacific island nation of Nauru and Papua New Guinea's Manus Island.
<http://www.lemonde.fr/web/article/0,1-0@2-3216,36-993480,0.html?xtor=RSS-3210>
- The Working Lives Research Institute at London Metropolitan University has just launched the website for its Undocumented Worker Transitions (UWT) project. This major European research project is exploring the factors underlying migration flows, focusing on undocumented migrant workers and their transitions between different countries, jobs and statuses. The UWT project, funded by the European Union's Sixth Framework programme, covers seven EU Member States: Austria, Belgium, Bulgaria, Denmark, Italy, Spain and the UK. It is being co-ordinated by the Working Lives Research Institute (WRLI) in the UK. [http://www.londonmet.ac.uk/research-units/\\$-working-lives/projects/uwt/](http://www.londonmet.ac.uk/research-units/$-working-lives/projects/uwt/)

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